

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Friday, January 10, 2014
Place: U.S. Courthouse, 510 19th Street
Bakersfield, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

ALL PRACTITIONERS AND PARTIES IN BAKERSFIELD BANKRUPTCY PROCEEDINGS

PLEASE NOTE

The Bakersfield calendar for Friday, January 10, 2014 , will be held in the U.S. Courthouse, 510 19th Street, Bakersfield, California.

9:00 A.M.

1. [13-17160](#)-B-7 SCOTT/JACQUELINE BARTEL STATUS CONFERENCE RE: COMPLAINT
[13-1126](#) 11-12-13 [[1](#)]
U.S. TRUSTEE V. BARTEL ET AL
GREGORY POWELL/Atty. for pl.

2. [13-11271](#)-B-7 SUKHJINDER SINGH STATUS CONFERENCE CONTINUED RE:
[13-1083](#) COMPLAINT
TOOR V. SINGH 7-23-13 [[1](#)]
WILLIAM OLCOTT/Atty. for pl.
RESPONSIVE PLEADING

9:30 A.M.

1. [12-17199](#)-B-7 GURSEV KAUR
[12-1188](#)
VETTER V. KAUR
RENE LASTRETO/Atty. for pl. FINAL PRE-TRIAL CONFERENCE RE:
AMENDED COMPLAINT
11-16-12 [[6](#)]
2. [12-17199](#)-B-7 GURSEV KAUR
[12-1188](#) LRP-1
VETTER V. KAUR
RENE LASTRETO/Atty. for mv. CONTINUED MOTION TO COMPEL
RESPONSIVE PLEADING 11-8-13 [[62](#)]
3. [12-17199](#)-B-7 GURSEV KAUR
CRS-1
GURSEV KAUR/MV
CONTINUED OBJECTION TO CLAIM OF
YULECXY HERNANDEZ, CLAIM NUMBER
1
9-30-13 [[40](#)]
CYNTHIA SCULLY/Atty. for dbt.
RESPONSIVE PLEADING
4. [12-17199](#)-B-7 GURSEV KAUR
CRS-2
GURSEV KAUR/MV
CYNTHIA SCULLY/Atty. for dbt. CONTINUED OBJECTION TO CLAIM OF
RESPONSIVE PLEADING MARIA CAMARENA, CLAIM NUMBER 2
9-30-13 [[46](#)]

10:00 A.M.

1. [13-16530](#)-B-7 FELIX/VICTORIA PASILLAS ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-16-13 [[28](#)]
FEE PAID

The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.

2. [05-14537](#)-B-7 STEVEN SMITH MOTION TO AVOID LIEN OF
PWG-7 HOUSEHOLD BANK (SB) N.A.
STEVEN SMITH/MV 12-13-13 [[49](#)]
PHILLIP GILLET/Atty. for dbt.

The motion will be denied without prejudice. The debtor seeks to avoid a judicial lien attached to an interest in real property located on Clara Court in Bakersfield. The Clara Court property was not disclosed on the debtor's original bankruptcy schedules and the creditor/respondent, Household Bank (S.B.) N.A., was not given notice of this bankruptcy. In addition, the debtor needs to produce evidence to show that he owned an interest in the Clara Court property, and the nature of the interest in the property, at the time the judgment lien attached in June 2005. The debtor filed an application to reopen this case for the purpose of prosecuting this motion, but he did not request permission to amend his schedules and the appointment of a chapter 7 trustee to review and administer the undisclosed asset.

In addition, it is not clear that the motion identifies and was served on the proper respondent. The pleadings were served on HSBC Bank USA, N.A. The debtor needs to produce evidence to show that HSBC Bank USA, N.A., is the current holder of the judicial lien and the motion needs to name HSBC Bank USA, N.A., as the respondent.

Finally, the motion is not supported by sufficient evidence to establish the value of the Clara Court property at the time the petition was filed in June 2005. No appearance is necessary.

3. [05-14537](#)-B-7 STEVEN SMITH
PWG-8
STEVEN SMITH/MV
PHILLIP GILLET/Atty. for dbt.

MOTION TO AVOID LIEN OF ACCESS
CAPITAL SERVICES INC
12-13-13 [[54](#)]

The motion will be denied without prejudice. The debtor seeks to avoid a judicial lien attached to an interest in real property located on Clara Court in Bakersfield. The Clara Court property was not disclosed on the debtor's original bankruptcy schedules. In addition, the debtor needs to produce evidence to show that he owned an interest in the Clara Court property, and the nature of the interest in the property, at the time the judgment lien attached in March 2006. The debtor filed an application to reopen this case for the purpose of prosecuting this motion, but he did not request permission to amend his schedules and the appointment of a chapter 7 trustee to review and administer the undisclosed asset.

In addition, the motion is not supported by sufficient evidence to establish the value of the Clara Court property at the time the petition was filed in June 2005. No appearance is necessary. No appearance is necessary.

4. [05-14537](#)-B-7 STEVEN SMITH
PWG-9
STEVEN SMITH/MV
PHILLIP GILLET/Atty. for dbt.

MOTION TO AVOID LIEN OF CITI
BANK (SOUTH DAKOTA) N.A.
12-13-13 [[59](#)]

The motion will be denied without prejudice. The debtor seeks to avoid a judicial lien attached to an interest in real property located on Clara Court in Bakersfield. The Clara Court property was not disclosed on the debtor's original bankruptcy schedules. In addition, the debtor needs to produce evidence to show that he owned an interest in the Clara Court property, and the nature of the interest in the property, at the time the judgment lien attached in February 2005. The debtor filed an application to reopen this case for the purpose of prosecuting this motion, but he did not request permission to amend his schedules and the appointment of a chapter 7 trustee to review and administer the undisclosed asset.

In addition, the evidence supporting this motion includes an abstract of judgment in favor of Access Capital Services, Inc. The motion is not supported by evidence of the respondent's judicial lien.

Finally, the motion is not supported by sufficient evidence to establish the value of the Clara Court property at the time the petition was filed in June 2005. No appearance is necessary.

5. [13-16843](#)-B-7 BRIAN STEPHENS MOTION TO COMPEL ABANDONMENT
NES-1 11-18-13 [[13](#)]
BRIAN STEPHENS/MV
NEIL SCHWARTZ/Atty. for dbt.
RESPONSIVE PLEADING

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

6. [13-13062](#)-B-7 CECILY WATERMAN MOTION TO SELL
KDG-3 12-13-13 [[28](#)]
JEFFREY VETTER/MV
LEONARD WELSH/Atty. for dbt.
LISA HOLDER/Atty. for mv.

7. [13-14474](#)-B-7 JENNIFER TALIULU CONTINUED MOTION TO AVOID LIEN
FPS-1 OF DISCOVER BANK
JENNIFER TALIULU/MV 10-7-13 [[21](#)]
FRANK SAMPLES/Atty. for dbt.
WITHDRAWN

The matter has been withdrawn and the bankruptcy case has been closed. No appearance is necessary.

8. [13-17177](#)-B-7 CARLOS/MARIA MORENO MOTION FOR RELIEF FROM
JEB-1 AUTOMATIC STAY
SAFE 1 CREDIT UNION/MV 12-10-13 [[11](#)]
CURTIS FLOYD/Atty. for dbt.
JAMES BURBOTT/Atty. for mv.
NOTICED INCORRECTLY

This motion for relief from the automatic stay will be denied without prejudice. The movant failed to file a separate relief from stay information sheet pursuant to Local Rule 4001-1(c).

In addition, the form and/or content of the notice do not comply with Local Rule 9014-1(d). No appearance is necessary.

9. [13-15980](#)-B-7 JOAQUIN SALDANA CONTINUED MOTION TO AVOID LIEN
RSW-1 OF ASSET CAPITAL RECOVERY
JOAQUIN SALDANA/MV GROUP, LLC 11-18-13 [[13](#)]
ROBERT WILLIAMS/Atty. for dbt.

10. [11-19294](#)-B-7 DEBRA TWISSELMAN MOTION TO SELL AND/OR MOTION TO
KDG-6 COMPROMISE CONTROVERSY/APPROVE
RANDELL PARKER/MV SETTLEMENT AGREEMENT WITH
THOMAS GLEN TWISSELMAN 12-13-13 [[92](#)]
ROBERT BRUMFIELD/Atty. for dbt.
LISA HOLDER/Atty. for mv.

11. [13-16833](#)-B-7 JOSEPH JONES
JMV-1

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
11-25-13 [[11](#)]

12. 13-16620-B-7 AMBER LOWE

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
12-11-13 [26]

10:30 A.M.

1. [13-17401](#)-B-7 NANCY HOYEM
SW-1
WELLS FARGO BANK, N.A./MV
ASHTON DUNN/Atty. for dbt.
TORIANA HOLMES/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
12-10-13 [[10](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. 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 proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

2. [13-16210](#)-B-7 KURTIS/SARAH CAID
PK-1
PATRICK KAVANAGH/MV
FRANK SAMPLES/Atty. for dbt.
PATRICK KAVANAGH/Atty. for mv.

FINAL HEARING RE: MOTION FOR
RELIEF FROM AUTOMATIC STAY
11-20-13 [[16](#)]

This motion was originally noticed as a preliminary hearing, to be heard in Fresno. Pursuant to the response of debtors' counsel, and the court's civil minute order dated December 17, 2013, this matter was set for a final hearing in Bakersfield and opposition was required to be filed and served by January 3, 2014. No opposition has been filed. Therefore, the motion will be granted without oral argument for cause shown. 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 proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

3. [13-16722](#)-B-7 RALPH/VICKY KERMODE
PD-1
WELLS FARGO BANK, N.A./MV
CURTIS FLOYD/Atty. for dbt.
DHRUV SHARMA/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-25-13 [[15](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. 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 proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

4. [13-16238](#)-B-7 HECTOR FERNANDEZ
KER-1
NATIONSTAR MORTGAGE LLC/MV
KEEFE ROBERTS/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
12-5-13 [[14](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. 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 proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

5. [13-16843](#)-B-7 BRIAN STEPHENS
PD-1
WELLS FARGO BANK, N.A./MV
NEIL SCHWARTZ/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
12-5-13 [[18](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. 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 proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

6. [13-17090](#)-B-7 JOSH BECKHAM
ABG-1
KINECTA FEDERAL CREDIT
UNION/MV
ROBERT WILLIAMS/Atty. for dbt.
MARK BLACKMAN/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-21-13 [[9](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. 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 proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

11:00 A.M.

1. [13-16342](#)-B-7 JERRY DONALDSON SR AND REAFFIRMATION AGREEMENT WITH
WANDA DONALDSON BANK OF AMERICA, N.A.
11-5-13 [[14](#)]
ASHTON DUNN/Atty. for dbt.
WITHDRAWN

This matter will be dropped from calendar. The reaffirmation agreement has been rescinded and is not enforceable against the debtors. No appearance is necessary.

2. [13-15452](#)-B-7 MARIA GARCIA PRO SE REAFFIRMATION AGREEMENT
WITH GATEWAY ONE LENDING &
FINANCE, LLC
11-8-13 [[13](#)]
CURTIS FLOYD/Atty. for dbt.

The hearing will be dropped from calendar. The court is not approving or denying approval of the reaffirmation agreement. Debtor was represented by counsel when she entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The reaffirmation agreement, in the absence of a declaration by debtor's counsel, does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable. In addition, 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. No appearance is necessary at this hearing.

3. [13-15671](#)-B-7 RICHARD ECKOLS PRO SE REAFFIRMATION AGREEMENT
WITH STATE FARM BANK, FSB
11-26-13 [[26](#)]
ROBERT BRENNER/Atty. for dbt.

The hearing will be dropped from calendar. The court is not approving or denying approval of the reaffirmation agreement. Debtor was represented by counsel when she entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The reaffirmation agreement, in the absence of a declaration by debtor's counsel, does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable. In addition, both the reaffirmation agreement and the bankruptcy schedules show that the reaffirmation of this debt creates a presumption of undue hardship which could have been rebutted by the attorney's certification. No appearance is necessary at this hearing.

4. [13-16177](#)-B-7 RAMON MIRANDA

PRO SE REAFFIRMATION AGREEMENT
WITH FORD MOTOR CREDIT COMPANY
(2010 FORD F150)
11-8-13 [[12](#)]

OSCAR SWINTON/Atty. for dbt.

The hearing will be dropped from calendar. The court is not approving or denying approval of the reaffirmation agreement. Debtor was represented by counsel when he entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). In this case, the debtors' attorney affirmatively represented that he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

In addition, 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. No appearance is necessary at this hearing.

5. [13-16177](#)-B-7 RAMON MIRANDA

PRO SE REAFFIRMATION AGREEMENT
WITH FORD MOTOR CREDIT COMPANY
- (2011 FORD FUSION)
11-8-13 [[15](#)]

OSCAR SWINTON/Atty. for dbt.

The hearing will be dropped from calendar. The court is not approving or denying approval of the reaffirmation agreement. Debtor was represented by counsel when he entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). In this case, the debtors' attorney affirmatively represented that he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

In addition, 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. No appearance is necessary at this hearing.

6. [12-12380](#)-B-7 CATHY THOMAS

REAFFIRMATION AGREEMENT WITH
WELLS FARGO BANK, N.A.
11-22-13 [[23](#)]

ROBERT WILLIAMS/Atty. for dbt.
DISCHARGED

Approval of the reaffirmation agreement will be denied. Pursuant to 11 USC §524(c)(1), an agreement to reaffirm a dischargeable debt is enforceable only if the agreement was entered into before the granting of the discharge. Here, the reaffirmation agreement is dated November 14, 2013. The debtor's discharge was entered on July 23, 2012. No appearance is necessary.

7. [13-16782](#)-B-7 FREDRICK/MERRY EMERSON

REAFFIRMATION AGREEMENT WITH
BANK OF AMERICA, N.A.
12-13-13 [[12](#)]

STEVEN STANLEY/Atty. for dbt.

1:30 P.M.

1. [09-15600](#)-B-13 RANDY SPICER
LKW-5
LEONARD WELSH/MV

LEONARD WELSH/Atty. for dbt.
- MOTION FOR COMPENSATION FOR
LEONARD K. WELSH, DEBTOR'S
ATTORNEY(S),
12-5-13 [[122](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

2. [10-61900](#)-B-13 EDWARD/DEBRA COPELAND
PK-5
EDWARD COPELAND/MV
PATRICK KAVANAGH/Atty. for dbt.
- OBJECTION TO CLAIM OF BANK OF
AMERICA, N.A., CLAIM NUMBER 6
11-27-13 [[180](#)]

This matter will be continued to February 5, 2014, at 1:30 p.m. The objection was not served on respondent's counsel pursuant to the request for special notice filed on November 15, 2013. The debtors cite no authority for the relief requested, complete disallowance of the claim. The court will prepare a minute order. No appearance is necessary.

3. [10-61900](#)-B-13 EDWARD/DEBRA COPELAND
PK-6
EDWARD COPELAND/MV
PATRICK KAVANAGH/Atty. for dbt.
- MOTION TO MODIFY PLAN
11-27-13 [[173](#)]
4. [10-61900](#)-B-13 EDWARD/DEBRA COPELAND
PK-7
EDWARD COPELAND/MV
PATRICK KAVANAGH/Atty. for dbt.
- OBJECTION TO CLAIM OF BANK OF
AMERICA, N.A., CLAIM NUMBER 17
11-27-13 [[184](#)]

This matter will be continued to February 5, 2014, at 1:30 p.m. The objection was not served on respondent's counsel pursuant to the request for special notice filed on November 15, 2013. The debtors cite no authority for the relief requested, complete disallowance of the claim. The court will prepare a minute order. No appearance is necessary.

5. [12-19404](#)-B-13 ANNA CATALAN
NLG-1
SETERUS, INC./MV

D. HARELIK/Atty. for dbt.
NICHOLE GLOWIN/Atty. for mv.
- MOTION TO APPROVE LOAN
MODIFICATION AND/OR MOTION FOR
CONSENT TO ENTER INTO LOAN
MODIFICATION AGREEMENT
12-11-13 [[26](#)]

6. [12-14708](#)-B-13 DAVID/PATRICIA BELL MOTION TO MODIFY PLAN
PLG-3 11-19-13 [[54](#)]
DAVID BELL/MV
RABIN POURNAZARIAN/Atty. for dbt.

7. [13-10113](#)-B-13 WAYNE/ROSITA HELM MOTION TO MODIFY PLAN
PWG-2 11-12-13 [[45](#)]
WAYNE HELM/MV
PHILLIP GILLET/Atty. for dbt.

This matter will be continued to February 5, 2014, at 1:30 p.m. The court will prepare a minute order. No appearance is necessary. The debtors are proposing to modify a confirmed chapter 13 plan. The court must determine, *inter alia*, that the modified plan is proposed in good faith. However, the motion is devoid of any information or evidence that would inform the creditors and the court as to what specific term(s) is (are) being modified in the plan and why. The moving papers contain pages of boilerplate statements that appear to have little bearing on the matter before the court. The motion fails to give adequate notice of the relief being sought. No appearance is necessary.

8. [09-19520](#)-B-13 JESSE BERNAL AND IRENE MOTION TO VALUE COLLATERAL OF
PWG-3 WESIR BERNAL U.S. BANK NATIONAL ASSOCIATION
JESSE BERNAL/MV 12-2-13 [[47](#)]
PHILLIP GILLET/Atty. for dbt.

This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary.

This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.

9. [13-14331](#)-B-13 RITA BLACK MOTION FOR RELIEF FROM
RCO-2 AUTOMATIC STAY
GREEN TREE SERVICING LLC/MV 11-22-13 [[97](#)]
KRISTI WELLS/Atty. for mv.
CASE DISMISSED

This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

10. [11-13738](#)-B-13 MARVIN BUCKLEY
NLG-1
RESIDENTIAL CREDIT SOLUTIONS,
INC./MV
PHILLIP GILLET/Atty. for dbt.
NICHOLE GLOWIN/Atty. for mv.
NON-OPPOSITION

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-21-13 [[77](#)]

This motion for relief from the automatic stay will be denied as moot. The secured claim relating to this collateral is provided for in either Class 3 or Class 4 of the debtor(s) confirmed chapter 13 plan. Upon confirmation of the chapter 13 plan, the automatic stay was modified for this claim to permit enforcement of the creditor's remedies with regard to the collateral so long as this case remains in chapter 13. No attorney's fees will be awarded in relation to this motion. No appearance is necessary.

11. [11-10648](#)-B-13 ROBERT/TERESA LYTLE
RSW-1
ROBERT LYTLE/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO MODIFY PLAN
11-22-13 [[52](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

12. [13-15657](#)-B-13 GARY SAMPLEY
PK-2
GARY SAMPLEY/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

RESCHEDULED HEARING RE: MOTION
TO CONFIRM PLAN
10-30-13 [[25](#)]

13. [10-64264](#)-B-13 SONYA BRACKLEY
CRS-1
SONYA BRACKLEY/MV
CYNTHIA SCULLY/Atty. for dbt.
WITHDRAWN

MOTION TO SELL
12-11-13 [[43](#)]

The motion has been withdrawn. No appearance is necessary.

14. [13-13664](#)-B-13 JERRY JANUARY CONTINUED MOTION TO VALUE
PK-3 COLLATERAL OF LOZANO FAMILY
JERRY JANUARY/MV TRUST
10-23-13 [[174](#)]

PATRICK KAVANAGH/Atty. for dbt.
CASE DISMISSED

This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

15. [13-14691](#)-B-13 CARL BLACK MOTION FOR RELIEF FROM
RCO-3 AUTOMATIC STAY
GREEN TREE SERVICING LLC/MV 11-22-13 [[74](#)]
KRISTI WELLS/Atty. for mv.
CASE DISMISSED

This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

16. [13-17292](#)-B-13 DEWAYNE MORRIS MOTION TO VALUE COLLATERAL OF
PLG-2 HSBC BANK USA, N.A.
DEWAYNE MORRIS/MV 12-17-13 [[21](#)]
RABIN POURNAZARIAN/Atty. for dbt.

The motion will be denied without prejudice. The moving papers were not served 28 days before the hearing in compliance with LBR 9014-1(f)(1). The motion was not noticed in compliance with LBR 9014-1(f)(2). No appearance is necessary.

17. [10-64693](#)-B-13 GLENN/ELIZABETH DOBBS MOTION FOR COMPENSATION BY THE
LKW-7 LAW OFFICE OF LAW OFFICES OF
LEONARD WELSH/MV LEONARD K. WELSH FOR LEONARD K.
WELSH, DEBTOR'S ATTORNEY(S),
12-10-13 [[98](#)]

LEONARD WELSH/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

18. [13-16227](#)-B-13 DAVID/DIANA MITCHELL OBJECTION TO CONFIRMATION OF
MHM-1 PLAN BY MICHAEL H. MEYER
MICHAEL MEYER/MV 12-23-13 [[29](#)]
ROBERT WILLIAMS/Atty. for dbt.
MICHAEL MEYER VS.

19. [11-63847](#)-B-13 PAUL WALKER AND PAMULA
PWG-1 WILBORNE - WALKER
PAUL WALKER/MV
PHILLIP GILLET/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
HSBC BANK USA, N.A.
12-23-13 [[80](#)]

This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary.

This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.

2:00 P.M.

1. [13-13631](#)-B-13 NELSON/MARGARET DELGADO
MHM-1
MICHAEL MEYER/MV
- MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE
12-6-13 [[39](#)]

ROBERT WILLIAMS/Atty. for dbt.

This matter will be continued to February 5, 2014, at 1:30 p.m., to be heard with the debtors' motion to confirm a modified plan. The court will prepare a minute order. No appearance is necessary.

2. [11-11439](#)-B-13 SOPHIA WILLIAMS
MHM-2
MICHAEL MEYER/MV
- MOTION TO DISMISS CASE AND/OR
MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS ,
MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
12-11-13 [[89](#)]

PATRICK KAVANAGH/Atty. for dbt.

3. [11-17873](#)-B-13 KEVIN/TONIA MAXWELL
MHM-1
MICHAEL MEYER/MV
- MOTION TO DISMISS CASE FOR
UNREASONABLE DELAY THAT IS
PREJUDICIAL TO CREDITORS AND/OR
MOTION TO DISMISS CASE
12-27-13 [[94](#)]

ROBERT WILLIAMS/Atty. for dbt.

3:00 P.M.

1. [13-16845](#)-B-11 KEYSTONE MINE MANAGEMENT CONTINUED CHAPTER 11 STATUS
II CONFERENCE
10-29-13 [[7](#)]

PHILLIP GILLET/Atty. for dbt.

2. [13-16845](#)-B-11 KEYSTONE MINE MANAGEMENT MOTION TO APPOINT TRUSTEE
JET-1 II 11-26-13 [[36](#)]
JOHN HAGESTAD/MV
PHILLIP GILLET/Atty. for dbt.
WILLIAM LOBEL/Atty. for mv.