

**UNITED STATES BANKRUPTCY COURT**  
Eastern District of California

Honorable W. Richard Lee  
Bankruptcy Judge  
Fresno, California

**Wednesday, April 29, 2009**

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**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**  
**DEPARTMENT B - FRESNO**

1. The following rulings are tentative. The matter will be called and the court's final ruling will generally be placed on the record at the end of the calendar. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Matters resolved without oral argument:

If the moving party has received a response or is aware of any reason, such as a settlement, that a timely opposition may not have been filed, the moving party must contact Marlene Medina, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

Moving party shall submit an appropriate form of order. When the debtor's discharge has been entered, proposed orders for relief from stay must reflect that the motion is dismissed as to the debtor and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the court's intended ruling together with the proposed stipulation and order resolving the matter.

3. The court will not continue short cause evidentiary hearings scheduled below.

4. If a matter is denied without prejudice for any reason set forth below, the moving party shall file a new motion or objection to claim with a new docket control number. It may not simply re-notice the original motion.

10:00 A.M.

1. 08-14401-B-7 ARACELI ANDERSON HEARING - TRUSTEE'S MOTION  
TGM #2 FOR ORDER AUTHORIZING SALE OF  
BETH STRATTON, CH. 7 TRUSTEE PERSONAL PROPERTY OF THE  
BANKRUPTCY ESTATE [40]

TRUDI MANFREDO/Atty. for trst.

**The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed.**

2. 09-12215-B-7 ROSAMARIA M. ZACARIAS HEARING - DEBTOR'S APPLICATION  
FOR WAIVER OF THE CHAPTER 7  
FILING FEE [5]

OPPOSITION BY JAMES SALVEN,  
CHAPTER 7 TRUSTEE

ORDER 3/27  
PRO SE  
JAMES SALVEN, TRUSTEE

PAID \$299.00 4/17/09  
(FILING FEE PAID IN FULL)

**The motion will be denied as moot. The filing fee has been paid in full. No appearance is necessary.**

4. 05-16924-B-7 PATRICK MURPHY HEARING - APPLICATIONS FOR  
COMPENSATION:  
ROBERT HAWKINS, TRUSTEE [53]  
JEFFREY WALL, ATTORNEY FOR  
TRUSTEE [41]

**The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed.**

5. 08-10726-B-7 JARRET SOLANO HEARING - TRUSTEE'S MOTION  
BMS #1 AND JENNIFER ESTEP FOR AUTHORITY TO COMPROMISE  
CONTROVERSY WITH NASH SOLANO  
AND JAMES SOLANO [15]

BETH STRATTON, TRUSTEE

**The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed.**

6. 08-10027-B-7 DAVID M. LEE HEARING - APPLICATIONS FOR  
COMPENSATION:  
BETH STRATTON, TRUSTEE [34]

**The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed.**

7. 09-11628-B-7 DEBRA & JUAN COTA HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO PAY \$75.00  
DUE 3/31/09 [14]

PRO SE

The record shows that this document has been filed and/or the required fee has been paid. The OSC will be dropped from calendar. No appearance is necessary.

9. 09-11753-B-7 JAMES & DONNA TARBELL HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO PAY \$75.00  
DUE 4/8/09 [14]  
  
PAID \$299.00 4/17/09

PRO SE

The record shows that this document has been filed and/or the required fee has been paid. The OSC will be dropped from calendar. No appearance is necessary.

11. 05-62659-B-7 CHARLES W. BRIGGS HEARING - TRUSTEE'S OBJECTION  
BMS #6 TO CLAIM NO. 5 FILED BY  
HELON & MANFREDO [369]

BETH STRATTON, TRUSTEE

The objection will be sustained without oral argument. The record reflects that the objection is unopposed. The claim shall be disallowed in full, or in part, on the grounds stated in the objection, without prejudice to the claimant's right to file an amended proof of claim. Any amendment to the claim shall be filed and served on the trustee within 30 days.

12. 05-62659-B-7 CHARLES W. BRIGGS HEARING - TRUSTEE'S OBJECTION  
BMS #7 TO CLAIM NO. 19 FILED BY  
HELON & MANFREDO [373]

BETH STRATTON, TRUSTEE

The objection will be sustained without oral argument. The record reflects that the objection is unopposed. The claim shall be disallowed in full, or in part, on the grounds stated in the objection, without prejudice to the claimant's right to file an amended proof of claim. Any amendment to the claim shall be filed and served on the trustee within 30 days.

16. 09-11076-B-7 GERALDINE VAN ORNAM HEARING - TRUSTEE'S MOTION  
RHT #1 OBJECTING TO PROPERTY CLAIMED  
EXEMPT [9]

ROBERT HAWKINS, TRUSTEE

The objection will be sustained without oral argument. The record reflects that there was no opposition. The debtor's exemption under C.C.P. § 704.115 will be disallowed on the grounds stated in the objection. The debtor shall have leave to amend her exemptions.

18. 09-12198-A-7 EID AWIMER

HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO FILE EXHIBIT D WITH CERTIFICATE; MEANS TEST FORM 22A; SUMMARY OF SCHEDULES [8]

EXPEDITED NOTICE  
PRO SE

FILED 4/20/09

The record shows that this document has been filed and/or the required fee has been paid. The OSC will be dropped from calendar. No appearance is necessary.

10:30 A.M.

1. 08-18100-B-7 VERONICA SUAREZ  
PD #1  
CHASE HOME FINANCE, LLC, VS.

HEARING - MOTION FOR RELIEF FROM STAY [19]

CHRISTOPHER MCDERMOTT/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

3. 09-12002-B-7 YER XIONG VANG  
PD #1  
CHASE HOME FINANCE, LLC, VS.

HEARING - MOTION FOR RELIEF FROM STAY [7]

CHRISTOPHER MCDERMOTT/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

4. 09-12007-B-7 DAVID & ELLEN JEFFREY  
MET #1

HEARING - MOTION FOR RELIEF FROM STAY [8]

BANK OF THE WEST, VS.

MARY TANG/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

5. 09-10120-B-7 JESUS & MELISSA PAZ HEARING - MOTION FOR RELIEF  
PD #1 FROM STAY [17]  
CHASE HOME FINANCE LLC, VS.

CHRISTOPHER MCDERMOTT/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

6. 09-10421-B-7 NOEL BAROCIO HEARING - MOTION FOR RELIEF  
DMM #1 FROM STAY [18]  
WACHOVIA MORTGAGE FSB, VS.

DAVE MCGRAW/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

7. 09-11821-B-7 ARTURO & MAGDALENA REYES HEARING - MOTION FOR RELIEF  
PD #1 FROM STAY [10]  
AMERICA'S SERVICING COMPANY, VS.

CHRISTOPHER MCDERMOTT/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

8. 09-10828-B-7 JOAQUIN & JUDITH LOPEZ HEARING - MOTION FOR RELIEF  
RJC #1 FROM STAY [24]  
DRIVE FINANCIAL SERVICES, LP, VS.

ROBERT CURTIS/Atty. for mv.

The motion will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion.

9. 09-10430-B-7 JUAN PABLO RIOS HEARING - AMENDED MOTION FOR  
MDE #1 RELIEF FROM STAY [27]  
CITIMORTGAGE, INC., VS.

MARK ESTLE/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

10. 09-10434-B-7 CARLA M. BOLLINGER HEARING - MOTION FOR RELIEF  
APN #1 FROM STAY [23]  
WELLS FARGO FINANCIAL, VS.

AUSTIN NAGEL/Atty. for mv.

The motion will be denied as moot. The debtor(s) is (are) an

individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion.

12. 08-18154-B-7 RAUL & HILDA SANCHEZ HEARING - MOTION FOR RELIEF  
BMS #1 FROM STAY OR FOR ADEQUATE  
FORD MOTOR CREDIT COMPANY, LLC, VS. PROTECTION [28]

DISCHARGED 3/27/09

BETH STRATTON/Atty. for mv.

The motion will be denied as moot as to the debtor(s), their discharge having been entered. The motion will be granted for cause shown as to the Chapter 7 trustee. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

13. 08-18255-B-7 HORACIO VELAZQUEZ HEARING - MOTION FOR RELIEF  
TJP #1 FROM STAY [16]  
CONCORDIA FINANCE, VS.

NON-OPPOSITION BY DEBTOR

DISCHARGED 3/27/09

JOHN KLEIN/Atty. for mv.  
DAVID ADALIAN/Atty. for dbt.

The motion will be denied without prejudice. The movant failed to file a separate relief from stay information sheet pursuant to Local Rule 4001-1(c).

14. 09-11664-B-7 CHRISTINE NOEL BIXLER HEARING - MOTION FOR RELIEF  
APN #1 FROM STAY [8]  
WELLS FARGO AUTO FINANCE, VS.

AUSTIN NAGEL/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate

protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

15. 08-17375-B-7 JOHN & ANNA SMITH HEARING - MOTION FOR RELIEF  
RCO #2 FROM STAY [24]  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC., VS. DISCHARGED 2/24/09

JONATHAN DAMEN/Atty. for mv.

The motion will be denied as moot as to the debtor(s), their discharge having been entered. The motion will be granted for cause shown as to the Chapter 7 trustee. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

16. 08-16376-B-7 JULIE SEAGLE HEARING - MOTION FOR RELIEF  
ND #1 FROM STAY [25]  
INDYMAC FEDERAL BANK FSB, VS. DISCHARGED 1/20/09

NICOLAS DALUIISO/Atty. for mv.

The motion will be denied as moot as to the debtor(s), their discharge having been entered. The motion will be granted for cause shown as to the Chapter 7 trustee. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

17. 08-18681-B-7 KEITH & STEPHANIE MITCHELL HEARING - MOTION FOR RELIEF  
BSN #1 FROM STAY [17]  
BANK OF AMERICA, N.A. VS. DISCHARGED 4/14/09

BENJAMIN NACHIMSON/Atty. for mv.

The motion will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer

property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion.

18. 09-10982-B-7 CHARLES AND KIMBERLEE HEARING - MOTION FOR RELIEF  
MDE #1 GUTIERREZ FROM STAY [20]  
CITIMORTGAGE, INC., VS.

MARK ESTLE/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

20. 08-13988-B-7 TREY & TAMMY BURROWS HEARING - MOTION FOR RELIEF  
PD #1 FROM STAY [41]  
WELLS FARGO HOME MORTGAGE, INC., VS.

NON-OPPOSITION BY DEBTORS

CHRISTOPHER MCDERMOTT/Atty. for mv.  
GEOFFREY ADALIAN/Atty. for dbt.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

21. 09-10195-B-7 TRUNG & GLORIA VUONG HEARING - MOTION FOR RELIEF  
DMM #1 FROM STAY [17]  
WACHOVIA MORTGAGE FSB, VS.

DAVE MCGRAW/Atty. for mv.

The motion will be granted without oral argument for cause shown. The record reflects that the motion is unopposed. If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

11:00 A.M.

7. 09-10143-B-7 ARIS & ANN FOTOPOULOS HEARING - APPROVAL OF  
BMS #1 REAFFIRMATION AGREEMENT WITH  
FORD MOTOR CREDIT COMPANY, LLC  
[17]

BETH STRATTON/Atty. for mv.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed.