

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Bankruptcy Judge
Sacramento, California

January 9, 2014 at 10:30 a.m.

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1. [12-39515](#)-E-11 WATSON COMPANIES, INC. MOTION FOR COMPENSATION FOR W.
WSS-3 W. Steven Shumway STEVEN SHUMWAY, DEBTOR'S
ATTORNEY(S), FEE: \$32,790.00,
EXPENSES: \$0.00.
11-19-13 [[165](#)]

Tentative Ruling: The Motion for Allowance of Professional Fees has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling.

Local Rule 9014-1(f)(1) Motion - Hearing Required.

Correct Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, parties requesting special notice, and Office of the United States Trustee on November 19, 2013. By the court's calculation, 51 days' notice was provided. 35 days' notice is required. (Fed. R. Bankr. P. 2002(a)(6) 21 day notice and L.B.R. 9014-1(f)(1) 14-day opposition filing requirements.)

The Motion for Allowance of Professional Fees has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). The defaults of the non-responding parties are entered.

The Motion for Allowance of Professional Fees is granted in part.

FEES REQUESTED

W. Steven Shumway, the "Attorney" ("Applicant") for Watson Companies, Inc. the Debtor in Possession ("Client"), makes a First and Final Request

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for the Allowance of Fees and Expenses in this case. The period for which the fees are requested is for the period July 6, 2012 through September 30, 2013. The order of the court approving employment of Applicant was entered on December 17, 2012, Dckt. 25.

The Debtor in Possession confirmed a Chapter 11 Plan on September 28, 2013. Order, Dckt. 154.

Applicant provides a task billing analysis and supporting evidence for the services provided, which are described in the following main categories.

Pre-Filing Activities: Applicant spent 41.0 hours in this category. Applicant met with principals of Debtor; analyzed financial condition of Debtor; reviewed and negotiated ownership issues; analyzed ongoing litigation; and drafted bankruptcy documents, schedules and statements. FN.1.

FN.1. This statement is inconsistent with the detailed billing statement filed in support of the Motion. Dckt. 168. The detailed statement lists only 23.3 hours of pre-petition work having been done by counsel. The billing statement disclosing that the bankruptcy case was filed on August 2, 2012. However, this bankruptcy case was not filed until November 5, 2012.

It appears that counsel is including fees to be paid in the present case for fees that he charged for the Debtor's prior Chapter 11 case, No. 12-34252, which was filed on August 2, 2012.

Quite possibly there are post-petition hours which counsel has allocated to work which, in a perfect world, would have been done pre-petition. Though not sufficient grounds for denying the Motion, such inconsistencies do not bode well for the credibility of any attorney or witness.

Initial Chapter 11 Proceedings and Hearings: Applicant spent 11.7 hours in this category. Applicant drafted employment applications and status reports; gathered, reviewed and transmitted information to United States Trustee; attended meetings with the Trustee; attended the meeting of creditors; and attended status conference.

General Case Administration: Applicant spent 4.5 hours in this category. Applicant met with Debtor to explain financial and reporting obligations; amended schedules and other documents; reviewed and marketed strategies; drafted, reviewed and revised on operating reports.

Cash Collateral Issues: Applicant spent 4.0 hours in this category. Applicant consulted with Debtor and negotiated cash collateral agreements; filed motions for approval of cash collateral agreements; and attended hearings.

Relief from Stay Motions: Applicant spent 6.3 hours in this category. Applicant reviewed, researched and analyzed motions filed by creditors; drafted responses; drafted and revised settlement agreements regarding relief from stay issues; and attended hearings.

Drafting of Disclosure Statement and Plan: Applicant spent 35.9 hours in this category. Applicant reviewed financial information; drafted budget scenarios; drafted several versions of disclosure statement and plan; discussed and revised documents; reviewed and researched oppositions; conducted discovery into oppositions; prepared for and attended hearings on issues; and prepared for evidentiary hearings.

Claim and Standing Issues: Applicant spent 3.0 hours in this category. Applicant reviewed claims and analyzed documentation to support; researched issues regarding the background of the claims; analyzed issues regarding ownership of claims; and discussed with creditors regarding the basis for their claims and supporting documents.

Statutory Basis For Professional Fees

Pursuant to 11 U.S.C. § 330(a)(3),

In determining the amount of reasonable compensation to be awarded to an examiner, trustee under chapter 11, or professional person, the court shall consider the nature, the extent, and the value of such services, taking into account all relevant factors, including-

(A) the time spent on such services;

(B) the rates charged for such services;

(C) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title;

(D) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed;

(E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and

(F) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title.

Further, the court shall not allow compensation for,

(I) unnecessary duplication of services; or

(ii) services that were not-

(I) reasonably likely to benefit the debtor's estate;

(II) necessary to the administration of the case.

11 U.S.C. § 330(a)(4)(A).

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Benefit to the Estate

Even if the court finds that the services billed by an attorney are "actual," meaning that the fee application reflects time entries properly charged as legal services, the attorney must still demonstrate that the work performed was necessary and reasonable. *Unsecured Creditors' Committee v. Puget Sound Plywood, Inc. (In re Puget Sound Plywood)*, 924 F.2d 955, 958 (9th Cir. 1991). An attorney must exercise good billing judgment with regard to the legal services undertaken as the court's authorization to employ an attorney to work in a bankruptcy case does not give that attorney "free reign [sic] to run up a [legal fee] tab without considering the maximum probable [as opposed to possible] recovery." *Id.* at 958. According the Court of Appeals for the Ninth Circuit, prior to working on a legal matter, the attorney is obligated to consider:

- (a) Is the burden of the probable cost of legal services disproportionately large in relation to the size of the estate and maximum probable recovery?
- (b) To what extent will the estate suffer if the services are not rendered?
- (c) To what extent may the estate benefit if the services are rendered and what is the likelihood of the disputed issues being resolved successfully?

Id. at 959.

A review of the application shows that the services provided by Applicant related to the estate enforcing rights and obtaining benefits including confirming the Chapter 11 Plan of Reorganization. The court finds the services were beneficial to the Client and bankruptcy estate and reasonable. However, there are several adjustments the court finds necessary for the services provided in this case.

FEES ALLOWED

The fees request are computed by Applicant by multiplying the time expended providing the services multiplied by an hourly billing rate. The persons providing the services, the time for which compensation is requested, and the hourly rates are:

Names of Professionals and Experience	Time (hours)	Hourly Rate	Total Fees Computed Based on Time and Hourly Rate
W. Steven Shumway (1985)	109.3	\$300.00	<u>\$32,790.00</u>
Total Fees For Period of Application			\$32,790.00

However, Applicant states he failed to account for the \$7,900.00 Debtor paid to him for the pre-bankruptcy work. Dckt. 174. After this deduction, Applicant seeks \$24,890.00 in fees.

It appears that counsel is including fees to be paid in the present case for fees that he charged for the Debtor's prior Chapter 11 case, No. 12-34252, which was filed on August 2, 2012. This causes the court significant concern in light of what transpired in that case and the court not having allowed counsel any fees with respect to that case.

Review of Prior Chapter 11 Case

In the prior Chapter 11 case, Counsel for Debtor-in-Possession could not confirm that all cash collateral was being held by the Debtor-in-Possession and not being spent. Counsel could not explain how Debtor-in-Possession operated without spending cash collateral. Civil Minutes, Order to Show Cause, Dckt. 69. The court found that the Schedules and Statement of Financial Affairs presented conflicting information which appeared to be inaccurate. *Id.* Counsel could not explain how the Debtor had only \$1,000.00 in its bank account but made no significant payments to creditors in the 90 days prior to the bankruptcy case and no payments to insiders. *Id.* Debtor argued that it was in a hurry to file the case and filed incorrect information, but this ignores the fact that the Debtor was represented by counsel prior to the commencement of the case, who spent more than 21 hours of time (\$7,900) in fees preparing for the filing of the bankruptcy. *Id.*

The court dismissed the prior case, citing several grounds. Civil Minutes, Motion to Dismiss Case filed by U.S. Trustee, Dckt. 67. This included improper service of the Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors and Deadlines, inaccurate schedules and statement of financial affairs, and failure to comply with reasonably requested information. *Id.* The court noted,

"In responding to the U.S. Trustee's motion, the principal of the Debtor fails to provide his declaration under penalty of perjury. Rather, only the Debtor in Possession's attorney seeks to make himself a percipient witness in this case (and quite possibly waive the attorney client privilege)...

...The court will not give credence to a bankruptcy strategy which works to minimize disclosures, notice to creditors, and foists upon creditors and the U.S. Trustee otherwise unnecessary repeat meetings, hearing, and expenses. The Debtor, to the extent it can identify its creditors and assets; can file schedules, a statement of financial affairs, and a list of creditors; and believes that a good faith bankruptcy case can be prosecuted, may chose to exercise its rights to file a new bankruptcy case."

Id. The court also discussed the fees paid for the work allegedly done prior to the case,

"Counsel asserted that he was paid the \$7,900.00 for work done prior to the filing of this case. That is not true. Sandwiched in between the July 27, 2012 time entry and the July 30, 2012 time entry, counsel has planted two September 2012 post-petition time entries. Clearly counsel

could not have perform services on September 27th and September 28th, and have done that legal work pre-petition.

Further, there is no good faith reason for constructing contemporaneous time records in which September 2012 post-petition services are buried in between two July 2012 pre-petition services. This Exhibit, Dckt. 31, was constructed in a manner to deceive the court, U.S. Trustee, and any other part in interest reviewing it."

Id. Taking into consideration the work done in the prior case, and after reviewing the detailed billing statement, the court adjusts the amount of allowed attorneys' fees in this case.

The entries from July 6, 2012 through July 30, 2012, the court will allow in their entirety, for "pre-petition" work having been done by counsel. However, the entries from August 2, 2013 through November 14, 2013 are disallowed in their entirety. This bankruptcy case was not filed until November 5, 2012 and counsel included these fees to be paid in the present case for fees that he charged for the Debtor's prior Chapter 11 case, No. 12-34252, which was filed on August 2, 2012.

Furthermore, the entries from July 11, 2013 for drafting the response to the Order to Show Cause and July 25, 2013 for attending the hearing on the Order to Show Cause are disallowed in their entirety. The Order to Show Cause was necessitated by counsel and counsel for Ford Motor Credit filing documents with the court which purported to be orders - which had not been signed by the court. Counsel is not warranted in trying to obtain payment from the Debtor, estate, plan estate, or creditors for having to respond to his improper conduct.

Interestingly, counsel appears to have spent only 0.70 hours in addressing the issues arising under the Order to Show Cause. July 11, 2013 billing entry, "draft response to OSC." Dckt. 168. While the court found counsel's conduct to be serious enough to necessitate an Order to Show Cause, counsel appears to have given it only minimal consideration. As stated in the Civil Minutes for the initial hearing on the Order to Show Cause,

"The court is concerned by Mr. Shumway's statements under penalty of perjury that the vehicles which were the subject of the Stipulated Orders executed by the parties "[w]ere not property of the bankruptcy estate...." Declaration ¶ 8, Dckt. 97. It is explained in the preceding paragraphs of the declaration by Mr. Shumway, under penalty of perjury, that the vehicles and financing were originally obtained by Watson Roofing, Inc., which entity stopped doing business in 2010. Further, that the Debtor entered into an agreement with Ford Motor Credit Company, LLC to assume the obligations owed on or lease some of the vehicles which were originally owned or leased by Watson Roofing, Inc. The vehicles which were not being transferred to the Debtor were returned to Ford Motor Credit Company, LLC.

...

Though counsel's explanation and apparent ruling that the vehicles are not property of the estate because the Debtor in Possession chooses not to use them as part of the reorganization are lacking in factual and legal substance, they are responses. Further, Mr. Shumway testifies that he believed Ford Motor Credit Company, LLC would be filing motions for approval of the Stipulation. While Mr. Shumway does not provide any explanation as to why he would sign a document to be filed with the court which is titled "Stipulated Order" which is not a document signed by a judge, he has substantially complied with the Order to Show Cause...."

Civil Minutes, Dckt. 102. These responses, and the conduct of counsel, are not consistent with an experienced bankruptcy attorney who charges \$300.00 an hour for his or her services.

After disallowing the above entries (with a total of 23.9 hours of work), 85.4 billable hours remain. At the requested hourly rate of \$300.00, the attorney's fees would total \$25,620.00.

The court considers both the hours expended and total fees requested. Merely because an attorney demands a certain hourly rate, the court is not bound to grant fees using such rate. As discussed above, the court is not satisfied that the conduct of counsel in this case is consistent with that of an attorney who properly bills \$300.00 an hour for his or her legal services.

Counsel has attempted to "slip in" legal services he provided in the prior ill-fated Chapter 11 case. That case was dismissed in significant part due to the misrepresentations and misstatements of the principals of the Debtor in the documents prepared by counsel. In the prior case counsel did not file any "first-day motions" and allowed the Debtor in Possession to use cash collateral in violation of the Bankruptcy Code. As discussed by the court in the Civil Minutes for the Order to Show Cause in the prior case, "It is clear no thought was given to fulfilling the fiduciary obligations of the Debtor in Possession or complying with the cash collateral obligations of the Bankruptcy Code...Only after the Order to Show Cause was issued and the U.S. Trustee seeks to dismiss the case does the Debtor and Debtor in Possession make time to attempt to correct the schedules. 12-34252, Civil Minutes, Dckt. 69.

In granting the U.S. Trustee's motion to dismiss the prior ill-fated Chapter 11 case, the court stated,

"The court will not give credence to a bankruptcy strategy which works to minimize disclosures, notice to creditors, and foists upon creditors and the U.S. Trustee otherwise unnecessary repeat meetings, hearing, and expenses. The Debtor, to the extent it can identify its creditors and assets; can file schedules, a statement of financial affairs, and a list of creditors; and believes that a good faith bankruptcy case can be prosecuted, may chose to exercise its rights to file a new bankruptcy case.

...

"Further, there is no good faith reason for constructing contemporaneous time records in which September 2012 post-petition services are buried in between two July 2012 pre-petition services. This Exhibit, Dckt. 31, was constructed in a manner to deceive the court, U.S. Trustee, and any other part in interest reviewing it."

12-34252, Civil Minutes, Dckt. 67.

The court can consider this "strategy" of counsel and the Debtor in one of two lights. That it was intentionally done to deceive the court, or that counsel's level of experience and ability is such that he does not have at the tip of his mind and tongue these basic bankruptcy principles. If so, then he can provide legal services, but since it takes him more time to research and determine what to do, he cannot demand the same hourly rate as an experienced bankruptcy attorney.

The current bankruptcy case was filed on November 5, 2012. Though counsel was well aware of the cash collateral issue, it was not until a month later that a motion for approval of a cash collateral stipulation was filed. Dckt. 16. The Stipulation is dated November 28, 2012 - four months after the prior Chapter 11 case had been filed. Dckt. 18. The Stipulation did not allow the Debtor in Possession to use cash collateral until the court issued an order approving the Stipulation.

The Debtor in Possession failed to timely file the first monthly operating reports, with the November 2012 monthly operating reports not filed until January 2013. Dckt. 36.

Along the way, counsel executed and allowed to be filed documents titled Stipulated Order Granting Relief From the Automatic Stay. Dckts. 60, 61, 62, 63, and 64. An experienced, \$300.00 an hour bankruptcy attorney (or any experienced attorney for that matter) would know that each of these documents was not a "Stipulated Order" and that by having such filed a misrepresentation was being stated on the Docket. Yet counsel went forward signing the documents so they could be filed.

Multiple hearings were required for the disclosure statement in this case. The continuances were not required for complicated issues, but basic errors in the information disclosed. Civil Minutes, Dckt. 70: (1) failure to disclose reason for retaining 49'er football tickets, (2) failure to disclose reason for life insurance expense, (3) failure to itemize salary paid to insiders, (4) failure to explain duties to be performed by insiders for their salary, (5) budget fails to provide for payment of reasonably anticipated taxes, and (6) failure to explain Debtor retaining \$7,000.00 a month rather than paying the money into the plan. While these basic information items were subsequently addressed, such information should not have to be dragged out of a debtor in possession.

While identifying the above shortcomings, the court also acknowledges that a Plan ultimately was confirmed in this case.

After a review of the work done in this Chapter 11 case and the prior Chapter 11 case for the same Debtor, the court finds \$21,350.00 in fees for counsel to be reasonable for this case. The court uses an hourly

rate of \$250.00 for counsel's services in this case. The court will treat counsel's conduct as merely "errors" based on lack of experience rather than intentionally intending to mislead the court, creditors, and the U.S. Trustee. In reality, the conduct could justify an even lower hourly rate. Conversely, the \$21,350.00 in fees represents 71.1 hours of work billed at \$300.00, as requested by counsel. The court finds that for a \$300 an hour attorney, there is 14 hours of excessive time billed. FN.2.

FN.2. To accept this conduct as being in error, the court has to swallow the "mistake" of counsel attempting to have fees from the prior case approved as if they were fees in this case. The court has to find as an error counsel not immediately seeking authorization to use cash collateral. The court has to find as error counsel "forgetting" that he had \$9,700.00 in retainer which applied to the fees. The court has to find as error counsel signing "Stipulated Orders" to be filed with the court. The court has to find as error counsel failing to disclose salaries being made to insiders and the duties they were to perform for those salaries. The court has to find as error counsel's failure to make any provision in the budget for payment of taxes. The court will accept the conduct as being in "error" to allow counsel to be reasonably compensated for his services in this case.

Final Fees in the amount of \$21,350.00 are approved pursuant to 11 U.S.C. § 330. Counsel is authorized to apply the \$9,700.00 in retainer he has received and the Plan Administrator is authorized to pay the remaining \$11,650.00 of the allowed fees through the confirmed plan from the available Plan Funds in a manner consistent with the order of distribution under the confirmed Plan.

Applicant is allowed, and the Plan Administrator under the confirmed plan is authorized to pay, the following amounts as compensation to this professional in this case:

Fees	\$21,350.00
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pursuant to this Application in this case.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Allowance of Fees and Expenses filed by W. Steven Shumway ("Applicant"), Attorney for the Debtor in Possession having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that W. Steven Shumway is allowed the following fees and expenses as a professional of the Estate:

W. Steven Shumway, Professional Employed by Debtor in Possession

Fees in the amount of \$21,350.00.

IT IS FURTHER ORDERED that W. Steven Shumway is authorized to apply the \$9,700.00 in monies previously paid to him for these bankruptcy services to this obligation, and the Plan Administrator is authorized under the confirmed plan to pay \$11,650.00 of the fees allowed by this Order from the available funds of the Plan Funds in a manner consistent with the order of distribution under the confirmed Plan.

2. [13-33126](#)-E-7 JOHN DOLMAN
Pro Se

**ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES**

12-23-13 [[56](#)]

Tentative Ruling: The court issued an order to show cause based on Debtor's failure to pay the required fees in this case (\$25.00 due on December 4, 2013). The court docket reflects that the Debtor still has not paid the fees upon which the Order to Show Cause was based.

The court's tentative decision is to sustain the Order to Show Cause and order the case dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is sustained, no sanctions are issued pursuant thereto, and the case is dismissed.

3. [11-39242-E-7](#) IVAN RAVLOV
DWE-1 Scott A. CoBen

MOTION TO AUTHORIZE
DISBURSEMENT OF RENTS
12-10-13 [[408](#)]

Final Ruling: No appearance at the January 9, 2013 hearing is required.

Local Rule 9014-1(f)(1) Motion - No Opposition Filed.

Correct Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, Chapter 7 Trustee, and Office of the United States Trustee on December 10, 2013. By the court's calculation, 30 days' notice was provided. 28 days' notice is required.

The Motion to Authorize Disbursement of Rents has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered to be the equivalent of a statement of nonopposition. *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 Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties are entered. Upon review of the record there are no disputed material factual issues and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

The Motion for Disbursement of Rents is granted. No appearance required.

Movant JPMorgan Chase Bank, N.A., as servicer for Wells Fargo Bank, N.A., Trustee for WaMu Mortgage Pass-Through Certificates Series 2005-PR1 Trust ("Movant") moves pursuant to 11 U.S.C. § 725 for an order authorizing the Chapter 7 Trustee to disburse post-petition rents generated by the real property commonly known as 7513-7515 Johanne Court, Citrus Heights, California, on which Movant has a secured interest. Movant contends it has a secured interest in all rents generated from the subject real property, including post-petition rents which have been collected by the Trustee in the amount of \$27,000.00. Movant states the Trustee has not consummated her final distribution of estate property or otherwise disposed of the subject rents and that the court has the power to issue an order authorizing the Trustee to turn over the rents to Movant.

Chapter 7 Trustee, Susan K. Smith, filed a non-opposition on December 27, 2013.

11 U.S.C. § 725 provides that after commencement of a case under chapter 7, but before final distribution of property of the estate under § 726, the trustee, after notice and hearing, shall dispose of any property in which an entity other than the estate has an interest, such as a lien, and that has not been disposed of under another section of title 11.

Here, it appears the Trustee has not abandoned or disposed of the rents upon which Movant's lien encumbers. Based on a review of the motion and supporting pleadings, the non-opposition by the Chapter 7 Trustee, the court grants the motion for disbursement of rents and the Chapter 7 Trustee, Susan K. Smith, is authorized to disburse post-petition rents generated by the real property commonly known as 7513-7515 Johanne Court, Citrus Heights, California, to JPMorgan Chase Bank, N.A., as servicer for Wells Fargo Bank, N.A., Trustee for WaMu Mortgage Pass-Through Certificates Series 2005-PR1 Trust.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Disbursement of Rents filed by JPMorgan Chase Bank, N.A. having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted and the Chapter 7 Trustee, Susan K. Smith, is authorized to disburse post-petition rents generated by the real property commonly known as 7513-7515 Johanne Court, Citrus Heights, California, to JPMorgan Chase Bank, N.A., as servicer for Wells Fargo Bank, N.A., Trustee for WaMu Mortgage Pass-Through Certificates Series 2005-PR1 Trust.