

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Bakersfield, California

Wednesday, May 6, 2009

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS
DEPARTMENT B - BAKERSFIELD

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.

1:00 P.M.

1. 09-10102-B-13 MICHAEL A. DEL RIO CONT'D HEARING - DEBTOR'S MOTION
SJS #1 TO VALUE COLLATERAL OF HSBC
PETITION FILED 1/7/09 MORTGAGE [11]

4/1
SUSAN SALEHI/Atty. for dbt.

This motion was continued for the debtor to renotice and properly serve the affected creditor. Nothing else has been filed. Accordingly, the motion will be denied without prejudice. The record does not establish that the motion was served in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://keplar.ss.ca.gov//list.html>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

3. 09-11106-B-13 LEONARD & CHRISTINA MADRID HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [25]
PETITION FILED 2/11/09

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. 08-18222-B-13 OSCAR & BEATRIZ MARTINEZ HEARING - MOTION FOR RELIEF
WGM #1 FROM STAY [49]
PETITION FILED 12/15/08

JPMORGAN CHASE BANK, N.A., VS.

WILLIAM MALCOLM/Atty. for mv.

The motion will be denied as moot. This secured claim is provided for in either Class 3 or Class 4 of the debtor(s) confirmed chapter 13 plan. The automatic stay for all Class 3 and Class 4 creditors was modified upon confirmation of the chapter 13 plan to permit enforcement of the creditor's

remedies with regard to the collateral, so long as this case remains in chapter 13.

7. 08-16724-B-13 GONZALO & MARIA GONZALEZ HEARING - MOTION FOR RELIEF
MDE #1 FROM STAY [43]
PETITION FILED 10/22/08

LITTON LOAN SERVICING, LP, VS.

MARK ESTLE/Atty. for mv.

This property is not listed in the debtors' schedules. Accordingly, 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. 09-11125-B-13 ERNIE & REGINA GARCIA HEARING - OBJECTION OF KERN
MBJ #1 SCHOOLS FEDERAL CREDIT UNION
PETITION FILED 2/11/09 TO MOTION TO VALUE COLLATERAL
[15]

4/28/09 FILED DEBTORS' NOTICE
OF VOLUNTARY CONVERSION TO
CHAPTER 7

JOHN MENDONZA/Atty. for obj.

The objection will be overruled as moot. The case has been converted to chapter 7.

9. 09-11125-B-13 ERNIE & REGINA GARCIA HEARING - TRUSTEE'S OBJECTION
MHM #1 TO CONFIRMATION OF CHAPTER 13
PETITION FILED 2/11/09 PLAN [20]

4/28/09 FILED DEBTORS' NOTICE
OF VOLUNTARY CONVERSION TO
CHAPTER 7

MICHAEL MEYER, TRUSTEE

The objection will be overruled as moot. The case has been converted to chapter 7.

13. 08-17729-B-13 PATRICIA ROBERTA WHITE HEARING - DEBTOR'S MOTION
BN #1 TO CONFIRM FIRST AMENDED
PETITION FILED 11/26/08 CHAPTER 13 PLAN [31]

BRUCE NICKEL/Atty. for dbt.

The motion will be denied without prejudice. The motion, notice of hearing, and modified chapter 13 plan were not served on the chapter 13 trustee.

15. 09-10135-B-13 BENNY & VIRGINIA GARCIA HEARING - DEBTORS' MOTION

PK #4
PETITION FILED 1/8/09

TO VALUE COLLATERAL OF AMERICA'S
SERVICING COMPANY [48]

PATRICK KAVANAGH/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed. The respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan.

16. 09-10135-B-13 BENNY & VIRGINIA GARCIA HEARING - DEBTORS' MOTION
PK #5 TO VALUE COLLATERAL OF
PETITION FILED 1/8/09 HELZBERG'S [54]

PATRICK KAVANAGH/Atty. for dbt.

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

19. 09-11549-B-13 LILIA M. BARES HEARING - OBJECTION TO
MBB #1 CONFIRMATION OF CHAPTER 13 PLAN
PETITION FILED 2/26/09 BY AMERICA'S WHOLESALE LENDER
[25]

MARK DOMEYER/atty for creditor

The objection will be overruled as moot. The chapter 13 plan has not been served on the creditors or noticed for confirmation. No appearance is necessary.

22. 09-11353-B-13 EDWARD & CHARLINE BARGER HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [19]
PETITION FILED 2/19/09

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.

24. 09-11754-B-13 REBECCA JANE RADOVICH HEARING - DEBTOR'S MOTION
PK #1 TO VALUE COLLATERAL OF
PETITION FILED 3/4/09 COUNTRYWIDE UNDER 11 U.S.C.
S.506(A)(D) [16]

PATRICK KAVANAGH/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed. The respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan.

40. 07-10680-B-13 DONALD & DOROTHY NEUFELD HEARING - SECOND APPLICATION
KDG #4 FOR ALLOWANCE OF ATTORNEYS FEES
PETITION FILED 3/9/07 AND COSTS FILED BY ATTORNEYS
FOR DEBTORS IN CHAPTER 13 CASE
[81]

LEONARD WELSH/Atty. for dbt.

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

45. 09-10993-B-13 NOLAN & MARCIA PHILLIPS HEARING - DEBTORS' MOTION
SMS #1 TO VALUE COLLATERAL OF
PETITION FILED 2/6/09 COUNTRYWIDE HOME LOANS, INC.
[15]

STEVEN STANLEY/Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed. The respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan.

46. 08-16094-B-13 GARY & DEBORAH RAIGHN HEARING - FIRST APPLICATION
KDG #2 FOR ADDITIONAL ATTORNEYS FEES
PETITION FILED 9/30/08 IN CHAPTER 13 CASE [47]

LEONARD WELSH/Atty. for dbt.

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

48. 09-10199-B-13 ERIC & SHERRI CAMIRAND HEARING - DEBTORS' MOTION
WDO #1 TO CONFIRM FIRST MODIFIED
PETITION FILED 1/12/09 CHAPTER 13 PLAN [30]

WILLIAM OLCOTT/Atty. for dbt.

The motion will be denied without prejudice. The record does not show that the modified plan and the motion were served on anybody.

49. 09-11899-B-13 RICARDO & ELSA MONTANO
PWG #1
PETITION FILED 3/10/09

HEARING - DEBTORS' MOTION
TO VALUE COLLATERAL OF HSBC
MORTGAGE SERVICES AND TREAT THE
CREDITOR'S CLAIM AS WHOLLY
UNSECURED UNDER 11 U.S.C.
S.506(A) AND (D) [22]

PHILLIP GILLET, JR./Atty. for dbt.

The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed. The respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a junior priority general unsecured claim in the chapter 13 plan.

50. 09-11899-B-13 RICARDO & ELSA MONTANO
PWG #2
PETITION FILED 3/10/09

HEARING - DEBTORS' MOTION
TO VALUE COLLATERAL OF SANTA
BARBARA BANK & TRUST UNDER 11
U.S.C. S.506(A) AND (D)
[18]

PHILLIP GILLET, JR./Atty. for dbt.

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