

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

February 7, 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.	16-91006-D-13	JOHNNY RIVAS	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 12-16-16 [14]
	RDG-1		

2.	11-94222-D-13	SHELLEY SHAHEN	CONTINUED MOTION TO MODIFY PLAN 7-5-16 [107]
	DCJ-6		

3. 16-90327-D-13 FREDERICK/MARY JOHNSTON MOTION TO CONFIRM PLAN
PBG-2 12-23-16 [78]

JOINT DEBTOR DISMISSED:
07/27/2016

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.

4. 16-90935-D-13 ANTONIO LOA AND CHRISTY MOTION TO CONFIRM PLAN
MJD-1 RAMIREZ 12-16-16 [46]

5. 16-90455-D-13 DANIEL GONSALVES MOTION FOR RELIEF FROM
EMM-1 AUTOMATIC STAY
DEUTSCHE BANK NATIONAL TRUST 12-29-16 [55]
COMPANY VS.

Final ruling:

This matter is resolved without oral argument. This is Deutsche Bank National Trust Company's motion for relief from automatic stay. The court records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that the debtor only has a possessory interest in the property and creditor's interest in the property is not adequately protected. Accordingly, the court finds there is cause for granting relief from stay. As the creditor has conducted a pre-petition foreclosure on the property, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

6. 15-90257-D-13 BRANDEN/DEONA HALL MOTION TO SELL
CJY-3 1-12-17 [45]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

7. 16-90959-D-13 KARMELA BADELBOU CONTINUED OBJECTION TO
RDG-1 CONFIRMATION OF PLAN BY RUSSELL
D. GREER
12-19-16 [14]

8. 16-90965-D-13 JESSIE/PATRICIA SANTOS CONTINUED OBJECTION TO
RDG-2 CONFIRMATION OF PLAN BY RUSSELL
D. GREER
12-16-16 [29]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

9. 16-90868-D-13 LISA COOPER OBJECTION TO DEBTOR'S CLAIM OF
RDG-4 EXEMPTIONS
12-30-16 [68]

Final ruling:

This is the trustee's objection to the debtor's claims of exemption. On January 6, 2017, the debtor filed an amended Schedule C. As a result of the filing of the amended Schedule C, the present objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

10. 16-90969-E-7 JEREMY PANNELL OBJECTION TO DEBTOR'S CLAIM OF
RDG-2 EXEMPTIONS
12-19-16 [14]

Final ruling:

This case has been converted to chapter 7 on the debtor's notice and transferred to Dept. E. As such, the hearing on this motion is continued to February 23, 2017 at 10:30 a.m., to be heard by Hon. Ronald H. Sargis. No appearance is necessary on February 7, 2017.

11. 16-90976-D-13 KURT/MARIA OBISPO
TOG-1

MOTION TO CONFIRM PLAN
12-15-16 [24]

12. 11-93984-D-13 DAVID GAMEZ
CJY-2

MOTION TO VALUE COLLATERAL OF
WELLS FARGO BANK
1-4-17 [33]

Final ruling:

The matter is resolved without oral argument. This is the debtor's motion to value the secured claim of Wells Fargo Bank 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 debtor's 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 Wells Fargo Bank's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

13. 11-93992-D-13 HERMAN/YVONNE PLAYER
CJY-4

MOTION TO VALUE COLLATERAL OF
SPECIALIZED LOAN SERVICING, LLC
1-4-17 [51]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Specialized Loan Servicing, LLC 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's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

14. 14-91400-D-13 JERROLD/SHARON BUER
CJY-3

CONTINUED MOTION TO MODIFY PLAN
12-19-16 [40]

15. 16-91053-D-13 BRADFORD/WENDY SUMMERS OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
1-13-17 [22]

Final ruling:

This case was dismissed on January 24, 2017. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

16. 15-90257-D-13 BRANDEN/DEONA HALL MOTION TO INCUR DEBT
CJY-4 1-16-17 [50]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

17. 16-91065-D-13 FRANKIE/CHERYL ACOSTA OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
1-13-17 [15]

18. 16-91065-D-13 FRANKIE/CHERYL ACOSTA OBJECTION TO CONFIRMATION OF
MRC-1 PLAN BY WELLS FARGO BANK,
NATIONAL ASSOCIATION
1-20-17 [18]

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| 19. | 14-91070-D-13
MJD-1 | HARVEY/KIMIKO HENDRIX | CONTINUED AMENDED MOTION TO
MODIFY PLAN
12-19-16 [73] |
| 20. | 10-90991-D-13
CJY-2 | JASON/AMANDA MILLARD | MOTION TO AVOID LIEN OF
CITIBANK, N.A.
1-19-17 [99] |
| 21. | 10-90991-D-13
CJY-3 | JASON/AMANDA MILLARD | MOTION TO AVOID LIEN OF
AMERICAN EXPRESS CENTURION BANK
1-19-17 [105] |