

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Fresno, California

Tuesday, September 16, 2008

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. 08-12601-B-7 DAVID & BARBARA GOULD HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO SUBMIT EMPLOYEE INCOME RECORD AND TAX RETURN [60]

RESPONSE BY GLEN GATES

ORDER 9/8/08
GLEN GATES/Atty. for dbt.

HEARING RESCHEDULED TO 9/24/08
AT 10:00 A.M.

The matter has been rescheduled to September 24, 2008, at 10:00 a.m. No appearance is necessary.

2. 08-12005-B-7 RENA R. MUSTO HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO PAY \$74.00 DUE 8/18/08 [18]

PAID \$74.00 8/22/08

DISCHARGED 8/29/08

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.

8. 08-12987-B-7 JOSEPH G. WEISS AND SHAUNA M. MAHER CONT'D HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO SUBMIT EMPLOYEE INCOME RECORD AND TAX RETURN [23]

8/13
THOMAS HOGAN/Atty. for dbt.

It appears from the record that debtors' counsel has complied with this court's minute order of August 18, 2008. Accordingly, no further hearing or appearance is necessary. The OSC will be dropped from calendar.

9. 08-12893-A-7 TRUE MOUA HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO APPEAR AT MEETING OF CREDITORS SET FOR 8/14/08 [27]

MICHAEL STOLLER/Atty. for dbt.

This matter will be rescheduled to September 22, 2008, at 9:00 a.m., in Dept. A. No appearance is necessary on September 16th.

11. 08-12605-B-7 ANDREW & JESSICA NAZAROFF RHT #1 HEARING - TRUSTEE'S MOTION TO SELL PERSONAL PROPERTY [17]

8/13
THOMAS HOGAN/Atty. for dbt.

FAILURE TO TIMELY SUBMIT
DEBTOR'S FEDERAL INCOME TAX
RETURN AND EMPLOYER PAYMENT
ADVICES [15]

It appears from the record that debtor's counsel has complied with this court's minute order of August 18, 2008. Accordingly, no further hearing or appearance is necessary. The OSC will be dropped from calendar.

18. 07-10989-B-7 JAUKESHAL HAMILTON HEARING - APPLICATIONS FOR
COMPENSATION:
BETH STRATTON, TRUSTEE [47]

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

10:30 A.M.

1. 08-13600-B-7 ROBERT & EMILY BALLARD HEARING - MOTION FOR RELIEF
JHW #1 FROM STAY [15]
DAIMLERCHRYSLER FINANCIAL SERVICES
AMERICAS LLC, VS. (NOTICED FOR 10:00 A.M.)

JENNIFER WANG/Atty. for mv.

The matter has been withdrawn. No appearance is necessary.

2. 08-12802-B-7 ROSEMARY SCHEARING HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [14]
HOUSEHOLD FINANCIAL SERVICES,
INC., VS. CASE CLOSED 8/26/08
MOTION FILED 8/26/08
MOTION WITHDRAWN 9/4/08

JENNIFER WONG/Atty. for mv.

The motion has been withdrawn. No appearance is necessary.

3. 08-13209-B-7 GONZALO CANALES HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [17]
WASHINGTON MUTUAL BANK, VS.

JENNIFER WONG/Atty. for mv.

The motion will be denied without prejudice. The movant failed to serve debtor's bankruptcy attorney or failed to properly serve debtor's attorney at the address of record.

5. 08-13412-B-7 JAMES & ARLENE GARCIA HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [13]
WACHOVIA MORTGAGE, FSB, 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. 08-13820-B-7 JULIO RAUL SARABIA HEARING - MOTION FOR RELIEF
APN #1 FROM STAY [11]
TOYOTA LEASE TRUST, 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.

7. 08-14220-B-7 DAVYRAY & STEFANI HALL HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [10]
WELLS FARGO HOME MORTGAGE, INC., VS.
NON-OPPOSITION FILED BY DEBTORS

CHRISTOPHER MCDERMOTT/Atty. for mv.
MARK ZIMMERMAN/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.

13. 08-14235-B-7 BRYAN & DIANE ABBOTT HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [14]
WASHINGTON MUTUAL BANK, VS.

JENNIFER WONG/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.

14. 08-13145-B-7 ALEJANDRO CRISPIN-MORA HEARING - MOTION FOR RELIEF
PD #1 AND RAQUEL MARTINEZ FROM STAY [34]
WASHINGTON MUTUAL BANK AS
SERVICING AGENT, VS. DISCHARGED 9/4/08

CHRISTOPHER MCDERMOTT/Atty. for mv.

The motion will be granted without oral argument for cause shown. The automatic stay will be terminated for cause shown as to the Chapter 7 trustee. The record reflects that the motion is unopposed. The motion will be dismissed as moot as to the debtor(s), their discharge having been entered. 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. 08-12947-B-7 JACK SMOYER, JR. HEARING - MOTION FOR RELIEF
RSL #1 AND LINDA SMOYER FROM STAY [40]
BANK OF AMERICA, N.A., VS. DISCHARGED 9/2/08

ROBERT S. LAMPL/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.

16. 08-12351-B-7 MARTIN & LEONOR BORROEL HEARING - MOTION FOR RELIEF
MEA #1 FROM STAY [24]
COUNTRYWIDE HOME LOANS, INC., VS. DISCHARGED 8/5/08

MARISOL ANTONIO/Atty. for mv.

The motion will be granted without oral argument for cause shown. The automatic stay will be terminated for cause shown as to the Chapter 7 trustee. The record reflects that the motion is unopposed. The motion will be dismissed as moot as to the debtor(s), their discharge having been entered. 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.

18. 08-14159-B-7 MICHAEL RICHARD MCMILLEN HEARING - MOTION FOR RELIEF
APN #1 FROM STAY [10]
WELLS FARGO AUTO FINANCE, VS.
NON-OPPOSITION BY DEBTOR

AUSTIN NAGEL/Atty. for mv.
PETER BUNTING/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.

19. 08-13161-B-7 ANTIOCO AND CONCEPCION HEARING - MOTION FOR RELIEF
PP #1 ALTAMIRANO FROM STAY [17]
AMERICAN GENERAL FINANCE, INC., VS.

MURRAY ZEFFREN/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.

21. 08-12768-B-7 PETE & PATRICIA DE LA CRUZ HEARING - MOTION FOR RELIEF
DMM #1 FROM STAY [14]
WACHOVIA MORTGAGE FSB, VS.

DAVE MCGRAW/Atty. for mv.

The motion will be granted without oral argument for cause shown. The automatic stay will be terminated for cause shown as to the Chapter 7 trustee. The record reflects that the motion is unopposed. The motion will be dismissed as moot as to the debtor(s), their discharge having been entered. 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.

23. 08-13769-B-7 CHRISTOPHER & TONYA REGERT HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [16]
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.

24. 08-13769-B-7 CHRISTOPHER & TONYA REGERT HEARING - MOTION FOR RELIEF
APN #1 FROM STAY [24]
WELLS FARGO AUTO FINANCE, VS.
NON-OPPOSITION FILED BY DEBTORS

AUSTIN NAGEL/Atty. for mv.
GLEN GATES/Atty. for dbt.

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.

25. 08-13870-B-7 PETER & LYNETTE YAMANAKA HEARING - MOTION FOR RELIEF
MDE #1 FROM STAY [19]
CITIMORTGAGE, INC., VS.
CASE DISMISSED 8/18/08

MARK ESTLE/Atty. for mv.

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

27. 08-12175-B-7 ANDREW & MARTHA ALVARADO HEARING - MOTION FOR RELIEF
BMS #1 FROM STAY OR FOR ADEQUATE
FORD MOTOR CREDIT COMPANY, LLC, VS. PROTECTION [23]
DISCHARGED 8/20/08

BETH STRATTON/Atty. for mv.

The motion will be granted without oral argument for cause shown. The automatic stay will be terminated for cause shown as to the Chapter 7 trustee. The record reflects that the motion is unopposed. The motion will be dismissed as moot as to the debtor(s), their discharge having been entered. 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.

29. 08-14479-B-7 BRENDA R. PADUA HEARING - MOTION FOR RELIEF
JHW #1 FROM STAY [9]
LONG BEACH ACCEPTANCE CORP., VS.

JENNIFER WANG/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.

30. 08-14386-B-7 TOBY & MELISSA WOOD HEARING - MOTION FOR RELIEF
JHW #1 FROM STAY [7]
DAIMLERCHRYSLER FINANCIAL SERVICES
AMERICAS LLC, VS.

JENNIFER WANG/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.

31. 08-14287-B-7 DELFINO & JUDITH REYES HEARING - MOTION FOR RELIEF
JMS #1 FROM STAY [10]
CHASE HOME FINANCE, LLC, VS.

JOHN SORICH/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.

32. 08-12989-B-7 JORGE & ELIZABETH MACIAS HEARING - MOTION FOR RELIEF
DMM #1 FROM STAY (325 CARON WAY,
WACHOVIA MORTGAGE FSB, VS. ATWATER, CA) [24]

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.

33. 08-13394-B-7 URIEL OLIVERA LOPEZ HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [15]
WASHINGTON MUTUAL BANK, VS.

NON-OPPOSITION BY DEBTOR

CHRISTOPHER MCDERMOTT/Atty. for mv.
PETER BUNTING/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.

35. 08-14098-B-7 ANGEL & AMELIA NUNEZ HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [19]
WASHINGTON MUTUAL BANK, FA, 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.

1:30 P.M.

4. 08-13419-B-13 KEVIN & TERESA NORRIS CONT'D HEARING - TRUSTEE'S
MHM #1 MOTION TO DISMISS [15]
PETITION FILED 6/16/08

8/14
MICHAEL MEYER, TRUSTEE

This motion will be denied without prejudice based on unopposed confirmation of the chapter 13 plan below.

5. 08-13419-B-13 KEVIN & TERESA NORRIS HEARING - DEBTORS' MOTION
TCS #1 TO CONFIRM FIRST AMENDED
PETITION FILED 6/16/08 CHAPTER 13 PLAN [20]

TIMOTHY SPRINGER/Atty. for dbt.

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

8. 05-62727-B-13 DEBORAH ANN LOPES HEARING - DEBTOR'S MOTION
PBB #2 FOR CONFIRMATION OF FIRST
PETITION FILED 12/21/05 MODIFIED CHAPTER 13 PLAN
PURSUANT TO 11 USC S.1329
[37]

PETER BUNTING /Atty. for dbt.

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

11. 08-13346-B-13 DANIEL GOMEZ HEARING - DEBTOR'S MOTION
DRJ #3 TO VALUE COLLATERAL OF WILSHIRE
PETITION FILED 6/10/08 CREDIT CORPORATION [20]

DAVID JENKINS/Atty. for dbt.

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

15. 08-12075-B-13 BLANCA LETICIA VILLALVAZO CONT'D HEARING - TRUSTEE'S
MHM #2 MOTION TO DISMISS [27]
PETITION FILED 4/14/08

8/14
MICHAEL MEYER, TRUSTEE

This motion will be denied without prejudice based on unopposed confirmation of the chapter 13 plan below.

16. 08-12075-B-13 BLANCA LETICIA VILLALVAZO HEARING - DEBTOR'S MOTION
GH #2 TO CONFIRM SECOND MODIFIED
PETITION FILED 4/14/08 CHAPTER 13 PLAN [32]

GARY HUSS/Atty. for dbt.

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

17. 07-13687-B-13 JOSE & MAVIS ZAVALA HEARING - MOTION FOR RELIEF
RDW #1 FROM STAY [119]
PETITION FILED 11/6/07
CASE DISMISSED 9/2/08

AMERICAN GENERAL FINANCIAL
SERVICES, INC., VS.

REILLY WILKINSON/Atty. for mv.

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

19. 08-12492-B-13 EMILIO CHAVEZ ROMAN HEARING - MOTION FOR RELIEF
EGS #1 FROM STAY [27]
PETITION FILED 5/1/08
CASE DISMISSED 8/19/08

BAYVIEW LOAN SERVICING, LLC, VS.

EDWARD SCHLOSS/Atty. for mv.

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