

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

January 24, 2017 at 10:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

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

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.

3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.

4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	14-91400-D-13 CJY-3	JERROLD/SHARON BUER	MOTION TO MODIFY PLAN 12-19-16 [40]
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2.	16-90909-D-13 MJH-2	STEFANIE LETSINGER	MOTION TO CONFIRM PLAN 12-8-16 [29]
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3. 11-93613-D-13 CHARLES/CORINNE CORNEJO MOTION TO VALUE COLLATERAL OF
CJY-2 SPECIALIZED LOAN SERVICING,
LLC/U.S. BANK, N.A.
12-21-16 [49]

Final ruling:

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

4. 12-92040-D-13 JOHN/ROBYN FITZGERALD MOTION TO MODIFY PLAN
CJY-3 12-12-16 [58]

Final ruling:

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

5. 16-90749-D-13 ALEXANDER/JOANNE CAPOUS CONTINUED MOTION TO VALUE
NFG-1 COLLATERAL OF STONESTEPS
CAPITAL PARTNERS I, LLC
10-4-16 [21]

6. 16-90749-D-13 ALEXANDER/JOANNE CAPOUS MOTION TO CONFIRM PLAN
NFG-3 12-16-16 [48]

7. 14-90456-D-13 EDWARD/ANGELA SPEAR MOTION TO MODIFY PLAN
RLF-3 12-5-16 [58]

Final ruling:

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

8. 16-90159-D-13 ASHUR SHIBA MOTION TO RECONSIDER
MRG-1 12-29-16 [57]

9. 11-93266-D-13 JESSE/ROSA GONZALES MOTION TO VALUE COLLATERAL OF
CJY-4 SPECIALIZED LOAN SERVICING, LLC
12-30-16 [83]

10. 14-91070-D-13 HARVEY/KIMIKO HENDRIX AMENDED MOTION TO MODIFY PLAN
MJD-1 12-19-16 [73]

11. 16-90079-D-13 DANIEL HARTER
MSN-1

MOTION TO MODIFY PLAN
12-12-16 [20]

Final ruling:

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

12. 16-90595-D-13 HERBERT LONG
BSH-1

MOTION TO CONFIRM PLAN
12-9-16 [48]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving papers contain the same docket control number used for an earlier motion in this case, contrary to LBR 9014-1(c); and (2) the moving party utilized an outdated service list, and therefore, failed to serve the creditors filing Claim Nos. 11 - 15 at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g). In fact, it appears the moving party failed to serve some of those creditors at all. In addition, the amended plan that is the subject of this motion is identical to the plan that was the subject of the earlier motion, a motion that was denied. In fact, at the hearing on that earlier motion, the debtor's counsel stated that the trustee's opposition (which was identical to his opposition to this motion) was well-founded. The court therefore is unable to find that the plan has been proposed in good faith.

For the reasons stated, the motion will be denied by minute order. No appearance is necessary.

13. 14-90915-D-13 MERCEDITA TALAROC
MC-2

MOTION TO APPROVE LOAN
MODIFICATION
1-10-17 [35]

14. 13-91750-D-13 CHRISTY BENAFIELD
SW-1
ALLY FINANCIAL, INC. VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-11-17 [81]

15. 16-90362-D-13 KRISTOPHER/JULIE NABORS
BSH-3

CONTINUED MOTION TO CONFIRM
PLAN
11-17-16 [62]