

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

Honorable W. Richard Lee  
Bankruptcy Judge  
Fresno, California

**Thursday, July 16, 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.

1:30 P.M.

4. 09-13802-B-13 TOMMY & RACHAEL SALAZAR HEARING - DEBTORS' MOTION  
MNE #4 TO VALUE COLLATERAL OF  
PETITION FILED 4/29/09 WESTAMERICA BANK [26]

M. NELSON ENMARK/Atty. for dbt.

**The motion will be granted for cause shown without oral argument. The record reflects that the motion is unopposed. The collateral will be valued at \$5,865. The order will be effective upon confirmation of the chapter 13 plan.**

6. 08-16507-B-13 RODNEY & MONICA HESS CONT'D HEARING - DEBTORS'  
FJG #2 MOTION TO VALUE COLLATERAL OF  
PETITION FILED 10/14/08 GMAC MORTGAGE CORP. FOR PURPOSE  
OF STRIPPLING LIEN OF GMAC MTG.  
CORP. FROM REAL PROPERTY  
(IN RE LAM MOTION) [46]

6/11  
F. JOHN GIST/Atty. for dbt.

**This continued matter will be dropped from calendar. The motion has been renoticed for a new hearing date. No appearance is necessary.**

9. 09-12922-B-13 TIMOTHY & MELISSA WIDLUND HEARING - MOTION TO VALUE  
GH #1 COLLATERAL OF CITIMORTGAGE,  
PETITION FILED 4/3/09 INC. [18]

GARY HUSS/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. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge.**

10. 09-11224-B-13 WILLIAM AND ANGELITA CONT'D HEARING - DEBTORS' MOTION  
DRJ #2 STRATFORD TO VALUE COLLATERAL OF BMW  
PETITION FILED 2/17/09 FINANCIAL SERVICES (2003 BMW M5)  
[16]

6/29  
ORDER GRANTING SIGNED 7/1/09  
DAVID JENKINS/Atty. for dbt.

**The matter has been resolved by stipulation per order dated 7/1/09. No appearance is necessary.**

11. 09-11224-B-13 WILLIAM AND ANGELITA CONT'D HEARING - DEBTORS' MOTION  
DRJ #3 STRATFORD TO VALUE COLLATERAL OF BMW  
PETITION FILED 2/17/09 FINANCIAL SERVICES (2009 MINI)

COOPER) [22]

ORDER GRANTING SIGNED 7/1/09

6/29

DAVID JENKINS/Atty. for dbt.

**The matter has been resolved by stipulation per order dated 7/1/09. No appearance is necessary.**

13. 09-14025-B-13 JOEL & GINA VANCE  
ASW #2  
PETITION FILED 5/4/08

HEARING - DEBTORS' MOTION  
TO VALUE THE HOLDER OF 2ND  
TRUST DEED CITIFINANCIAL  
PURSUANT TO 11 U.S.C. S.1332(B)  
(2) [23]

ADRIAN S. WILLIAMS/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. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. The order will be effective upon confirmation of the chapter 13 plan.**

14. 09-12532-B-13 ZANE PHILLIPS  
ASW #2  
PETITION FILED 3/26/09

HEARING - MOTION TO CONFIRM  
FIRST MODIFIED CHAPTER 13 PLAN  
[34]

APPLICATION TO CONVERT FILED  
7/2/09

ADRIAN WILLIAMS/Atty. for dbt.

**The motion will be denied as moot. The case has been converted to chapter 7. No appearance is necessary.**

17. 09-11934-B-13 JOHN SPENCER, JR.  
MHM #1 AND SHANNON SPENCER  
PETITON FILED 3/11/09

CONT'D HEARING - TRUSTEE'S  
MOTION TO DISMISS [22]

6/11

MICHAEL MEYER, TRUSTEE

**This motion will be denied based on confirmation of the modified plan below. No appearance is necessary.**

18. 09-11934-B-13 JOHN SPENCER, JR.  
TCS #2 AND SHANNON SPENCER  
PETITON FILED 3/11/09

HEARING - DEBTORS' MOTION  
TO CONFIRM FIRST AMENDED  
CHAPTER 13 PLAN [26]

TIMOTHY SPRINGER/Atty. for dbt.

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

24. 09-13241-B-13 FREDDIE JOE ESQUEDA HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO PAY \$100.00  
PETITION FILED 4/14/09 DUE 6/15/09 [25]  
  
PAID \$174.00 6/25/09

RICHARD LIMA/Atty. for dbt.

**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.**

26. 09-14542-B-13 JESSE B. CANALES HEARING - AMENDED OBJECTION TO  
TJS #1 CONFIRMATION OF CHAPTER 13 PLAN  
PETITION FILED 5/18/09 BY LITTON LOAN SERVICING, L.P.  
[30]  
  
CASE DISMISSED 6/30/09

TIMOTHY SILVERMAN/Atty. for obj.

**This case has already been dismissed. The scheduled hearing will therefore be dropped from calendar. No appearance is necessary.**

27. 09-14542-B-13 JESSE B. CANALES HEARING - MOTION FOR IN REM  
TJS #2 RELIEF FROM AUTOMATIC STAY BASED  
PETITION FILED 5/18/09 UPON BAD FAITH [22]  
  
LITTON LOAN SERVICING, LP, VS. CASE DISMISSED 6/30/09

TIMOTHY SILVERMAN/Atty. for mv.

**This case has already been dismissed. The scheduled hearing will therefore be dropped from calendar. No appearance is necessary.**

28. 09-14942-B-13 MIKE & CELIA ARREOLA HEARING - MOTION FOR RELIEF  
JHB #1 FROM STAY [38]  
PETITION FILED 5/29/09  
WEYMOUTH TRUST; GUYMON TRUST; BADLEY  
TRUST, VS.

JOSEPH BOYD/Atty. for mv.

**This matter has been rescheduled to August 27, 2009, at 1:30 p.m. No appearance is necessary.**

29. 09-14843-B-13 MARSHALL & STACI DAY HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO FILE EXHIBIT D  
PETITION FILED 5/27/09 WITH CERTIFICATE (DB AND JDB)  
[14]

SCOTT LYONS/Atty. for dbt.

**This OSC will be dropped from calendar. It appears that the credit counseling certificates were filed with the petition. Only Exhibit D is**

missing. No appearance is necessary.

34. 09-14055-B-13 JESSE & VERONICA RAMIREZ HEARING - DEBTORS' MOTION  
PBB #1 TO VALUE COLLATERAL OF HSBC  
PETITION FILED 5/4/09 RETAIL SERVICES [16]

PETER BUNTING/Atty. for dbt.

**This matter has been rescheduled to August 27, 2009, at 1:30 p.m. No appearance is necessary.**

36. 09-13557-B-13 RAMIE & MELISSA CORDOVA HEARING - MOTION FOR RELIEF  
PD #1 FROM STAY [26]  
PETITION FILED 4/22/09

BANK OF AMERICA, N.A., VS.

CASPER RANKIN/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.

40. 09-12370-B-13 JANE JONES HEARING - MOTION TO VALUE  
GH #2 COLLATERAL OF S N DIBAJI  
PETITION FILED 3/24/09 (AKA SAID N DIBAJI) AND  
SHOKOUH DIBAJI [21]

GARY HUSS/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. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge.

45. 09-11384-B-13 ROBERT JOSEPH GROTE HEARING - DEBTOR'S MOTION FOR  
GH #2 CONFIRMATION OF FIRST MODIFIED  
PETITON FILED 2/20/09 CHAPTER 13 PLAN [28]

GARY HUSS/Atty. for dbt.

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

46. 09-13085-B-13 BRUCE & SANDRA SMITH HEARING - DEBTORS' MOTION  
TPH #1 TO CONFIRM FIRST AMENDED  
PETITION FILED 4/9/09 CHAPTER 13 PLAN [18]

THOMAS HOGAN/Atty. for dbt.

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

51. 09-14593-B-13 BLANDFORD JONES, III HEARING - DEBTORS' MOTION  
THA #2 AND ALICIA OCHOA-JONES TO VALUE COLLATERAL OF WELLS  
PETITION FILED 5/19/09 FARGO [15]

THOMAS ARMSTRONG/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. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge.**

52. 09-14593-B-13 BLANDFORD JONES, III HEARING - DEBTORS' MOTION  
THA #3 AND ALICIA OCHOA-JONES TO VALUE COLLATERAL OF WELLS  
PETITION FILED 5/19/09 FARGO [19]

THOMAS ARMSTRONG/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. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge.**