

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

January 7, 2020 at 10:30 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Lindsey Peratis, the Courtroom Deputy, at (916) 930-4473 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.
3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.
4. If no disposition is set forth below, the matter will be heard as scheduled.

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|------|---------------------------------------|---|---|
| 1. | <u>19-90908</u> -B-13 | EDWARD BRUNNER AND
KATHERINA COGGINS | OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
12-9-19 [<u>17</u>] |
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| 2. | <u>19-90915</u> -B-13 | ANA RAYA | OBJECTION TO CONFIRMATION OF
PLAN BY WELLS FARGO BANK,
NATIONAL ASSOCIATION
12-11-19 [<u>17</u>] |
| | <u>RAS</u> -1 | | |

January 7, 2020 at 10:30 a.m.

3. [19-90817](#)-B-13 GARY COOKSEY
[BSH](#)-2

MOTION TO VALUE COLLATERAL OF
AMERICAN BUILDERS & CONTRACTORS
SUPPLY CO., INC.
12-10-19 [[57](#)]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of American Builders & Contractors Supply Co., Inc. at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of American Builders & Contractors Supply Co., Inc.'s secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

4. [19-90817](#)-B-13 GARY COOKSEY
[BSH](#)-3

MOTION TO VALUE COLLATERAL OF
AMERICAN BUILDERS & CONTRACTORS
SUPPLY CO., INC.
12-10-19 [[61](#)]

Final ruling:

Debtor filed three motions on the same day seeking to value secured claims. Dckts. 53, 57, 61. Two of those motions were duplicates of each other. The Notice of Hearing and Certificate of Service filed with this motion (Dckt. 61, DCN BSH-3) indicate this motion was intended to value the secured claim of the IRS. Dckts. 62, 64. However, the motion as filed requests the court value the claim of American Builders & Contractors Supply Co., Inc. Because the wrong motion was filed, the court will deny the motion without prejudice by minute order. No appearance is necessary.

5. [19-90817](#)-B-13 GARY COOKSEY
[BSH](#)-4

MOTION TO VALUE COLLATERAL OF
SHEFFIELD FINANCIAL
12-10-19 [[53](#)]

6. [19-90918](#)-B-13 AMANDA THOMPSON
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
12-6-19 [[18](#)]

7. [16-90219](#)-B-13 SHARON HAMILTON
[DCJ](#)-4

MOTION TO MODIFY PLAN
11-10-19 [[186](#)]

8. [19-90919](#)-B-13 MARY WULF
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
12-9-19 [[15](#)]

Final ruling:

The Objection To Confirmation was filed opposing confirmation solely on the basis that debtor could not be examined at the December 4, 2019, meeting of creditor's due to the absence of debtor's counsel. The court shall continue the hearing on this Objection to January 21, 2020 at 10:30 a.m. by minute order to allow debtor and debtor's counsel the opportunity to attend the continued meeting. No appearance is necessary.

9. [19-90533](#)-B-13 MARITESS PRADO
[FAT](#)-1

MOTION TO CONFIRM PLAN
11-20-19 [[29](#)]

Final ruling:

This is the debtor's motion to confirm an amended plan. The motion will be denied for the following reasons: (1) the moving party failed to serve WebBank, a creditor listed on her Sch. E/F as required by Fed. R. Bankr. P. 2002(g); and (2) the moving party failed to serve the proposed amended plan and the motion as required by LBR 3015-1(d)(1). As a result of these service defects, the motion will be denied by minute order. No appearance is necessary.

10. [19-90545](#)-B-13 EDGAR DOMINGUEZ AND MOTION TO CONFIRM PLAN
[FAT](#)-3 MEGHAN MOORE 12-2-19 [[39](#)]

Final ruling:

This is the debtors' motion to confirm an amended plan. The motion will be denied for the following reasons: (1) the moving party failed to serve Valley First Credit Union at the address listed on its Proof of Claim as required by Fed. R. Bankr. P. 2002(g), or at all; and (2) the moving party failed to serve the proposed amended plan with the motion as required by LBR 3015-1(d)(1). As a result of these service defects, the motion will be denied by minute order. No appearance is necessary.

11. [19-90146](#)-B-13 LEVON GADSON MOTION TO CONFIRM PLAN
[LG](#)-5 11-18-19 [[81](#)]

Final ruling:

The motion is denied without prejudice. The moving party has not filed a proof of service. The court will deny the motion by minute order. No appearance is necessary.

12. [19-90848](#)-B-13 BOUNYAKONE TANAKHONE OBJECTION TO DEBTOR'S CLAIM OF
[RDG](#)-1 EXEMPTIONS
11-25-19 [[23](#)]

13. [19-90755](#)-B-13 MICHAEL LAVELLE AND MOTION TO CONFIRM PLAN
[MMS](#)-5 KIMBERLY ANGEL 12-1-19 [[69](#)]
DEBTOR DISMISSED: 11/20/2019

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

14. [19-90556](#)-B-13 GIRARD GOODMAN OBJECTION TO DEBTOR'S CLAIM OF
[RDG](#)-2 EXEMPTIONS
11-20-19 [[77](#)]
15. [16-90758](#)-B-13 SUZAN CHILDERS MOTION TO MODIFY PLAN
[SSA](#)-7 11-13-19 [[88](#)]
16. [19-90578](#)-B-13 THOMAS/CECILIA MCCAULEY MOTION TO DETERMINE SECURED
[BSH](#)-4 STATUS OF CLAIMS AND/OR MOTION
TO AVOID LIEN OF REAL TIME
SOLUTIONS, INC.
12-9-19 [[95](#)]

Final ruling:

The motion requests the court value the secured claim of Real Time Resolutions, Inc. However, a review of Proof of Claim, no. 3, filed by Real Time Resolutions, Inc. shows that entity is merely an agent. The motion shall be denied without prejudice by minute order to allow the proper party in interest to be identified and served with notice. No appearance necessary.

17. [19-90581](#)-B-13 GARY/MICHELLE POGUE MOTION TO CONFIRM PLAN
[MDA](#)-1 11-22-19 [[39](#)]

18. [19-90787](#)-B-13 JOSEPH/KELLY VEGA MOTION TO CONFIRM PLAN
RK-2 11-12-19 [[32](#)]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

19. [19-90492](#)-B-13 STEPHEN WEAVER MOTION TO CONFIRM PLAN
DCJ-1 11-25-19 [[30](#)]

20. [19-90799](#)-B-13 KENNETH/JESSE FOSTER MOTION FOR RELIEF FROM
JHW-1 AUTOMATIC STAY
11-22-19 [[26](#)]

AMERICREDIT FINANCIAL
SERVICES, INC VS.

Final ruling: The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay. As the debtors' Statement of Intentions indicates they will surrender the property, the court will also waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

21. [19-90799](#)-B-13 KENNETH/JESSE FOSTER MOTION TO CONFIRM PLAN
PLG-1 11-14-19 [[19](#)]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.