

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Fresno, California

Tuesday, December 23, 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.

2. 08-16900-B-7 DIANA LYNN WALKER HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO PAY \$100.00 DUE 11/25/08 [11]
PAID \$299.00 12/16/08

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.

5. 07-14006-B-7 GREGORY & LORI HOLDER HEARING - APPLICATIONS FOR COMPENSATION: JAMES SALVEN, TRUSTEE [68]

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

7. 05-10413-B-7 YVONNE MARIE MALVINNI HEARING - APPLICATIONS FOR COMPENSATION: ROBERT HAWKINS, TRUSTEE [174] JANZEN, TAMBERI & WONG, ACCOUNTANTS FOR TRUSTEE [151] JEFFREY WALL, ATTORNEY FOR TRUSTEE [155]

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

8. 06-11813-B-7 FRED & LYDIA SALINAS HEARING - APPLICATIONS FOR COMPENSATION: BETH STRATTON, TRUSTEE [55] TRUDI MANFREDO, ATTORNEY FOR TRUSTEE [50]

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

10. 08-16614-B-7 DANIEL & JENNIFER MCLOUD HEARING - ORDER TO SHOW CAUSE FOR FAILURE TO SUBMIT EMPLOYEE INCOME RECORD AND TAX RETURN [12]
12/5/08 TRUSTEE'S REPORT OF 341 MEETING CONCLUDED

JULIUS ENGEL/Atty. for dbt.

The record reflects that the meeting of creditors has been concluded since the OSC was issued. The OSC will be dropped from calendar. However, the time for the chapter 7 trustee to file a complaint objecting to discharge, or the U.S. Trustee to file a motion under § 707(b), is extended to 60 days after the conclusion of the meeting of creditors. The court will issue a minute order. No appearance is necessary.

13. 07-14422-B-7 KRISTEN D. BURGDORF HEARING - APPLICATIONS FOR
COMPENSATION:
JAMES SALVEN, TRUSTEE [16]

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

14. 07-13525-B-7 JUANITA GOMEZ-TRUJILLO HEARING - APPLICATIONS FOR
COMPENSATION:
BETH STRATTON, TRUSTEE [27]

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

15. 08-16937-A-7 ANTHONY RAY SULLIVAN, SR. HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO SUBMIT EMPLOYEE
INCOME RECORD AND TAX RETURN
[19]

CASE DISMISSED 12/3/08

PRO SE

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

17. 08-10540-B-7 KAILIN HWANG HEARING - APPLICATIONS FOR
COMPENSATION:
BETH STRATTON, TRUSTEE [57]

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

20. 08-17249-B-7 BETTY BEJARANO HEARING - DEBTOR'S APPLICATION
FOR WAIVER OF THE CHAPTER 7
FILING FEE [5]

OPPOSITION BY ROBERT HAWKINS,
CHAPTER 7 TRUSTEE

ORDER 11/26/08

PRO SE
ROBERT HAWKINS, TRUSTEE

The trustee's opposition has been withdrawn. The Application will be approved. No appearance is necessary.

22. 08-17554-B-7 NOEL VILLAMOR HEARING - DEBTOR'S APPLICATION
FOR WAIVER OF THE CHAPTER 7
FILING FEE [5]

OPPOSITION BY ROBERT HAWKINS,
CHAPTER 7 TRUSTEE

ORDER 12/2

PRO SE
ROBERT HAWKINS, TRUSTEE

The trustee's opposition has been withdrawn. The Application will be approved. No appearance is necessary.

26. 07-12784-B-7 RAMONA MUNGUIA HEARING - APPLICATIONS FOR
COMPENSATION:
JAMES SALVEN, TRUSTEE [15]

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

27. 08-15388-B-7 SANG U. KIM HEARING - ORDER TO SHOW CAUSE
AND MORINA SALDANA KIM FOR FAILURE TO PAY \$75.00
DUE 12/2/08 [26]

PAID \$99.00 12/8/08

GARY HUSS/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.

31. 08-14593-A-7 KER VANG HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO PAY \$74.00
DUE 12/1/08 [25]

PAID \$74.00 12/8/08

GARY HUSS/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.

32. 08-16496-B-7 ISRAEL & REBECCA MARTINEZ HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO APPEAR AT
MEETING OF CREDITORS SET FOR
11/20/08 [11]

12/5/08 TRUSTEE'S REPORT OF 341
MEETING CONCLUDED

ADRIAN S. WILLIAMS/Atty. for dbt.

The record reflects that the meeting of creditors has been concluded since the OSC was issued. The OSC will be dropped from calendar. However, the time for the chapter 7 trustee to file a complaint objecting to discharge, or the U.S. Trustee to file a motion under § 707(b), is extended to 60 days after the conclusion of the meeting of creditors. The court will issue a minute order. No appearance is necessary.

10:30 A.M.

1. 08-17233-B-7 ERIC BERNARDINO BECERRA HEARING - MOTION FOR RELIEF
TJS #1 FROM STAY [7]
JPMORGAN CHASE BANK, N.A., VS.

TIMOTHY SILVERMAN/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. 08-15152-B-7 JOSE R. HERNANDEZ & HEARING - MOTION FOR RELIEF
RCO #1 LORENA RUEDA FROM STAY [23]
COUNTRYWIDE HOME LOANS, INC., VS.
NON-OPPOSITION BY DEBTORS

KATHY SHAKIBI/Atty. for mv.
MARK ZIMMERMAN/Atty. for dbt.

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.

4. 08-16954-B-7 ADAM & DULCE RIVERA HEARING - MOTION FOR RELIEF
MDE #1 FROM STAY (1ST TRUST DEED)
LITTON LOAN SERVICING, L.P., VS. [13]

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.

5. 08-16954-B-7 ADAM & DULCE RIVERA HEARING - MOTION FOR RELIEF
MDE #2 FROM STAY (2ND TRUST DEED)
LITTON LOAN SERVICING, L.P., VS. [19]

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.

8. 08-16676-B-7 EDWARD & ANTONETTE WHITE HEARING - MOTION FOR RELIEF
MBB #1 FROM STAY [14]
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., VS.

RICHARD BAUER, JR./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.

9. 08-15984-B-7 CARLOS & ANA TEIXEIRA HEARING - MOTION FOR RELIEF
MBB #1 FROM STAY [18]
COUNTRYWIDE BANK, N.A., VS.

RICHARD BAUER, JR./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.

1. 08-15371-B-7 THOMAS & YVONNE PETERSON HEARING - APPROVAL OF
BMS #1 REAFFIRMATION AGREEMENT WITH
FORD MOTOR CREDIT COMPANY, LLC
[23]

BETH STRATTON/Atty. for mv.

The motion will be granted for cause shown without oral argument. The

record reflects that the motion is unopposed.

1:30 P.M.

2. 08-16115-B-13 DENNIS & KRISTY VILLANE HEARING - TRUSTEE'S MOTION
MHM #1 TO DISMISS PRECONFIRMED CASE
PETITION FILED 9/30/08 [31]

MOTION WITHDRAWN 12/12/08

MICHAEL MEYER, TRUSTEE

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

5. 08-17328-A-13 ANA MIRIA MADRIGAL HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO FILE CHAPTER 13
PETITION FILED 11/13/08 PLAN; MEANS TEST FORM 22C;
SCHEDULES A-J; STATEMENT OF
FINANCIAL AFFAIRS; STATISTICAL
SUMMARY; SUMMARY OF SCHEDULES
EXPEDITED NOTICE [11]
PRO SE

CASE DISMISSED 12/18/08

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

8. 05-15851-B-13 PETER & JENNIFER GONZALEZ HEARING - MOTION FOR RELIEF
MBB #2 FROM STAY [68]
PETITION FILED 7/25/05

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., VS.

MATTHEW TOKARZ/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. 08-16878-B-13 CAYETANO BOJORQUEZ HEARING - TRUSTEE'S MOTION
MHM #1 TO DISMISS [12]
PETITION FILED 10/27/08

CASE DISMISSED 12/10/08

MICHAEL MEYER, TRUSTEE

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

13. 07-12480-B-13 PATRICK/JUDITH GRUENBACHER HEARING - DEBTORS' MOTION
TCS #2 TO CONFIRM SECOND MODIFIED
PETITION FILED 8/14/07 CHAPTER 13 PLAN AFTER
CONFIRMATION [53]

TIMOTHY SPRINGER/Atty. for dbt.

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

15. 08-16089-B-13 JOHN & ROSEMARIE REED HEARING - DEBTORS' MOTION
GEG #2 TO VALUE COLLATERAL OF WELLS
PETITION FILED 9/29/08 FARGO BANK, NA [28]

GLEN GATES/Atty. for dbt.

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.