

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

Honorable W. Richard Lee  
Bankruptcy Judge  
Fresno, California

**Wednesday, October 13, 2004**

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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) 498-7220 by 5:00 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.

8. [04-17570](#)-A-7 JAMIE DEAN SIMMONS HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO FILE SUMMARY, SCHEDULES A-J, STATEMENT OF FINANCIAL AFFAIRS, AND STATEMENT OF INTENTION (DUE 10/1/04) [8]

PRO SE

**This case will be dismissed. No appearance is necessary.**

10. [04-16279](#)-A-7 MARIA RAQUEL DE GONZALEZ HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO APPEAR AT MEETING OF CREDITORS SET FOR 9/3/04 [8]

PER TRUSTEE, THE MEETING WAS CONCLUDED ON 9/20/04

RICHARD LIMA/Atty. for dbt.

**The record reflects that the meeting of creditors has been concluded since the OSC was issued. The OSC shall be dropped from calendar. However, the time for any party in interest to file a complaint objecting to discharge or to determine dischargeability of certain debts is extended to 60 days after the conclusion of the meeting of creditors. The court will issue a minute order. No appearance is necessary.**

12. [97-18419](#)-B-7 WILLIE & JANICE EWING HEARING - APPLICATIONS FOR COMPENSATION: HENRY WHEELER, TRUSTEE [122] MICHELLE OLEKSA, ATTY FOR TRST [121] GEORGE A. TAMBERI, ACCOUNTANT [119]

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

13. [03-61535](#)-B-7 ERNEST & MOLLY MUNOZ HEARING - APPLICATION FOR COMPENSATION: JAMES SALVEN, TRUSTEE [12]

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

14. [04-10272](#)-B-7 WILLIAM D. ALLARDYCE HEARING - APPLICATION FOR COMPENSATION: ROBERT HAWKINS, TRUSTEE [8]

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

15. [03-18673](#)-B-7 JOSE & LYDIA BENAVENTE HEARING - APPLICATION FOR COMPENSATION: ROBERT HAWKINS, TRUSTEE [36]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

10:30 A.M.

2. [04-15703](#)-B-7 SEAN & JODY YOUNG HEARING - MOTION FOR RELIEF  
MPD #1 FROM STAY [[8](#)]  
NATIONAL CITY MORTGAGE CO., VS.

JAMES LEWIN/Atty. for mv.

The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. 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. [02-16414](#)-B-7 EARL SIECHERT, JR. HEARING - TRUSTEE'S MOTION  
RHT #3 AND NUREDA SIECHERT TO SELL REAL PROPERTY INTEREST  
AND ALLOW DEBTORS TO REFINANCE  
REAL PROPERTY [[43](#)]

ROBERT HAWKINS, TRUSTEE

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed. The net proceeds of the refinance shall be payable jointly to the debtors and the chapter 7 trustee upon the close of escrow.

6. [04-16929](#)-B-7 ANGELA BURNETTE HEARING - MOTION FOR RELIEF  
SML #1 FROM STAY [[6](#)]  
CHASE MANHATTAN MORTGAGE CORP., VS.

STEVEN LAWRENCE/Atty. for mv.

The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. 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. [03-16448](#)-B-7 JACK ALBERN SCOGGINS HEARING - TRUSTEE'S MOTION  
SAS #1 FOR ORDER AUTHORIZING SALE OF  
MOTOR VEHICLE [[11](#)]

SHERYL STRAIN, TRUSTEE

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

9. [04-17348](#)-B-7 ALBERTO G. ROSALES HEARING - MOTION FOR RELIEF  
SB #1 FROM STAY [[5](#)]  
WELLS FARGO BANK, N.A., VS.

CAROLYN MORRIS/Atty. for mv.

**The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. 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. [03-18156](#)-B-7 JUANA PALOMINO LUNA HEARING - MOTION TO AVOID  
SFS #1 TWO JUDICIAL LIENS OF  
DEBTOR SEARS, ROEBUCK & COMPANY  
[[13](#)]

SUZANNE SWENK/Atty. for dbt.

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

12. [03-60856](#)-B-7 RONALD & DIANE JORDAN HEARING - TRUSTEE'S MOTION  
RHT #2 TO SELL REAL PROPERTY INTEREST  
[[18](#)]

ROBERT HAWKINS, TRUSTEE

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

14. [04-11859](#)-B-7 CHRISTOPHER J. KIRK HEARING - TRUSTEE'S MOTION  
JES #3 TO SELL REAL PROPERTY AND PAY  
REAL ESTATE COMMISSION  
[[35](#)]

10/7/04 MOTON WITHDRAWN

JAMES SALVEN, TRUSTEE

**The matter has been withdrawn, or resolved by stipulation of the parties. No appearance is necessary.**

15. [04-10263](#)-B-7 JOSE & DONNA CHAVEZ HEARING - TRUSTEE'S MOTION  
SAS #1 FOR ORDER AUTHORIZING SALE OF  
MOTOR VEHICLES [[12](#)]

SHERYL STRAIN, TRUSTEE

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

17. [02-10270](#)-B-7 TREEHOUSE FARMS, INC. HEARING - SECOND INTERIM  
MGO #17 APPLICATION FOR APPROVAL AND  
PAYMENT OF FEES, COSTS, AND  
EXPENSES BY COUNSEL FOR TRUSTEE  
[[644](#)]

MICHELLE OLEKSA/Atty. for trst.

**The motion for interim approval of fees and costs is granted. Interim payment of 75% of fees and 100% of costs is approved.**

18. [04-16572](#)-B-7 BENJAMIN & CHARLOTTE JONKER HEARING - MOTION FOR RELIEF  
MPD #1 FROM STAY [[7](#)]  
OPTION ONE MORTGAGE CORP., VS.

JAMES LEWIN/Atty. for mv.

**The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. 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. [04-16276](#)-B-7 RYAN M. LEE HEARING - MOTION FOR RELIEF  
LJB #1 FROM STAY [[6](#)]  
WELLS FARGO BANK, N.A., VS.

JOHN KLEIN/Atty. for mv.

**The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. 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.**

22. [04-13893](#)-B-7 WILLIAM & EILEEN PHELPS HEARING - TRUSTEE'S MOTION

ROBERT HAWKINS, TRUSTEE

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

23. [04-13993](#)-B-7 FRANK & JEANETTE BODTKE HEARING - TRUSTEE'S MOTION  
SAS #1 FOR ORDER AUTHORIZING SALE OF  
MOTOR VEHICLE [8]

SHERYL STRAIN, TRUSTEE

**The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.**

25. [04-15395](#)-B-7 BEATRICE F. PALMER HEARING - MOTION FOR RELIEF  
BMS #1 FROM STAY [9]  
FORD MOTOR CREDIT COMPANY, VS.  
DISCHARGED 9/23/04

BETH STRATTON/Atty. for mv.

**The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. The automatic stay shall be terminated for cause shown as to the Chapter 7 trustee, no timely opposition having been filed. The motion shall be dismissed as to the debtor(s), their discharge having been entered. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. 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.**

26. [04-16897](#)-B-7 JASON & AMBER GAITAN HEARING - MOTION FOR RELIEF  
DMG #1 FROM STAY [6]  
AMERICREDIT FINANCIAL SERVICES,  
INC., VS.

DAVID GOODRICH/Atty. for mv.

**The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. 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. [03-61301](#)-B-12 RAFAEL C. MACIAS  
[04-1229](#)  
RAFAEL C. MACIAS, VS.

STATUS CONFERENCE  
[1]

UNITED STATES OF AMERICA ON BEHALF  
OF I.R.S.

HENRY NUNEZ/Atty. for pl.

**The matter will be continued to December 8, 2004, at 2:00 p.m. No  
appearance is necessary.**

6. [04-11065](#)-B-11 WATERMAN INDUSTRIES, INC.  
[04-1226](#)  
WATERMAN INDUSTRIES, INC., VS.

STATUS CONFERENCE  
[1]

ATLANTIC SKANSKA, INC.

10/8/04 CONTINUED TO 1/13/05  
AT 9:30 A.M. BY STIP AND ORDER

STEVEN KOCH/Atty. for pl.

**The matter will be continued to January 13, 2005, at 9:30 a.m., by  
stipulation signed 10/8/04. No appearance is necessary.**