

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Hearing Date: Wednesday, January 8, 2020  
Place: Department B – 510 19th Street  
Bakersfield, California

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

**No Ruling:** All parties will need to appear at the hearing unless otherwise ordered.

**Tentative Ruling:** If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

**Final Ruling:** Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

**Orders:** Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

**THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.**

9:00 AM

1. [18-14600](#)-B-13     **IN RE: DOROTEO IBARRA-PEREA AND ENEDELIA RUIZ DE IBARRA**  
[PK-3](#)

MOTION FOR COMPENSATION FOR PATRICK KAVANAGH, DEBTORS ATTORNEY(S)  
12-18-2019    [[62](#)]

PATRICK KAVANAGH/ATTY. FOR DBT.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                 Granted.

ORDER:                         The minutes of the hearing will be the court's findings and conclusions. The Moving Party will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and Federal Rule of Bankruptcy Procedure 2002(6) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This motion is GRANTED. Movant shall be awarded \$7,000.00 in fees.

2. [19-13902](#)-B-13     **IN RE: HEZEKIAH SHERWOOD**  
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER

11-12-2019    [\[47\]](#)

JEFFREY MEISNER/ATTY. FOR DBT.

FINAL RULING:        There will be no hearing on this matter.

DISPOSITION:        Overruled as moot.

ORDER:                The court will issue an order.

This objection is OVERRULED AS MOOT. Debtor has filed, served, and set for hearing a modified plan. See JMM-6.

3. [18-12305](#)-B-13     **IN RE: CORINA NIETO**  
[PK-4](#)

MOTION FOR COMPENSATION FOR PATRICK KAVANAGH, DEBTORS ATTORNEY(S)  
12-16-2019    [\[49\]](#)

PATRICK KAVANAGH/ATTY. FOR DBT.

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:        Granted.

ORDER:                The minutes of the hearing will be the court's findings and conclusions. The Moving Party will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and Federal Rule of Bankruptcy Procedure 2002(6) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This motion is GRANTED. Movant shall be awarded \$7,560.00 in fees and \$59.80 in costs.

4. [19-11408](#)-B-13     **IN RE: DOUGLAS MCDANIEL**  
[RSW-2](#)

MOTION TO SELL  
12-13-2019    [\[117\]](#)

DOUGLAS MCDANIEL/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                Granted.

ORDER:                        The minutes of the hearing will be the court's findings and conclusions. The Moving Party will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This motion is GRANTED. 11 U.S.C. § 363(b)(1) allows the debtor-in-possession to "sell, or lease, other than in the ordinary course of business, property of the estate."

11 U.S.C. § 1303 states that the "debtor shall have, exclusive of the trustee, the rights and powers of a trustee under sections . . . 363(b) . . . of this title." 11 U.S.C. § 1302(b)(1) excludes from a chapter 13 trustee's duties the collection of estate property and reduction of estate assets to money. Therefore the debtor has the authority to sell estate property under § 363(b).

Proposed sales under 11 U.S.C. § 363(b) are reviewed to determine whether they are: (1) in the best interests of the estate resulting from a fair and reasonable price; (2) supported by a valid business judgment; and (3) proposed in good faith. In re Alaska Fishing Adventure, LLC, No. 16-00327-GS, 2018 WL 6584772, at \*2 (Bankr. D. Alaska Dec. 11, 2018); citing 240 North Brand Partners, Ltd. v. Colony GFP Partners, LP (In re 240 N. Brand Partners, Ltd.), 200 B.R. 653, 659 (9th Cir. BAP 1996) citing In re Wilde Horse Enterprises, Inc., 136 B.R. 830, 841 (Bankr. C.D. Cal. 1991). In the context of sales of estate property under § 363, a bankruptcy court "should determine only whether the trustee's judgment was reasonable and whether a sound business justification exists supporting the sale and its terms." Alaska Fishing Adventure, LLC, 2018 WL 6584772, at \*4, quoting 3 Collier on Bankruptcy ¶ 363.02[4] (Richard Levin & Henry J. Sommer eds., 16th ed.). "[T]he trustee's business judgment is to be given great judicial deference.'" Id., citing In re Psychometric Systems, Inc., 367 B.R. 670, 674 (Bankr. D. Colo. 2007), citing In re Bakalis, 220 B.R. 525, 531-32 (Bankr. E.D.N.Y. 1998).

The chapter 13 debtor asks this court for authorization to sell a 1974 Porsche 911S ("Vehicle") to Christopher Tolnai for \$18,000.00. Doc. #117.

It appears that the sale of the Vehicle is in the best interests of the estate, for a fair and reasonable price, supported by a valid business judgment, and proposed in good faith. Unless the motion is opposed at the hearing, the court will enter the defaults of all non-responding parties and the matter will proceed for higher and better bids only.

5. [19-13411](#)-B-13     **IN RE: ADAM CHAVEZ**  
[MHM-2](#)

CONTINUED MOTION TO DISMISS CASE  
11-14-2019    [\[19\]](#)

MICHAEL MEYER/MV  
NEIL SCHWARTZ/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

6. [19-14712](#)-B-13     **IN RE: GEREY LATTA**  
[WDO-1](#)

MOTION TO VALUE COLLATERAL OF AMERICREDIT GM FINANCIAL  
12-2-2019    [\[19\]](#)

GEREMY LATTA/MV  
WILLIAM OLCOTT/ATTY. FOR DBT.

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Denied without prejudice.

ORDER:             The minutes of the hearing will be the court's findings and conclusions. The court will issue the order.

This motion is DENIED WITHOUT PREJUDICE. Constitutional due process requires that the movant make a *prima facie* showing that they are entitled to the relief sought. Here, the moving papers do not present "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" In re Tracht Gut, LLC, 503 B.R. 804, 811 (9th Cir. BAP, 2014), citing Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009), and Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

The motion is DENIED WITHOUT PREJUDICE.

The declaration does not contain the debtor's opinion of the relevant value. 11 U.S.C. § 506(a)(2) requires the valuation to be

"replacement value," not "fair market value," which is not specific enough.

Second, Debtor states that his opinion is based on a "Value Report for NADA Guides" which placed the value of the vehicle at \$2,350.00. Doc. #21. Debtor has not established himself as an expert, and cannot rely on the NADA guidelines in determining the replacement value of the vehicle. See Federal Rules of Evidence 701, 702, and 703. Therefore, this motion is DENIED WITHOUT PREJUDICE.

7. [19-14916](#)-B-13     **IN RE: JOSHUA KINNEY**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
12-9-2019     [\[15\]](#)

ALON DARVISH/ATTY. FOR DBT.  
DISMISSED 12/13/19

FINAL RULING:                    There will be no hearing on this matter.

DISPOSITION:                    Dropped as moot.

NO ORDER REQUIRED.

The case was dismissed on December 13, 2019 (doc. #18) for failure to timely file documents.

8. [19-12929](#)-B-13     **IN RE: HERBERT/CECILIA JUAREZ**  
[RSW-1](#)

MOTION TO CONFIRM PLAN  
12-3-2019     [\[43\]](#)

HERBERT JUAREZ/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING:                    There will be no hearing on this matter.

DISPOSITION:                    Granted.

ORDER:                            The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d

592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

9. [18-12731](#)-B-13      **IN RE: MARK/ALICIA GARAY**  
[PK-3](#)

MOTION TO MODIFY PLAN  
11-25-2019    [\[55\]](#)

MARK GARAY/MV  
PATRICK KAVANAGH/ATTY. FOR DBT.

FINAL RULING:      There will be no hearing on this matter.

DISPOSITION:      Granted.

ORDER:              The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

10. [19-13541](#)-B-13     **IN RE: LETICIA JASSO DE NUNEZ**  
[MHM-3](#)

MOTION TO DISMISS CASE  
12-2-2019    [\[30\]](#)

MICHAEL MEYER/MV  
VINCENT GORSKI/ATTY. FOR DBT.  
DISMISSED 12/19/19

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Denied as moot.

ORDER:             The court will issue an order.

The case was dismissed on December 19, 2019. Doc. #43.

11. [17-13544](#)-B-13     **IN RE: SALVESTER/MIRNA CADENA**  
[ASW-1](#)

MOTION TO APPROVE LOAN MODIFICATION  
11-14-2019    [\[51\]](#)

1900 CAPITAL TRUST II/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
DANIEL FUJIMOTO/ATTY. FOR MV.

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Granted.

ORDER:             The Moving Party shall submit a proposed order in  
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. Debtors are authorized, but not required, to enter into the loan modification with movant as described in the



exhibits (doc. #53). Debtors shall continue making plan payments until the plan is otherwise modified.

12. [17-13544](#)-B-13     **IN RE: SALVESTER/MIRNA CADENA**  
[RSW-1](#)

MOTION TO MODIFY PLAN  
11-12-2019    [\[45\]](#)

SALVESTER CADENA/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Granted.

ORDER:             The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

13. [19-14647](#)-B-13     **IN RE: JOHN WILLIAMS**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
12-20-2019    [\[15\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING:        There will be no hearing on this matter.

DISPOSITION:        Continued to February 5, 2020 at 9:00 a.m.

ORDER:                The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtor's plan for confirmation. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response not later than January 22, 2020. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by January 29, 2020.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than January 29, 2020. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

14. [19-14747](#)-B-13     **IN RE: TERRANCE TAYLOR**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
12-18-2019    [\[20\]](#)

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:        The minutes of the hearing will be the court's findings and conclusions.

ORDER:                The court will issue an order.

This matter will proceed as scheduled. If the fees due at the time of the hearing have not been paid prior to the hearing, the case will be dismissed on the grounds stated in the OSC.

If the installment fees due at the time of hearing are paid before the hearing, the order permitting the payment of filing fees in installments will be modified to provide that if future installments are not received by the due date, the case will be dismissed without further notice or hearing.

15. [19-14154](#)-B-13     **IN RE: SHANNON/TY WILLIAMS**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
11-27-2019    [\[16\]](#)

RICHARD STURDEVANT/ATTY. FOR DBT.

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Continued to February 5, 2020 at 9:00 a.m.

ORDER:             The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtors' plan for confirmation. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response not later than January 22, 2020. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by January 29, 2020.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than January 29, 2020. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

16. [19-14154](#)-B-13     **IN RE: SHANNON/TY WILLIAMS**  
[MHM-2](#)

MOTION TO DISMISS CASE  
12-2-2019    [\[19\]](#)

MICHAEL MEYER/MV  
RICHARD STURDEVANT/ATTY. FOR DBT.  
RESPONSIVE PLEADING

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Continued to February 5, 2020 at 9:00 a.m.

ORDER:             The court will issue an order.

This matter is continued to February 5, 2020 at 9:00 a.m. If debtors do not attend the continued § 341 meeting on January 8, 2020 at 12:00 p.m., then the case will be dismissed on the chapter 13 trustee's declaration submitted to the court and no further hearing will be held.

17. [14-15877](#)-B-13     **IN RE: DANIEL/LINDA MONTES**  
[MHM-5](#)

MOTION TO DISMISS CASE  
12-6-2019    [\[87\]](#)

MICHAEL MEYER/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                  Granted.

ORDER:                        The minutes of the hearing will be the court's  
findings and conclusions. The Moving Party  
will submit a proposed order after hearing.

This motion was set for hearing on 28 days' notice as required by  
Local Rule of Practice ("LBR") 9014-1(f)(1) and will proceed as  
scheduled.

This motion is GRANTED. Under 11 U.S.C. § 1307(c), the court may  
convert or dismiss a case, whichever is in the best interests of  
creditors and the estate, for cause.

The chapter 13 trustee ("Trustee") asks the court to dismiss this  
case because debtor is delinquent in the amount of \$2,115.00. Doc.  
#87. Before this hearing, another payment in the amount of \$1,058.00  
will also come due. Id.

Debtor timely responded, stating that they would be current and the  
Plan "paid off" by the time of the hearing. Doc. #91.

This matter will be called to confirm whether debtor is current and  
whether Plan payments are complete. If debtor is current on plan  
payments and payments are complete, the motion will be denied. If  
debtor is not current or the Plan not completed, the motion will be  
granted.

18. [19-14193](#)-B-13     **IN RE: ELIZABETH VILLA**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
11-27-2019    [\[16\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Continued to February 5, 2020 at 9:00 a.m.

ORDER:             The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtor's plan for confirmation. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response not later than January 22, 2020. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by January 29, 2020.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than January 29, 2020. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

19. [19-14593](#)-B-13     **IN RE: GUSTAVO/SANDRA RAMIREZ**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
12-20-2019    [\[15\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Continued to February 5, 2020 at 9:00 a.m.

ORDER:             The court will issue an order.

The chapter 13 trustee ("Trustee") has filed an objection to the debtors' plan for confirmation. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response not later than January 22, 2020. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by January 29, 2020.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than January 29, 2020. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

10:00 AM

1. [19-14302](#)-B-7     **IN RE: SHAWN/JULIA WHITE**  
[DMG-1](#)

MOTION TO CONVERT CASE FROM CHAPTER 7 TO CHAPTER 13  
12-4-2019    [\[21\]](#)

D. GARDNER/ATTY. FOR DBT.

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Granted.

ORDER:             The Moving Party shall submit a proposed order in  
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. 11 U.S.C. § 706(a) allows a debtor in chapter 7 to convert to chapter 13 "at any time," unless the case was previously converted to chapter 7 from another chapter."

However, the Supreme Court in Marrama v. Citizens Bank, 549 U.S. 365, 371-72 (2007), held that a debtor does not have an absolute right to convert to chapter 13 under § 706(a), but also must be eligible to a debtor under chapter 13. The Supreme Court held that "[i]n practical effect, a ruling that an individual's Chapter 13 case should be dismissed or converted to Chapter 7 because of prepetition bad-faith conduct, including fraudulent acts committed in an earlier Chapter 7 proceeding, is tantamount to a ruling that the individual does not qualify as a debtor under Chapter 13." Therefore, the court must find that the debtor is eligible to be a debtor under chapter 13 in conformance with 11 U.S.C. § 1307(c).

The court finds that this case has not been previously converted to chapter 7 from another chapter. The debtor is eligible to be a debtor under chapter 13 in conformance with 11 U.S.C. § 1307(c) since

there is no opposition to this motion and the court has not been presented with evidence the debtor is in bad faith. The debtors did not appear at their scheduled creditor's meeting on December 6, 2019 but the debtors filed this motion two days before. Therefore, this case shall be converted to chapter 13.

2. [19-14513](#)-B-7     **IN RE: NAYLAN BENDER**  
[NES-1](#)

MOTION TO COMPEL ABANDONMENT  
11-8-2019    [\[11\]](#)

NAYLAN BENDER/MV  
NEIL SCHWARTZ/ATTY. FOR DBT.

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Granted.

ORDER:             The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

11 U.S.C. §554(b) provides that "on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." In order to grant a motion to abandon property, the bankruptcy court must find either that: (1) the property is burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. In re Vu, 245 B.R. 644, 647 (9th Cir. B.A.P. 2000). As one court noted, "an order compelling abandonment is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset . . . . Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be



ordered.” In re K.C. Mach. & Tool Co., 816 F.2d 238, 246 (6th Cir. 1987). And in evaluating a proposal to abandon property, it is the interests of the estate and the creditors that have primary consideration, not the interests of the debtor. In re Johnson, 49 F.3d 538, 541 (9th Cir. 1995) (noting that the debtor is not mentioned in § 554). In re Galloway, No. AZ-13-1085-PaKiTa, 2014 Bankr. LEXIS 3626, at 16-17 (B.A.P. 9th Cir. 2014).

Debtor asks this court to compel the chapter 7 trustee to abandon the estate’s interest in debtor’s business. The assets include tools of the trade, equipment, and business-related assets (“Business Assets”).

The court finds that the Business Assets are of inconsequential value and benefit to the estate. The Business Assets were accurately scheduled and exempted in their entirety. Therefore, this motion is GRANTED.

The order shall include a specific list of the property abandoned.

3. 19-14115-B-7      **IN RE: MATHEW BUTORAC AND SHYANNE LEDFORD**  
JCW-1

MOTION FOR RELIEF FROM AUTOMATIC STAY  
11-18-2019    [16]

CALIBER HOME LOANS, INC./MV  
ASHTON DUNN/ATTY. FOR DBT.  
JENNIFER WONG/ATTY. FOR MV.

FINAL RULING:      There will be no hearing on this matter.

DISPOSITION:      Granted.

ORDER:              The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtors’ and the trustee’s defaults will be entered. The automatic stay is terminated as it applies to the movant’s right to enforce its remedies against the subject property under applicable nonbankruptcy law. The record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a parcel of real property commonly known as 103912 S 4505 Road, Vian, OK 74962. Doc. #18. The collateral has a value of \$158,456.00 and the amount owed is \$147,680.56. Doc. #20. The Trustee does not oppose this motion.

A waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The debtors have indicated in their Statement of Intention

that they will surrender the property and this property does not appear to be the debtors' principal residence.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding, then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

4. [16-14128](#)-B-7      **IN RE: DANIELA HAVLICEK**  
[PWG-4](#)

MOTION TO SELL AND/OR MOTION TO PAY  
12-16-2019    [\[41\]](#)

JEFFREY VETTER/MV  
LEONARD WELSH/ATTY. FOR DBT.  
PHILLIP GILLET/ATTY. FOR MV.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                Granted.

ORDER:                        The minutes of the hearing will be the court's findings and conclusions. The Moving Party will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This motion is GRANTED. 11 U.S.C. § 363(b)(1) allows the trustee to "sell, or lease, other than in the ordinary course of business, property of the estate."

Proposed sales under 11 U.S.C. § 363(b) are reviewed to determine whether they are: (1) in the best interests of the estate resulting from a fair and reasonable price; (2) supported by a valid business judgment; and (3) proposed in good faith. In re Alaska Fishing Adventure, LLC, No. 16-00327-GS, 2018 WL 6584772, at \*2 (Bankr. D. Alaska Dec. 11, 2018); citing 240 North Brand Partners, Ltd. v. Colony GFP Partners, LP (In re 240 N. Brand Partners, Ltd.), 200 B.R. 653, 659 (9th Cir. BAP 1996) citing In re Wilde Horse Enterprises, Inc., 136 B.R. 830, 841 (Bankr. C.D. Cal. 1991). In the context of sales of estate property under § 363, a bankruptcy court "should determine only whether the trustee's judgment was reasonable and whether a sound business justification exists supporting the sale and its terms." Alaska Fishing Adventure, LLC, 2018 WL 6584772, at \*4, quoting 3 Collier on Bankruptcy ¶ 363.02[4] (Richard Levin & Henry J. Sommer eds., 16th ed.). "[T]he trustee's business judgment is to be given great judicial deference.'" Id., citing In re

Psychometric Systems, Inc., 367 B.R. 670, 674 (Bankr. D. Colo. 2007), citing In re Bakalis, 220 B.R. 525, 531-32 (Bankr. E.D.N.Y. 1998).

The chapter 7 trustee asks this court for authorization to sell lot 247 on Olomana Road in Kamuela, HI 96743 ("Property") to CBI Properties, LLC, subject to higher and better bids at the hearing, for \$120,000.00, and to pay the real estate commission to Hawaii Life Real Estate Brokers. Doc. #41

It appears that the sale of the Property is in the best interests of the estate, for a fair and reasonable price, supported by a valid business judgment, and proposed in good faith. Unless opposition is presented at the hearing, the motion is GRANTED. The trustee is also authorized to pay the 6% commission, split 50/50 with Hawaii Life Real Estate Brokers Service and Hoku Star Realty.

5. [17-12535](#)-B-7      **IN RE: OVADA MORERO**  
[LNH-4](#)

MOTION FOR COMPENSATION FOR LISA NOXON HOLDER, PC, TRUSTEES  
ATTORNEY(S)  
12-4-2019    [\[312\]](#)

LEONARD WELSH/ATTY. FOR DBT.

FINAL RULING:      There will be no hearing on this matter.

DISPOSITION:      Granted.

ORDER:              The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

The motion will be GRANTED. Trustee's counsel, Lisa Noxon Holder, PC, requests fees of \$12,567.00 and costs of \$509.55 for a total of \$13,076.55 for services rendered from November 15, 2018 through November 22, 2019. Doc. #312.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . .[a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Preparation of employment and fee applications for various professionals, (2) Selling real property, which was encumbered by two liens, (3) Filing and settling an adversary proceeding, and (4) Successfully prosecuting a 9019 motion. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded \$12,567.00 in fees and \$509.55 in costs.

6. [17-12535](#)-B-7      **IN RE: OVADA MORERO**  
[RP-1](#)

MOTION FOR COMPENSATION FOR RANDELL PARKER, CHAPTER 7 TRUSTEE(S)  
12-9-2019    [\[321\]](#)

RANDELL PARKER/MV  
LEONARD WELSH/ATTY. FOR DBT.  
LISA HOLDER/ATTY. FOR MV.

FINAL RULING:      There will be no hearing on this matter.

DISPOSITION:      Granted.

ORDER:              The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. 11 U.S.C. §§ 326 and 330 allow reasonable compensation to the chapter 7 trustee for the trustee's services. 11 U.S.C. § 330 requires the court to find that the fees requested are reasonable and for actual and necessary services to the estate, as well as reimbursement for actual and necessary expenses.

Chapter 7 Trustee Randell Parker ("Trustee") requests fees of \$36,917.73 and costs of \$409.90 as statutory compensation and actual and necessary expenses. Here, Trustee conducted the meeting of creditors, sold residential real property, and reviewed and reconciled financial records Doc. #325.

The court finds Trustee's services were actual and necessary to the estate, and the fees are reasonable. The motion is GRANTED and Trustee is awarded the requested fees and costs.

7. [16-14447](#)-B-7     **IN RE: JEFFREY/ELIZABETH GIBSON**  
[UST-1](#)

MOTION TO APPOINT TRUSTEE  
11-27-2019    [\[53\]](#)

TRACY DAVIS/MV  
NEIL SCHWARTZ/ATTY. FOR DBT.  
GREGORY POWELL/ATTY. FOR MV.

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Granted.

ORDER:             The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The United States Trustee is authorized to appoint a chapter 7 trustee.

8. [19-12674](#)-B-7     **IN RE: ADRIAN PEREZ**  
[DMG-2](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS  
12-11-2019    [\[36\]](#)

JEFFREY VETTER/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    This matter will proceed as a scheduling  
conference.

ORDER:                            The minutes of the hearing will be the court's  
findings and conclusions. The court will issue  
the order.

The hearing on this motion will be called as scheduled and will  
proceed as a scheduling conference.

This matter is now deemed to be a contested matter. Pursuant to  
Federal Rule of Bankruptcy Procedure 9014(c), the federal rules of  
discovery apply to contested matters. The parties shall be prepared  
for the court to set an early evidentiary hearing.

Based on the record, the factual issues include: whether the  
property is debtor's residence and the debtor's intent, if any, to  
return to the property at issue as his residence. See Webb  
v. Trippet, 235 Cal. App. 3d 647, 652 (1991); Kelley v. Locke (In re  
Kelley), 300 B.R. 11, 18 (B.A.P. 9th Cir. 2003). The debtor's intent  
is a question of fact. Coughlin v. Cataldo (In re Cataldo), 224 B.R.  
426, 428-29 (B.A.P. 9th Cir. 1998). But the validity of the claimed  
exemption is controlled by the applicable state law. In re  
LaFortune, 652 F.2d 842, 846 (9th Cir. 1981). The debtor's evidence  
is equivocal, and this dispute would benefit from further discovery.  
See also, In re Bruton, 167 B.R. 923, 926 (Bankr. S.D. Cal. 1994)  
["debtor must demonstrate intent not just claim intent"].

9. [17-13881](#)-B-7      **IN RE: MICHAEL/AMIRA MICHAEL**  
[PWG-6](#)

MOTION FOR COMPENSATION FOR PHILLIP GILLET, JR., TRUSTEES  
ATTORNEY(S)  
12-12-2019    [\[156\]](#)

HAGOP BEDOYAN/ATTY. FOR DBT.  
OST 12/12/19

FINAL RULING:      There will be no hearing on this matter.

DISPOSITION:      Granted.

ORDER:              The Moving Party shall submit a proposed order in  
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1) and an order shortening time (doc. #165). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

The motion will be GRANTED. Debtor's attorney, Phillip Gillet, Jr., requests fees of \$14,028.00 for services rendered from November 30, 2017 through August 28, 2019. Doc. #156.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Evaluated various assets of the debtor and analyzed the costs of sale and payment of liens, (2) Preparing and filing employment and fee applications for estate professionals, (3) Successfully prosecuting three motions to sell estate property, and (4) Opposing a stay relief motion. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded \$14,028.00 in fees.

10. [17-13881](#)-B-7     **IN RE: MICHAEL/AMIRA MICHAEL**  
[RTW-2](#)

MOTION FOR COMPENSATION FOR RATZLAFF TAMBERI & WONG,  
ACCOUNTANT(S)  
12-6-2019    [[149](#)]

RATZLAFF TAMBERI & WONG  
ACCOUNTANCY CORPORATION/MV  
HAGOP BEDOYAN/ATTY. FOR DBT.

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Granted.

ORDER:             The Moving Party shall submit a proposed order in  
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

The motion will be GRANTED. Trustee's accountants, Ratzlaff Tamberi & Wong, accountancy corporation, requests fees of \$2,310.00 and costs of \$62.50 for a total of \$2,372.50 for services rendered from September 12, 2019 through November 1, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Reviewed tax returns of debtors, (2) Prepared federal and state income tax returns, and (3) Filing the federal and state tax returns of the debtors. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded \$2,310.00 in fees and \$62.50 in costs.



10:30 AM

1. [18-14663](#)-B-11     **IN RE: 3MB, LLC**  
[LKW-18](#)

MOTION TO DISMISS CASE  
12-17-2019    [[321](#)]

3MB, LLC/MV  
LEONARD WELSH/ATTY. FOR DBT.

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:                Granted.

ORDER:                        The minutes of the hearing will be the court's findings and conclusions. The court will issue the order.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This motion is GRANTED.

11 U.S.C. § 1112(b) allows the court to dismiss a chapter 11 case for cause.

The chapter 11 debtor here asks the court to dismiss the case because debtor has received "a commitment from a third-party lender to loan a sufficient amount of money to Debtor from which Debtor can resolve its debtor-creditor problems outside of bankruptcy and without the cost, delays, and risk associate with a chapter 11 case." Doc. #321.

Unless opposition is presented at the hearing, the court intends to grant this motion and dismiss the case.

**11:00 AM**

1. [18-11407](#)-B-7     **IN RE: JONATHAN AVALOS**  
[18-1016](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
4-20-2018    [[1](#)]

A.G., A MINOR BY AND THROUGH HER GUARDIAN AD LITEM V.  
CHANTAL TRUJILLO/ATTY. FOR PL.  
RESPONSIVE PLEADING

NO RULING.

2. [17-11028](#)-B-11     **IN RE: PACE DIVERSIFIED CORPORATION**  
[18-1006](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT 18-01006  
2-5-2018    [[1](#)]

PACE DIVERSIFIED CORPORATION ET AL V. MACPHERSON OIL  
T. BELDEN/ATTY. FOR PL.  
RESPONSIVE PLEADING

NO RULING.

3. [18-12561](#)-B-7     **IN RE: CARLOS SOLIS AND BEATRIZ ALVAREZ**  
[19-1086](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
7-16-2019    [[1](#)]

VETTER V. GUTIERREZ ET AL  
LISA HOLDER/ATTY. FOR PL.  
DISMISSED 11/21/19, CLOSED 12/9/19

FINAL RULING:                    There will be no hearing on this matter.

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            An order dismissing the case has already been  
entered. Doc. #17.

11:30 AM

1. [19-13446](#)-B-7     **IN RE: SALVADOR TEJEDA ARAMBULA AND CONCEPCION TEJEDA**

PRO SE REAFFIRMATION AGREEMENT WITH THE BANK OF NEW YORK  
MELLON  
11-18-2019    [\[41\]](#)

FINAL RULING:                    There will be no hearing on this matter.

DISPOSITION:                    Dropped.

NO ORDER REQUIRED.

This matter was automatically set for a hearing because the reaffirmation agreement is not signed by an attorney. However, this reaffirmation agreement appears to relate to a consumer debt secured by real property. Pursuant to 11 U.S.C. §524(c)(6)(B), the court is not required to hold a hearing and approve this agreement.

2. [19-13398](#)-B-7     **IN RE: GEORGE/DIANA MARTINEZ**

AMENDED REAFFIRMATION AGREEMENT WITH ONEMAIN FINANCIAL GROUP, LLC  
12-5-2019    [\[20\]](#)

WILLIAM OLCOTT/ATTY. FOR DBT.

FINAL RULING:                    There will be no hearing on this matter.

DISPOSITION:                    Denied.

ORDER:                            The court will issue an order.

Debtors' counsel will inform debtors that no appearance is necessary.

Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. Although the debtors' attorney executed the agreement, the attorney could not affirm that, (a) the agreement was not a hardship and, (b) the debtors would be able to make the payments.