

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Whitney Rimel  
Bankruptcy Judge  
Bakersfield, 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 5:00 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 22, 2008

9:00 a.m.

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1. [08-11814](#)-A-13 JAMES PATRICK MARTIN CONT'D HEARING - TRUSTEE'S  
MNE #1 MOTION TO DISMISS [[15](#)]  
PETITION FILED 4/1/08

M. NELSON ENMARK, TRUSTEE

2. [08-11814](#)-A-13 JAMES PATRICK MARTIN HEARING - MOTION TO CONFIRM  
RSW #1 DEBTOR'S FIRST MODIFIED  
PETITION FILED 4/1/08 CHAPTER 13 PLAN [[21](#)]

NON-OPPOSITION BY TRUSTEE

ROBERT S. WILLIAMS/Atty. for dbt.  
M. NELSON ENMARK, TRUSTEE

3. [08-13218](#)-A-13 JOSE ACEVES, JR.  
PK #1  
PETITION FILED 6/3/08

HEARING - MOTION TO VALUE  
COLLATERAL OF KERN SCHOOLS  
FEDERAL CREDIT UNION [[15](#)]

PATRICK KAVANAGH/Atty. for dbt.

**The matter is resolved without oral argument. The court's records indicate that no timely written opposition has been filed. The motion is granted. No appearance is necessary.**

4. [08-13619](#)-A-13 ANA BUSH  
ND #1  
PETITION FILED 6/23/08

HEARING - OBJECTION TO  
CONFIRMATION OF CHAPTER 13 PLAN  
BY SAXON MORTGAGE, INC.  
[[16](#)]

NICOLAS DALUIISO/atty for creditor

5. [08-13619](#)-A-13 ANA BUSH  
MNE #1  
PETITION FILED 6/23/08

HEARING - TRUSTEE'S MOTION  
TO DISMISS PRE-CONFIRMED CASE  
[[19](#)]

M. NELSON ENMARK, TRUSTEE

6. [08-13020](#)-A-13 NICHOLE LIMANSKAYA  
MBB #1  
PETITION FILED 5/27/08

HEARING - OBJECTION TO  
CONFIRMATION OF CHAPTER 13 PLAN  
BY COUNTRYWIDE HOME LOANS, INC.  
[[20](#)]

CASE DISMISSED 7/7/08

MARK DOMEYER/Atty. for mv.

**The case having been dismissed, the matter is moot. No appearance is necessary.**

7. [08-13923](#)-A-13 ROSARIO ALCALA

HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO PAY \$26.00

PETITION FILED 7/3/08

DUE 7/18/08 [[16](#)]

PRO SE

8. [08-13923](#)-A-13 ROSARIO ALCALA  
PETITION FILED 7/3/08

HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO FILE MEANS TEST  
FORM 22C; STATISTICAL SUMMARY  
[[15](#)]

PRO SE

9. [08-13831](#)-A-13 ANDREW & ANDREA LOVE  
PPR #1  
PETITION FILED 6/30/08

HEARING - OBJECTION TO  
CONFIRMATION OF CHAPTER 13 PLAN  
BY WILMINGTON FINANCE, INC.  
[[17](#)]

CASSANDRA RICHEY/atty for creditor

10. [07-12844](#)-A-13 ANTONIO BERMUDEZ, JR.  
MNE #1 AND TRUDY BERMUDEZ  
PETITION FILED 9/10/07

CONT'D HEARING - TRUSTEE'S  
MOTION TO DISMISS FOR  
NON-FEASIBILITY [[22](#)]

M. NELSON ENMARK, TRUSTEE

11. [07-12844](#)-A-13 ANTONIO BERMUDEZ, JR.  
WDO #1 AND TRUDY BERMUDEZ  
PETITION FILED 9/10/07

HEARING - MOTION TO CONFIRM  
DEBTORS' FIRST MODIFIED  
CHAPTER 13 PLAN [[28](#)]

WILLIAM OLCOTT/Atty. for dbt.

The motion is resolved without oral argument. Notice of the motion to confirm the modified plan was adequate. No timely written opposition has been filed. The plan satisfies the requirements of 11 U.S.C. § 1325. The motion is granted. No appearance is necessary.

12. [08-12345](#)-A-13 RAMON ORTIZ RODRIGUEZ AND OLIVA ORTIZ  
PWG #2  
PETITION FILED 4/28/08
- HEARING - MOTION TO VALUE COLLATERAL OF SELECT PORTFOLIO SERVICES, INC. AND TREAT THE CREDITOR'S CLAIM AS WHOLLY UNSECURED UNDER 11 U.S.C. S.506(A) AND (D) [[31](#)]

PHILLIP GILLET, JR./Atty. for dbt.

13. [08-14048](#)-A-13 WILLIAM LEE SERVADIO  
PK #1  
PETITION FILED 7/11/08
- HEARING - MOTION TO VALUE COLLATERAL OF COUNTRYWIDE HOME LOAN [[12](#)]
- MOTION WITHDRAWN 8/15/08; CASE CONVERTED TO CHAPTER 7 8/15/08

PATRICK KAVANAGH/Atty. for dbt.

The motion having been withdrawn and the case converted, no appearance is necessary.

14. [08-12550](#)-A-13 GUSTAVO GARCIA  
RSW #1  
PETITION FILED 5/5/08
- HEARING - MOTION TO CONFIRM DEBTOR'S CHAPTER 13 PLAN [[19](#)]

ROBERT S. WILLIAMS/Atty. for dbt.

15. [08-14151](#)-A-13 DAVID & RITA SNYDER  
PLG #1  
PETITION FILED 7/15/08
- HEARING - DEBTORS' MOTION FOR VALUATION OF SECURITY; DETERMINATION OF SECURED STATUS AND AVOIDANCE OF LIEN AND MODIFICATION OF RIGHTS OF LIEN HOLDER (11 U.S.C. S.506(A) AND 1322(B); FRBP 3012 [[13](#)]

RABIN POURNAZARIAN/Atty. for dbt.

The matter is resolved without oral argument. The court's records indicate that no timely written opposition has been filed. The motion is granted. No appearance is necessary.

16. [08-11263](#)-A-13 HENRY & MARCELLINA GARCIA  
PETITION FILED 3/7/08  
  
ORDER 7/14/08  
MICHAEL STOLLER/Atty. for dbt.
- HEARING - ORDER DIRECTED TO  
MICHAEL T. STOLLER TO APPEAR AND  
SHOW CAUSE WHY HE SHOULD NOT BE  
SANCTIONED AND/OR ORDERED TO  
DISGORGE FEES FOR FAILURE TO  
FULFILL HIS DUTIES UNDER THE  
CALIFORNIA RULES OF PROFESSIONAL  
RESPONSIBILITY, AND THE RIGHTS  
AND RESPONSIBILITIES OF CH. 13  
DEBTORS AND THEIR ATTORNEY [[27](#)]
17. [08-11263](#)-A-13 HENRY & MARCELLINA GARCIA  
MNE #1  
PETITION FILED 3/7/08
- CONT'D HEARING - TRUSTEE'S  
MOTION TO DISMISS PRE-CONFIRMED  
CASE [[17](#)]
- M. NELSON ENMARK, TRUSTEE
18. [08-12863](#)-A-13 JOSEPH BERNARD MONTOYA  
PD #1  
CONVERTED 7/24/08  
  
HOME 123 CORPORATION, VS.
- CONT'D HEARING - MOTION FOR  
RELIEF FROM STAY [[11](#)]
- CONT'D CONDITIONAL OPPOSITION BY  
DEBTOR
- ADAM ARNOLD/Atty. for mv.  
STEVEN STANLEY/Atty. for dbt.
19. [08-13463](#)-B-13 FRANCINE E. MARCHETTI  
PETITION FILED 6/17/08
- HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO PAY \$68.00  
DUE 7/16/08 [[14](#)]
- CASE DISMISSED 8/1/08

PRO SE

The case having been dismissed, the matter is moot. No appearance is necessary.

20. [08-12264](#)-A-13 MAURICIO CENTENO, JR. HEARING - MOTION FOR RELIEF  
MBJ #1 FROM STAY [[37](#)]  
PETITION FILED 4/24/08

NON-OPPOSITION BY DEBTOR

KERN SCHOOLS FEDERAL CREDIT  
UNION, VS.

JOHN MENDONZA/Atty. for mv.  
PHILLIP GILLET, JR./Atty. for dbt.

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.

21. [08-12264](#)-A-13 MAURICIO H. CENTENO, JR. HEARING - TRUSTEE'S MOTION  
MNE #1 TO DISMISS [[42](#)]  
PETITION FILED 4/24/08

M. NELSON ENMARK, TRUSTEE

22. [08-10369](#)-A-13 TERRI R. HERBERT HEARING - MOTION TO CONFIRM  
PWG #1 FIRST MODIFIED CHAPTER 13 PLAN  
PETITION FILED 1/24/08 [[37](#)]

OPPOSITION BY TRUSTEE  
OBJECTION BY U.S.A., ON BEHALF  
OF THE I.R.S.

PHILLIP GILLET, JR./Atty. for dbt.  
M. NELSON ENMARK, TRUSTEE  
THOMAS ROHALL/Atty. for obj.

23. [08-10369](#)-A-13 TERRI R. HERBERT CONT'D HEARING - TRUSTEE'S  
MNE #2 MOTION TO DISMISS PRE-CONFIRMED  
PETITION FILED 1/24/08 CASE [[22](#)]

M. NELSON ENMARK, TRUSTEE

24. [08-10369](#)-A-13 TERRI R. HERBERT  
PWG #2  
PETITION FILED 1/24/08

HEARING - MOTION TO VALUE  
COLLATERAL OF THE INTERNAL  
REVENUE SERVICE AND TREAT THE  
CREDITOR'S CLAIM AS WHOLLY  
UNSECURED UNDER 11 U.S.C.  
S.506(A) AND (D) [[41](#)]

PHILLIP GILLET, JR./Atty. for dbt.  
THOMAS ROHALL/atty for creditor

OBJECTION BY U.S.A., ON BEHALF  
OF THE I.R.S.

25. [08-10369](#)-A-13 TERRI R. HERBERT  
ND #2  
PETITION FILED 1/24/08

HEARING - MOTION FOR RELIEF  
FROM STAY [[53](#)]

EVERHOME MORTGAGE COMPANY, VS.

OPPOSITION BY DEBTOR

NICOLAS DALUIISO/Atty. for mv.  
PHILLIP GILLET, JR./Atty. for dbt.

26. [07-13772](#)-A-13 DENNIS FREDERICK LEE  
DMG #1  
PETITION FILED 11/13/07  
TEDDY CHARLES, TRUSTEE OF THE 417 &  
421 DEACTUR STREET TRUST, DATED  
4/13/05, VS.

RESET HEARING - MOTION FOR  
RELIEF FROM STAY [[30](#)]

8/5/08 FILED SECOND DECLARATION  
OF D. MAX GARDNER

D. MAX GARDNER/Atty. for mv.  
ROBERT S. WILLIAMS /Atty. for dbt.

27. [07-13772](#)-A-13 DENNIS FREDERICK LEE  
MNE #4  
PETITION FILED 11/13/07

HEARING - TRUSTEE'S MOTION  
TO DISMISS [[59](#)]

M. NELSON ENMARK, TRUSTEE

28. [08-13574](#)-A-13 JUAN F. IBARRA  
PETITION FILED 6/20/08

CONT'D HEARING - ORDER TO SHOW  
CAUSE FOR FAILURE TO SUBMIT  
STATEMENT OF SOCIAL SECURITY  
NUMBER [[10](#)]

PRO SE

29. [08-13574](#)-A-13 JUAN F. IBARRA  
MNE #1  
PETITION FILED 6/20/08

HEARING - TRUSTEE'S MOTION  
TO DISMISS PRE-CONFIRMED CASE  
[[20](#)]

M. NELSON ENMARK, TRUSTEE

30. [08-11679](#)-A-13 ERIC & RAQUEL ROBBINS  
PETITION FILED 3/28/08  
CASE DISMISSED 8/5/08

ORDER 7/14/08  
MICHAEL STOLLER/Atty. for dbt.

HEARING - ORDER DIRECTED TO  
MICHAEL T. STOLLER TO APPEAR AND  
SHOW CAUSE WHY HE SHOULD NOT BE  
SANCTIONED AND/OR ORDERED TO  
DISGORGE FEES FOR FAILURE TO  
FULFILL HIS DUTIES UNDER THE  
CALIFORNIA RULES OF PROFESSIONAL  
RESPONSIBILITY, AND THE RIGHTS  
AND RESPONSIBILITIES OF CH. 13  
DEBTORS AND THEIR ATTORNEY [[24](#)]

31. [08-11679](#)-A-13 ERIC & RAQUEL ROBBINS  
MNE #1  
PETITION FILED 3/28/08

CONT'D HEARING - TRUSTEE'S  
MOTION TO DISMISS PRE-CONFIRMED  
CASE [[16](#)]

CASE DISMISSED 8/5/08

M. NELSON ENMARK, TRUSTEE

**The case having been dismissed, the matter is moot. No appearance is necessary.**

32. [08-12288](#)-A-13 EDWARD AND STEPHANIE  
PLG #3 KNICKERBOCKER  
PETITION FILED 4/25/08 HEARING - MOTION TO CONFIRM  
FIRST MODIFIED CHAPTER 13 PLAN  
[[35](#)]

NON-OPPOSITION BY TRUSTEE

RABIN POURNAZARIAN/Atty. for dbt.  
M. NELSON ENMARK, TRUSTEE

33. [08-13990](#)-B-13 RAMIS BENAVIDES  
PETITION FILED 7/8/08 HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO FILE CHAPTER 13  
PLAN; EXHIBIT D WITH CERTIFICATE  
[[11](#)]

WILLIAM EDWARDS /Atty. for dbt.

**9:02 a.m.**

1. [08-12300](#)-A-13 TODD WAYNE DORROH  
MNE #2  
PETITION FILED 4/25/08 HEARING - TRUSTEE'S MOTION  
TO DISMISS [[29](#)]

M. NELSON ENMARK, TRUSTEE

2. [05-15301](#)-A-13 FRANK AGUILERA  
MNE #3  
PETITION FILED 7/1/05 HEARING - TRUSTEE'S MOTION  
TO DISMISS [[75](#)]

M. NELSON ENMARK, TRUSTEE

3. [08-13401](#)-A-13 BARBARA HOLMES REYNOLDS HEARING - TRUSTEE'S MOTION  
MNE #1 TO DISMISS PRE-CONFIRMED CASE  
PETITION FILED 6/13/08 [[15](#)]

M. NELSON ENMARK, TRUSTEE

4. [08-12508](#)-A-13 HECTOR TORRES HEARING - TRUSTEE'S MOTION  
MNE #1 TO DISMISS PRE-CONFIRMED CASE  
PETITION FILED 5/2/08 [[23](#)]

M. NELSON ENMARK, TRUSTEE

5. [08-12313](#)-A-13 ZACHARY ALLYN GRIFFIN HEARING - TRUSTEE'S MOTION  
MNE #1 TO DISMISS [[17](#)]  
PETITION FILED 4/28/08

M. NELSON ENMARK, TRUSTEE

6. [04-15428](#)-A-13 SAMUEL G. EDDY HEARING - TRUSTEE'S MOTION  
MNE #2 TO DISMISS [[29](#)]  
PETITION FILED 6/22/04

M. NELSON ENMARK, TRUSTEE

7. [08-12842](#)-A-13 DANNY & CANDACE MACIAS HEARING - TRUSTEE'S MOTION  
MNE #1 TO DISMISS [[24](#)]  
PETITION FILED 5/19/08

M. NELSON ENMARK, TRUSTEE

The case having been converted to chapter 7, the motion is moot. No appearance is necessary.

8. [04-19244](#)-A-13 TINA PATRECE DIXON  
MNE #4  
PETITION FILED 11/2/04

HEARING - TRUSTEE'S MOTION  
TO DISMISS [[60](#)]

M. NELSON ENMARK, TRUSTEE

9. [05-11248](#)-A-13 ROXANNA REED  
MNE #5  
PETITION FILED 2/22/05

HEARING - TRUSTEE'S MOTION  
TO DISMISS [[76](#)]

M. NELSON ENMARK, TRUSTEE

10. [08-10853](#)-A-13 SUZETTE RENE MARTIN  
MNE #3  
PETITION FILED 2/21/08

HEARING - TRUSTEE'S MOTION  
TO DISMISS [[30](#)]

M. NELSON ENMARK, TRUSTEE

11. [05-15356](#)-A-13 NONIE MAE THOMAS  
MNE #1  
PETITION FILED 7/6/05

HEARING - TRUSTEE'S MOTION  
TO DISMISS RE NON-FEASIBILITY  
[[34](#)]

M. NELSON ENMARK, TRUSTEE

12. [07-12772](#)-A-13 JOSE LUIS CHAVEZ  
MNE #3  
PETITION FILED 9/4/07

CONT'D HEARING - TRUSTEE'S  
MOTION TO DISMISS [[41](#)]

CONVERTED TO CHAPTER 7 8/1/08

M. NELSON ENMARK, TRUSTEE

**The case having been converted to chapter 7, the motion is moot. No appearance is necessary.**

13. [08-10273](#)-A-13 MARTIN & LORI ESPINOZA  
MNE #1  
PETITION FILED 1/16/08

HEARING - TRUSTEE'S MOTION  
TO DISMISS [[17](#)]

M. NELSON ENMARK, TRUSTEE

14. [04-16380](#)-A-13 ISTVAN & MARGIT MAJOROS  
MNE #5  
PETITION FILED 7/26/04

CONT'D HEARING - TRUSTEE'S  
MOTION TO DISMISS [[64](#)]

M. NELSON ENMARK, TRUSTEE

15. [05-19481](#)-A-13 MARK & SHARON THOMSON  
MNE #3  
PETITION FILED 10/12/05

HEARING - TRUSTEE'S MOTION  
TO DISMISS [[48](#)]

M. NELSON ENMARK, TRUSTEE

16. [08-10383](#)-A-13 ALBERT & ELEANOR MUNOZ HEARING - TRUSTEE'S MOTION  
MNE #1 TO DISMISS [[15](#)]  
PETITION FILED 1/25/08

M. NELSON ENMARK, TRUSTEE

17. [05-13888](#)-A-13 ALEJANDRA FLORES HEARING - TRUSTEE'S MOTION  
MNE #3 TO DISMISS [[126](#)]  
PETITION FILED 5/13/05

M. NELSON ENMARK, TRUSTEE

18. [06-10389](#)-A-13 ROBINSON POLANCO AND HEARING - TRUSTEE'S MOTION  
MNE #3 MARIA LEON-POLANCO TO DISMISS [[67](#)]  
PETITION FILED 4/4/06

M. NELSON ENMARK, TRUSTEE

**10:00 a.m.**

1. [08-13026](#)-A-7 DEBRA J. CARNES HEARING - APPROVAL OF  
REAFFIRMATION AGREEMENT WITH  
AMERICREDIT FINANCIAL SERVICES,  
INC. [[14](#)]

CYNTHIA SCULLY/Atty. for dbt.

2. [08-12347](#)-A-7 EVER & RHINA LARIOS HEARING - APPROVAL OF  
REAFFIRMATION AGREEMENT WITH

REBECCA TOMILOWITZ/Atty. for dbt.

3. [08-12347](#)-A-7 EVER & RHINA LARIOS HEARING - APPROVAL OF REAFFIRMATION AGREEMENT WITH NAVISTAR FINANCIAL CORPORATION [[18](#)]

REBECCA TOMILOWITZ/Atty. for dbt.

4. [08-13152](#)-A-7 DIEGO HERRERA HEARING - APPROVAL OF REAFFIRMATION AGREEMENT WITH GMAC [[25](#)]

D. MAX GARDNER/Atty. for dbt.

5. [08-13084](#)-A-7 JERRY & EUELLA SIMS HEARING - APPROVAL OF REAFFIRMATION AGREEMENT WITH CAB WEST, LLC [[33](#)]

BETH STRATTON/Atty. for mv.

**As the debtors' attorney has signed the agreement and there is no presumption of undue hardship, court approval is not required. Therefore, the court abstains. No appearance is necessary.**

6. [08-12699](#)-A-7 JERARDO & CHRISTINE GARZA HEARING - APPROVAL OF REAFFIRMATION AGREEMENT WITH FORD MOTOR CREDIT COMPANY, LLC [[18](#)]

BETH STRATTON/Atty. for mv.

As the debtors' attorney has signed the agreement and there is no presumption of undue hardship, court approval is not required. Therefore, the court abstains. No appearance is necessary.