

UNITED STATES BANKRUPTCY COURT  
Eastern District of California

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

February 23, 2021 at 2:00 p.m.

ALL APPEARANCES MUST BE TELEPHONIC  
(Please see the court's website for instructions.)

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1.	<a href="#">20-20640</a> -C-13	MICHAEL/JEANNINE SASO	CONTINUED MOTION TO DISMISS
	<a href="#">RDG-2</a>	Sarah Lamp Little	CASE
			1-6-21 [ <a href="#">58</a> ]

**Final Ruling:** No appearance at the February 23, 2021 hearing is required.  
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The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dckt. 61.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

**The hearing on the Motion to Dismiss is continued to March 9, 2021 at 1:30 p.m.**

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtors have not confirmed a plan, and there is no pending motion seeking to confirm a plan.

The debtor filed a Motion to Confirm Second Amended Plan set for hearing March 9, 2021. The court shall continue this hearing to be heard alongside that Motion.

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 to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer ("Trustee"), having been presented to the court, and upon review of the

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pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the hearing on the Motion to Dismiss is continued to March 9, 2021 at 1:30 p.m.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dckt. 43.

**The Motion to Dismiss is granted, and the case is dismissed.**

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on January 12, 2021.

A review of the docket confirms the first amended plan was denied confirmation, and no plan is set for confirmation hearing. Dckt. 37.

The Motion also argues debtor is \$2,850 delinquent in plan payments, which is supported by declaration. Dckt. 42.

Failure to confirm a plan and maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). The Motion is granted, and the case is 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 Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer ("Trustee"), 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 to Dismiss is granted, and the case is dismissed.

3. [17-24479](#)-C-13 TERRY SMITH  
Peter Macaluso

ORDER TO SHOW CAUSE - FAILURE  
TO TENDER FEE FOR FILING  
TRANSFER OF CLAIM  
1-25-21 [[80](#)]

No Tentative Ruling:

**The Order To Show Cause is ~~XXXXXX~~**

The court issued this Order To Show Cause because Partners for Payment Relief DE II, LLC, filed a Transfer Of Claim Other Than For Security (Dkt. 75), but did not pay the \$26.00 filing fee.

A review of the docket shows the payment has still not been made.

At the hearing, ~~XXXXXXXXXXXXXXXXXX~~

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  
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