

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.

August 11, 2009

1:30 p.m.

1. [09-14319](#)-A-7 JOSE VASQUEZ, SR. HEARING - MOTION FOR RELIEF
PD #1 AND SANJUANA VASQUEZ FROM STAY [[20](#)]
OCWEN LOAN SERVICING, LLC, VS.

CASPER RANKIN/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.

2. [09-13424](#)-A-7 IRVIN & EVELYN WILSON HEARING - MOTION FOR RELIEF
MDE #1 FROM STAY [[12](#)]
NATIONSTAR MORTGAGE, VS.

MARK ESTLE/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.

3. [09-13524](#)-A-7 MARIO & BELINDA CHACON HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[13](#)]
DEUTSCHE BANK NATIONAL TRUST
COMPANY, VS. DISCHARGED 7/31/09

JENNIFER WONG/Atty. for mv.

4. [09-15032](#)-A-7 VICTOR OLGUIN, SR. HEARING - MOTION FOR RELIEF
SW #1 FROM STAY [[33](#)]
WACHOVIA DEALER SERVICES, INC., VS. NON-OPPOSITION BY DEBTORS

BERNARD KORNBERG/Atty. for mv.
GEOFFREY ADALIAN/Atty. for dbt.

5. [09-16336](#)-A-7 MICHAEL WOODBURY HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [[8](#)]
WELLS FARGO BANK, N.A., VS.

CASPER RANKIN/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.

6. [09-16139](#)-A-7 MARIA GUADALUPE AVILA HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[9](#)]
ONEWEST BANK, FSB, VS.

JENNIFER WONG/Atty. for mv.

7. [09-16442](#)-A-7 JUAN AND CARLA AGUILAR HEARING - MOTION FOR RELIEF
WGM #1 FROM STAY [[9](#)]
ONEWEST BANK FSB
NON-OPPOSITION BY DEBTORS

WILLIAM MALCOLM/Atty. for mv.
M. NELSON ENMARK/Atty. for dbt.

8. [09-14652](#)-A-7 JOSE & YVONNE OCHOA HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[15](#)]
AURORA LOAN SERVICES, LLC, VS.

JENNIFER WONG/Atty. for mv.

9. [09-13856](#)-A-7 VERNA GERTZ HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [[19](#)]

BANK OF AMERICA NATIONAL
ASSOCIATION, VS.

CASPER RANKIN/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. [09-12660](#)-A-7 RICHARD & RENEE RUIZ HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [[16](#)]
WELLS FARGO BANK, N.A., VS. DISCHARGED 7/10/09

CASPER RANKIN/Atty. for mv.

11. [08-16868](#)-A-7 EDUARDO & ELENA CASTILLO HEARING - MOTION FOR RELIEF
WGM #1 FROM STAY [[78](#)]
DEUTSCHE BANK NATIONAL TRUST
COMPANY, VS.

WILLIAM MALCOLM/Atty. for mv.

12. [09-14468](#)-A-7 HUMBERTO & ANNY ARROYO HEARING - MOTION FOR RELIEF
BMS #1 FROM STAY OR FOR ADEQUATE
FORD MOTOR CREDIT COMPANY, LLC, VS. PROTECTION [[27](#)]

BETH STRATTON/Atty. for mv.

13. [09-15668](#)-A-7 PACO & MARIA CRUZ HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[9](#)]
ONEWEST BANK, FSB, VS.

JENNIFER WONG/Atty. for mv.

14. [09-11570](#)-A-7 ROBERT CARSON, JR. HEARING - MOTION FOR RELIEF
HRH #1 AND LYNETTE CARSON FROM STAY [[17](#)]
WELLS FARGO FINANCIAL CALIFORNIA, DISCHARGED 6/4/09
INC., VS.

RAFFI KHATCHADOURIAN/Atty. for mv.

15. [09-15270](#)-A-7 ANTHONY & GUADALUPE ENCINAS HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [[11](#)]
BANK OF AMERICA, N.A., VS.

CASPER RANKIN/Atty. for mv.

16. [09-14171](#)-A-7 ARMANDO & RENEE GARCIA HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[17](#)]
CITI CORP TRUST BANK, FSB, VS.

JENNIFER WONG/Atty. for mv.

17. [09-16172](#)-A-7 FELIX M. MILWARD, JR. HEARING - MOTION FOR RELIEF
PD #1 AND ZENAIDA PUGA FROM STAY [[8](#)]
WELLS FARGO BANK, N.A., VS.

CASPER RANKIN/Atty. for mv.

18. [09-14276](#)-A-7 TIMOTHY & DEBRA MORFORD HEARING - MOTION FOR RELIEF
JCW #1 FROM STAY [[17](#)]
EMC MORTGAGE CORP., VS.

JENNIFER WONG/Atty. for mv.

19. [09-15478](#)-A-7 FILIBERTO CONTRERAS-TORRES HEARING - MOTION FOR RELIEF
ABG #1 FROM STAY [[7](#)]
KINECTA FEDERAL CREDIT UNION, VS.

MARK BLACKMAN/Atty. for mv.

AThe 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.

20. [09-15483](#)-A-7 MARLON WATKINS HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [[9](#)]
WELLS FARGO BANK, N.A., VS.

NON-OPPOSITION BY DEBTOR

CASPER RANKIN/Atty. for mv.
M. NELSON ENMARK/Atty. for dbt.

21. [09-15584](#)-A-7 EFRAIN & JOSEFINA PEREZ HEARING - MOTION FOR RELIEF
PD #1 FROM STAY [[10](#)]
US BANK NATIONAL ASSOCIATION, AS .
TRUSTEE FOR BAFC 2007-1, VS.

CASPER RANKIN/Atty. for mv.

22. [09-15386](#)-A-7 RICK & KATHY STONE
MBB #1
COUNTRYWIDE HOME LOANS, INC., VS. HEARING - MOTION FOR RELIEF
FROM STAY [[7](#)]

MATTHEW TOKARZ/Atty. for mv.

23. [09-14590](#)-A-7 JOHN P. CHAMBERLIN
RFM #1
KEYBANK NATIONAL ASSOCIATION, VS. HEARING - MOTION FOR RELIEF
FROM STAY [[15](#)]

RAYMOND MOATS, III/Atty. for mv.

24. [09-15495](#)-A-7 GREGORY & ANNETTE BROWN
SMK #1
BEACON FUNDING CORP., VS. HEARING - MOTION FOR RELIEF
FROM STAY [[11](#)]

STEVEN KOCH/Atty. for mv.

25. [09-15997](#)-A-7 RYAN & KANDICE BOHNER
PD #1
WELLS FARGO BANK, NA, VS. HEARING - MOTION FOR RELIEF
FROM STAY [[8](#)]

NON-OPPOSITION BY DEBTORS

CASPER RANKIN/Atty. for mv.
M. NELSON ENMARK/Atty. for dbt.