

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Whitney Rimel

Bankruptcy Judge

Fresno, California

1. 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.

Following the hearing (not before), moving party shall submit an appropriate form of order. When the debtor's discharge has been entered, proposed orders for relief from stay should 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.

2. If a matter is denied without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. It may not simply re-notice the original motion.

3. If no disposition is set forth below, the hearing will take place as scheduled.

May 5, 2009

1:30 p.m.

1. [08-17901](#)-A-7 ADAM & LISA NANEZ HEARING - MOTION FOR RELIEF
PD #2 FROM STAY [[40](#)]
JPMORGAN CHASE BANK, N.A., VS.

CHRISTOPHER MCDERMOTT/Atty. for mv.

2. [09-11005](#)-A-7 JUAN & ENMA VALENCIA HEARING - MOTION FOR RELIEF
APN #1 FROM STAY [[13](#)]
WELLS FARGO AUTO FINANCE, VS.

AUSTIN NAGEL/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent

moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. No appearance is necessary.

3. [09-11005](#)-A-7 JUAN & ENMA VALENCIA HEARING - MOTION FOR RELIEF
KMR #1 FROM STAY [[24](#)]
U.S. BANK NATIONAL ASSOCIATION, VS.

KELLY RAFTERY/Atty. for mv.

4. [09-10907](#)-A-7 DAVID RUNYON HEARING - MOTION FOR RELIEF
WHL #1 FROM STAY [[18](#)]
TOWIS LE, VS.

WILLIAM LEIFER/Atty. for mv.

5. [08-11210](#)-A-7 MICHAEL & SHERI HESS HEARING - MOTION FOR RELIEF
APN #1 FROM STAY [[69](#)]
HILTON RESORTS CORP., VS.

DISCHARGED 6/23/08

AUSTIN NAGEL/Atty. for mv.

As the trustee filed a notice of abandonment of the collateral securing the obligation to movant on August 27, 2008, and as the debtors have been discharged, there is no stay. Therefore, the motion is denied as moot. No appearance is necessary.

6. [09-10612](#)-A-7 ADALBERTO TOLENTINO HEARING - MOTION FOR RELIEF
TJS #1 FROM STAY [[23](#)]
LITTON LOAN SERVICING, L.P., VS.

TIMOTHY SILVERMAN/Atty. for mv.

7. [09-10915](#)-A-7 FELICIA CHAMPION
SKI #1
AMERICREDIT FINANCIAL SERVICES,
INC., VS.

HEARING - MOTION FOR RELIEF
FROM STAY [[16](#)]

SHERYL ITH/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. No appearance is necessary.

8. [09-11422](#)-A-7 TOAN Q. TRAN
PPR #1
RESMAE MORTGAGE CORP., VS.

HEARING - MOTION FOR RELIEF
FROM STAY [[19](#)]

CASSANDRA RICHEY/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. No appearance is necessary.

9. [09-11227](#)-A-7 GILBERTO & MONICA ROJAS
PD #1
BANK OF AMERICA MORTGAGE, VS.

HEARING - MOTION FOR RELIEF
FROM STAY (1ST TRUST DEED)
[[17](#)]

CHRISTOPHER MCDERMOTT/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for

such award. The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. No appearance is necessary.

10. [09-11227](#)-A-7 GILBERTO & MONICA ROJAS HEARING - MOTION FOR RELIEF
PD #2 FROM STAY (2ND TRUST DEED)
BANK OF AMERICA MORTGAGE, VS. [[25](#)]

CHRISTOPHER MCDERMOTT/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. No appearance is necessary.

11. [09-11634](#)-A-7 RAUL CARRASCO HEARING - MOTION FOR RELIEF
KMR #1 AND CARLOTA GURROLA FROM STAY [[16](#)]
HSBC BANK USA, N.A., VS.

KELLY RAFTERY/Atty. for mv.

12. [09-12034](#)-A-7 DONNA BORNMANN HEARING - MOTION FOR RELIEF
DMG #1 FROM STAY [[7](#)]
CITIFINANCIAL AUTO CORP., VS.

DAVID GOODRICH/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. No appearance is necessary.

13. [09-10939](#)-A-7 MICHAEL THOMAS HEARING - MOTION FOR RELIEF
RCO #1 FROM STAY [[12](#)]
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., VS.

KATHY SHAKIBI/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. No appearance is necessary.

14. [09-11951](#)-A-7 PABLO MARTINEZ HEARING - MOTION FOR RELIEF
TJS #1 AND CRUZ BRISENO FROM STAY [[11](#)]
AMERICA'S SERVICING COMPANY, VS.

TIMOTHY SILVERMAN/Atty. for mv.

15. [09-11961](#)-A-7 MICHAEL RIEDEL HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [[19](#)]
WELLS FARGO HOME MORTGAGE, INC., VS.
4/15/09 ORDER CONVERTING CASE
TO CHAPTER 13

CHRISTOPHER MCDERMOTT/Atty. for mv.

16. [09-11063](#)-A-7 ESTHER CIPRIAN HEARING - MOTION FOR RELIEF
EAT #1 FROM STAY [[23](#)]
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., VS.

MARISOL NAGATA/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. No appearance is necessary.

17. [09-10364](#)-A-7 SYLVIA MEJIA
EAT #1
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., VS.

HEARING - MOTION FOR RELIEF
FROM STAY [[17](#)]

DISCHARGED 4/16/09

MARISOL NAGATA/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). As the debtor has been discharged, the motion is denied as moot as to the debtor. The motion is granted as to the trustee. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. No appearance is necessary.

18. [09-12164](#)-A-7 JOSE & JAYNE VENEGAS
WGM #1
JPMORGAN CHASE BANK, N.A., VS.

HEARING - MOTION FOR RELIEF
FROM STAY [[9](#)]

NON-OPPOSITION BY DEBTORS

WILLIAM MALCOLM/Atty. for mv.
DAVID ADALIAN/Atty. for dbt.

19. [09-11165](#)-A-7 LETITIA MURPHY
LAZ #1

HEARING - MOTION FOR RELIEF
FROM STAY [[11](#)]

CITIMORTGAGE, INC., VS.

LES ZIEVE/Atty. for mv.

20. [09-11669](#)-A-7 HENRY VAN FORD, JR. HEARING - MOTION FOR RELIEF
KMR #1 AND FAITH FORD FROM STAY [[13](#)]
WELLS FARGO BANK, N.A., VS.

KELLY RAFTERY /Atty. for mv.

21. [09-11370](#)-A-7 EDWARD & LISA CASE HEARING - MOTION FOR RELIEF
TJS #1 FROM STAY [[16](#)]
LITTON LOAN SERVICING, L.P., VS.

TIMOTHY SILVERMAN/Atty. for mv.

22. [09-11571](#)-A-7 MARIO & GUADALUPE VIZCARRA HEARING - MOTION FOR RELIEF
PPR #1 FROM STAY [[10](#)]
AMERICAN HONDA FINANCE CORP., VS.

CASSANDRA RICHEY/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. No appearance is necessary.

23. [09-11073](#)-A-7 MICHAEL & LISA FLOHR HEARING - MOTION FOR RELIEF
RFM #1 FROM STAY [[13](#)]
NATIONAL CITY BANK, VS.

RAYMOND MOATS, III/Atty. for mv.

24. [09-12178](#)-A-7 DANIEL VERDUGO
WGM #1
INDYMAC FEDERAL BANK FSB, VS.

HEARING - MOTION FOR RELIEF
FROM STAY [[9](#)]

WILLIAM MALCOLM/Atty. for mv.

25. [08-16780](#)-A-7 PETER T. AMBROSE
MET #1
BANK OF THE WEST, VS.

HEARING - MOTION FOR RELIEF
FROM STAY [[32](#)]

DISCHARGED 2/9/09

MARY TANG/Atty. for mv.

The property in question is personal property, and this is a consumer case. The creditor's claim is secured by a purchase money security interest, the debtor has failed timely to reaffirm or redeem the debt (11 U.S.C. § 521(a)(6)), the debtor has been discharged, and as the chapter 7 trustee has not timely filed a motion under § 362(h)(2) or § 521(a)(6), the stay has already terminated. 11 U.S.C. §§ 362(h); 521(a)(6). Therefore, the motion is denied as moot. No appearance is necessary.

26. [09-10682](#)-A-7 SARAH CORREIA
JHW #1
DAIMLER TRUST, VS.

HEARING - MOTION FOR RELIEF
FROM STAY [[18](#)]

JENNIFER WANG/Atty. for mv.

The motion is resolved without oral argument. This is a motion for relief from stay concerning personal property that is the subject of a lease. The trustee has not timely assumed the lease under 11 U.S.C. § 365(d); nor does the record reflect that the debtor has indicated he wishes to assume the lease. Therefore, the stay has terminated. 11 U.S.C. § 365(p). The motion is denied as moot. No appearance is necessary.

27. [09-10383](#)-A-7 SUZETTE JACKSON HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [[29](#)]
AMERICA'S SERVICING COMPANY, VS.

CHRISTOPHER MCDERMOTT/Atty. for mv.

Notice was adequate pursuant to Local Bankruptcy Rule 9014-1(f)(1). No timely opposition was filed. As set forth in the findings of fact stated on the record, relief from stay is warranted under 11 U.S.C. § 362(d)(1) and/or (d)(2). The motion is granted. To the extent that moving party seeks an order of adequate protection, such request is moot in light of the relief granted. To the extent moving party requests attorneys' fees, that request is denied without prejudice to a separately noticed motion setting forth legal and factual predicates for such award. The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. No appearance is necessary.

28. [09-10383](#)-A-7 SUZETTE JACKSON HEARING - MOTION FOR RELIEF
BMS #1 FROM STAY OR FOR ADEQUATE
FORD MOTOR CREDIT COMPANY, LLC, VS. PROTECTION [[36](#)]

BETH STRATTON/Atty. for mv.

The property in question is personal property, and this is a consumer case. The creditor's claim is secured by a purchase money security interest, the debtor has failed timely to reaffirm or redeem the debt (11 U.S.C. § 521(a)(6)), and as the chapter 7 trustee has not timely filed a motion under § 362(h)(2) or § 521(a)(6), the stay has already terminated. 11 U.S.C. § 362(h); 521(a)(6). Therefore, the motion is denied as moot. No appearance is necessary.

29. [09-10787](#)-A-7 ROBERT MERTENS HEARING - MOTION FOR RELIEF
BMS #1 FROM STAY OR FOR ADEQUATE
FORD MOTOR CREDIT COMPANY, LLC, VS. PROTECTION [[18](#)]

BETH STRATTON/Atty. for mv.

30. [09-12888](#)-A-7 LUPE & LINDA PALOMARES HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [[10](#)]

WELLS FARGO HOME MORTGAGE, INC., VS.

CASPER RANKIN/Atty. for mv.

31. [09-11698](#)-A-7 KENNETH & RUTH BARNETT
KMR #1
MERIDIAS CAPITAL, INC., VS.

HEARING - MOTION FOR RELIEF
FROM STAY [[32](#)]

KELLY RAFTERY/Atty. for mv.