

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Wednesday, February 26, 2014
Place: Department B – Courtroom #12
Fresno, 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.

10:00 A.M.

1. [13-16705](#)-B-7 JOHN ARANJO MOTION TO AVOID LIEN OF GE
FJG-1 CAPITAL RETAIL BANK
JOHN ARANJO/MV 1-14-14 [[16](#)]
F. GIST/Atty. for dbt.

The motion will be denied without prejudice. No appearance is necessary. The record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

2. [13-17709](#)-B-7 ALICIA ALVARADO MOTION TO DISMISS CASE FOR
SAS-1 FAILURE TO PROVIDE TAX
SHERYL STRAIN/MV DOCUMENTS
1-17-14 [[11](#)]

THOMAS GILLIS/Atty. for dbt.
SHERYL STRAIN/Atty. for mv.
WITHDRAWN

The motion has been withdrawn. No appearance is necessary.

3. [13-16717](#)-B-7 DAVID HOWELL MOTION TO AVOID LIEN OF CACH,
DRJ-1 LLC
DAVID HOWELL/MV 1-21-14 [[14](#)]
DAVID JENKINS/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.

4. [13-17720](#)-B-7 SHAWN CABLE MOTION TO DISMISS CASE PURSUANT
UST-1 TO 11 U.S.C. SECTION 707(B)
TRACY DAVIS/MV 1-16-14 [[11](#)]
SCOTT LYONS/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.

This matter will be continued to March 12, 2014, at 10:00 a.m., to be heard with the debtor's motion to convert the case to chapter 13. The court will prepare a minute order. No appearance is necessary.

5. [13-18021](#)-B-7 ROBERTO DURAN MOTION FOR WAIVER OF THE
CHAPTER 7 FILING FEE OR OTHER
ROBERTO DURAN/MV FEE
12-26-13 [5]
ROBERTO DURAN/Atty. for mv.

6. [13-11123](#)-B-7 MARIO/RACHEL GUTIERREZ MOTION TO APPROVE INTERIM
PLF-4 DISTRIBUTION
JAMES SALVEN/MV 1-29-14 [82]
ALBERT GARCIA/Atty. for dbt.
PETER FEAR/Atty. for mv.

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.

7. [13-11123](#)-B-7 MARIO/RACHEL GUTIERREZ MOTION FOR COMPENSATION FOR
PLF-5 PETER L. FEAR, TRUSTEE'S
PETER FEAR/MV ATTORNEY(S),
1-29-14 [87]
ALBERT GARCIA/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.

8. [12-17425](#)-B-7 BETTINA VILLANUEVA MOTION TO AVOID LIEN OF BRETT
MBB-1 TAYLOR
BETTINA VILLANUEVA/MV 12-20-13 [61]
BETTINA VILLANUEVA/Atty. for mv.

The motion is denied without prejudice. The moving papers were not served on the respondents who must be served pursuant to FRBP 7004. In addition, the motion was not supported by admissible evidence, including a copy of the judicial lien to be avoided.

In addition, the moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c). Docket Control number MBB-1 has been used for two prior motions, both of which have already been denied.

Finally, the subject property has not been exempted. No appearance is necessary.

9. [12-17425](#)-B-7 BETTINA VILLANUEVA
MBB-2
BETTINA VILLANUEVA/MV
BETTINA VILLANUEVA/Atty. for mv.

MOTION TO AVOID LIEN OF NORTH
STAR CAPITAL ACQUISITION LLC
12-20-13 [[63](#)]

The motion is denied without prejudice. The moving papers were not served on the respondents who must be served pursuant to FRBP 7004. In addition, the motion was not supported by admissible evidence, including a copy of the judicial lien to be avoided.

In addition, the subject property has not been exempted. No appearance is necessary.

10. [12-17425](#)-B-7 BETTINA VILLANUEVA
MBB-3
BETTINA VILLANUEVA/MV
BETTINA VILLANUEVA/Atty. for mv.

MOTION TO AVOID LIEN OF NORTH
STAR CAPITAL ACQUISITION
12-20-13 [[65](#)]

The motion is denied without prejudice. The moving papers were not served on the respondents who must be served pursuant to FRBP 7004. In addition, the motion was not supported by admissible evidence, including a copy of the judicial lien to be avoided.

In addition, the subject property has not been exempted. No appearance is necessary.

11. [14-10032](#)-B-7 EDUARDO/MARIA MENDOZA

J. IRIGOYEN/Atty. for dbt.
FEE PAID 2/3/14

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-3-14 [[24](#)]

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

12. [13-14833](#)-B-7 STEPHEN GARCIA
RHT-2
ROBERT HAWKINS/MV
GARY HUSS/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.
NON-OPPOSITION

MOTION TO ABANDON
1-17-14 [[40](#)]

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.

13. [13-11642](#)-B-7 MERCED MILLING COMPANY, MOTION TO SELL
SAS-2 LLC 1-28-14 [[80](#)]
SHERYL STRAIN/MV
THOMAS ARMSTRONG/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

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.

14. [12-14045](#)-B-7 JAMES SMITH MOTION TO AVOID LIEN OF
MAT-2 COMMERCIAL TRADE, INC.
JAMES SMITH/MV 1-29-14 [[25](#)]
MARCUS TORIGIAN/Atty. for dbt.

This motion will be denied. The record and the moving documents show that the grant deed reflecting the debtor's interest in the subject property was recorded on May 26, 2011. The lien sought to be avoided attached when the abstract of judgement was recorded on April 26, 2011. It does not appear that the debtor had an interest in the property at the time the lien attached. *Farrey v. Sanderfoot, 111 S.Ct. 667.* No appearance is necessary.

15. [12-14045](#)-B-7 JAMES SMITH MOTION TO AVOID LIEN OF TIME
MAT-3 PAYMENT CORP
JAMES SMITH/MV 1-29-14 [[29](#)]
MARCUS TORIGIAN/Atty. for dbt.
RESPONSIVE PLEADING

This motion will be denied. The record and the moving documents show that the grant deed reflecting the debtor's interest in the subject property was recorded on May 26, 2011. The lien sought to be avoided attached when the abstract of judgement was recorded on May 10, 2011. It does not appear that the debtor had an interest in the property at the time the lien attached. *Farrey v. Sanderfoot, 111 S.Ct. 667.* No appearance is necessary.

16. [12-14045](#)-B-7 JAMES SMITH MOTION TO AVOID LIEN OF
MAT-4 INVESTORS PROPERTY MANAGEMENT
JAMES SMITH/MV AND/OR ASSIGNEE JATINDER CHOPRA
1-29-14 [[33](#)]

MARCUS TORIGIAN/Atty. for dbt.
RESPONSIVE PLEADING

This motion will be denied. The record and the moving documents show that the grant deed reflecting the debtor's interest in the subject property was recorded on May 26, 2011. The lien sought to be avoided attached when the abstract of judgement was recorded on May 11, 2010. It does not appear that the debtor had an interest in the property at the time the lien attached. *Farrey v. Sanderfoot, 111 S.Ct. 667.* No appearance is necessary.

17. [12-14045](#)-B-7 JAMES SMITH MOTION TO AVOID LIEN OF STATE
MAT-5 LABOR COMMISSIONER CHIEF
JAMES SMITH/MV 1-29-14 [[37](#)]
MARCUS TORIGIAN/Atty. for dbt.

This motion will be denied. The record and the moving documents show that the grant deed reflecting the debtor's interest in the subject property was recorded on May 26, 2011. The lien sought to be avoided attached when the abstract of judgement was recorded on March 7, 2011. It does not appear that the debtor had an interest in the property at the time the lien attached. *Farrey v. Sanderfoot, 111 S.Ct. 667.* No appearance is necessary.

18. [12-60054](#)-B-7 DWIGHT/NELLIE LONG MOTION TO SELL
RHT-8 1-17-14 [[91](#)]
ROBERT HAWKINS/MV
LAYNE HAYDEN/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.
RESPONSIVE PLEADING

19. [12-60054](#)-B-7 DWIGHT/NELLIE LONG MOTION TO SELL FREE AND CLEAR
RHT-9 OF LIENS
ROBERT HAWKINS/MV 2-5-14 [[96](#)]
LAYNE HAYDEN/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

20. [13-17756](#)-B-7 PAQUITA GRIMES MOTION TO DISMISS CASE
JES-1 1-27-14 [[15](#)]
JAMES SALVEN/MV
ERIK GRAEFF/Atty. for dbt.
JAMES SALVEN/Atty. for mv.

21. [13-17756](#)-B-7 PAQUITA GRIMES
JES-1
ERIK GRAEFF/Atty. for dbt.

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
1-20-14 [[11](#)]

22. [13-17257](#)-B-7 MARY MORENO
JES-1
JAMES SALVEN/MV
TIMOTHY SPRINGER/Atty. for dbt.
JAMES SALVEN/Atty. for mv.

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
1-17-14 [[12](#)]

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

23. [13-15262](#)-B-7 JACOB KIRBY
TMT-2
TRUDI MANFREDO/MV
JEFF REICH/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

MOTION TO SELL
1-24-14 [[27](#)]

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.

24. [13-17862](#)-B-7 OLIVIA PALACIOS

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
1-23-14 [[15](#)]

25. [11-61965](#)-B-7 G.R. ELLIOTT
PLF-2 CONSTRUCTION, INC.
ROBERT HAWKINS/MV
JUSTIN HARRIS/Atty. for dbt.
PETER FEAR/Atty. for mv.

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH LARRY JETT AND
GARY ELLIOTT
1-28-14 [[60](#)]

26. [13-18065](#)-B-7 NICOLAS/SHANNON NOLAN MOTION OPPOSING AUTOMATIC
RHT-1 ABANDONMENT OF VEHICLE FROM THE
ROBERT HAWKINS/MV BANKRUPTCY ESTATE
1-29-14 [[17](#)]

MARK ZIMMERMAN/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

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.

27. [13-16981](#)-B-7 SILVIA PADILLA MOTION TO CONVERT CASE FROM
GGL-1 CHAPTER 7 TO CHAPTER 13
SILVIA PADILLA/MV 2-11-14 [[24](#)]
GEORGE LOGAN/Atty. for dbt.

28. [12-18909](#)-B-7 HARJINDER/JASVIR GILL MOTION FOR ORDER AUTHORIZING
KDG-7 TRUSTEE TO OPERATE BUSINESS ON
PETER FEAR/MV INTERIM BASIS UNTIL JULY 31,
2014
2-14-14 [[381](#)]

THOMAS GILLIS/Atty. for dbt.
LISA HOLDER/Atty. for mv.
OST 2/18

10:30 A.M.

1. [13-17203](#)-B-7 SAUL MEDINA AND ROSA MOTION FOR RELIEF FROM
PD-1 GAYTAN AUTOMATIC STAY
WELLS FARGO BANK, N.A./MV 1-17-14 [[18](#)]
JONATHAN CAHILL/Atty. for mv.

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. [14-10025](#)-B-7 JOSHUA/JESSICA COLLINS
ADR-1
MICHAEL MAIO/MV
MARTHA PASSALAQUA/Atty. for dbt.
ANTHONY ROWE/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-27-14 [[13](#)]

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.

3. [13-11837](#)-B-7 STRONGTOWER FINANCIAL,
FWP-2 INC., A CALIFORNIA
WESTCHESTER SURPLUS LINES
INSURANCE COMPANY/MV
TRUDI MANFREDO/Atty. for dbt.
JOSEPH GIBBONS/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-28-14 [[42](#)]

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. [13-18037](#)-B-7 ANNIE MCCOOL MOTION FOR RELIEF FROM
DJP-1 AUTOMATIC STAY
EDUCATIONAL EMPLOYEES CREDIT 2-11-14 [[13](#)]
UNION/MV
JANINE ESQUIVEL/Atty. for dbt.
DON POOL/Atty. for mv.
5. [11-10142](#)-B-7 SERGIO/SANDRA DIAZ MOTION FOR RELIEF FROM
CJO-1 AUTOMATIC STAY
OCWEN LOAN SERVICING, LLC/MV 1-29-14 [[43](#)]
VIVIAN SAN JOSE/Atty. for dbt.
CHRISTINA O/Atty. for mv.
DISCHARGED
6. [13-17743](#)-B-7 DEBBIE HARDCASTLE MOTION FOR RELIEF FROM
SW-1 AUTOMATIC STAY
WELLS FARGO BANK N.A./MV 2-5-14 [[13](#)]
JEFF REICH/Atty. for dbt.
TORIANA HOLMES/Atty. for mv.

This motion for relief from the automatic stay will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion. No appearance is necessary.

7. [12-18658](#)-B-7 FRANCISCO/ANA CEJA
JH-1
NATIONSTAR MORTGAGE, LLC/MV
ALLAN WILLIAMS/Atty. for dbt.
JOSH HARRISON/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-27-14 [[36](#)]

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.

8. [12-13965](#)-B-7 WILLFRED RUSSELL
RCO-1
US BANK NATIONAL
ASSOCIATION/MV
JOSEPH ARNOLD/Atty. for dbt.
KRISTI WELLS/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-28-14 [[79](#)]

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.

9. [11-13782](#)-B-7 JOSEPH/MELINDA POWELL
PD-1
US BANK, NATIONAL
ASSOCIATION/MV
JERRY LOWE/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-27-14 [[48](#)]

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.

10. [13-16896](#)-B-7 CYNTHIA RANSOM
TRS-1
RICHARD RE/MV
TRAVIS STOKES/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-29-14 [[32](#)]

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. [13-16801](#)-B-7 GARY/THERESA POLZIEN REAFFIRMATION AGREEMENT WITH
CAPITAL ONE AUTO FINANCE
1-17-14 [[17](#)]

MARK ZIMMERMAN/Atty. for dbt.

2. [13-17647](#)-B-7 THEOPLIS TOBIE AND PRO SE REAFFIRMATION AGREEMENT
JENIFER JONES TOBIE WITH SANTANDER CONSUMER USA,
INC.
2-7-14 [[18](#)]

SCOTT SAGARIA/Atty. for dbt.

The hearing will be dropped from calendar. The court is not approving or denying approval of the reaffirmation agreement. Debtor(s) was (were) represented by counsel when he/she/they 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. The Debtor(s) shall have 14 days to refile the reaffirmation agreement properly signed and endorsed by the attorney. No appearance is necessary at this hearing.

3. [13-17891](#)-B-7 JACQUELINE KITCHENS CONTINUED PRO SE REAFFIRMATION
AGREEMENT WITH FRESNO COUNTY
FEDERAL CREDIT UNION (CJIM)
1-23-14 [[11](#)]