

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement  
Fresno Federal Courthouse  
2500 Tulare Street, 5<sup>th</sup> Floor  
Courtroom 11, Department A  
Fresno, California

**PRE-HEARING DISPOSITIONS**

**DAY:** WEDNESDAY  
**DATE:** MARCH 11, 2020  
**CALENDAR:** 3:00 P.M. CHAPTERS 13 AND 12 CASES

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

**No Ruling:** All parties will need to appear at the hearing unless otherwise ordered.

**Tentative Ruling:** If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

**Final Ruling:** Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

**Orders:** Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

1. [20-10100](#)-A-12     **IN RE: TRANQUILITY PISTACHIO, LLC**

STATUS CONFERENCE CONTINUED RE: CHAPTER 12 VOLUNTARY  
PETITION  
1-13-2020    [[1](#)]

NOEL KNIGHT/ATTY. FOR DBT.

**Final Ruling**

The Status Conference is continued to March 18, 2020 at 3:00 p.m. to be heard in conjunction with the Motion for Relief from Stay, MB-2.

2. [20-10100](#)-A-12     **IN RE: TRANQUILITY PISTACHIO, LLC**  
[MB-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
2-10-2020    [[24](#)]

SUSAN KILSDONK/MV  
NOEL KNIGHT/ATTY. FOR DBT.  
HAGOP BEDOYAN/ATTY. FOR MV.  
RESPONSIVE PLEADING.

**Final Ruling**

Stipulation and Order, ECF #57, continues this Motion to March 18, 2020 at 3:00 p.m.

3. [19-10404](#)-A-13     **IN RE: MARIA VASQUEZ**  
[BDB-2](#)

MOTION TO MODIFY PLAN  
2-4-2020    [[46](#)]

MARIA VASQUEZ/MV  
BENNY BARCO/ATTY. FOR DBT.

**Final Ruling**

**Motion:** Modify Chapter 13 Plan

**Notice:** LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** prepared by trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(2), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded

facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan modification is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. "[T]he only limits on modification are those set forth in the language of the Code itself, coupled with the bankruptcy judge's discretion and good judgment in reviewing the motion to modify." *In re Powers*, 202 B.R. 618, 622 (B.A.P. 9th Cir. 1996).

Chapter 13 debtors seeking plan modification have the burden of proving that all requirements of § 1322(a) and (b) and § 1325(a) have been met. See 11 U.S.C. §§ 1322(a)-(b), 1325(a), 1329(b)(1); see also *In re Powers*, 202 B.R. at 622 ("[Section] 1329(b)(1) protects the parties from unwarranted modification motions by ensuring that the proposed modifications satisfy the same standards as required of the initial plan."); see also *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994); *In re Andrews*, 49 F.3d 1404, 1408 (9th Cir. 1995).

The court finds that the debtor has sustained this burden of proof. The court will grant the motion and approve the modification.

4. [19-13308](#)-A-13     **IN RE: MICHAEL/CECELIA BLANCO**  
[APN-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
2-6-2020    [[60](#)]

FORD MOTOR CREDIT COMPANY/MV  
PHILLIP GILLET/ATTY. FOR DBT.  
AUSTIN NAGEL/ATTY. FOR MV.  
RESPONSIVE PLEADING.

**No Ruling**

5. [20-10109](#)-A-13    **IN RE: MICHAEL PENA**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.  
MEYER  
2-19-2020    [[16](#)]

JERRY LOWE/ATTY. FOR DBT.

**Tentative Ruling**

**Objection:** Trustee's Objection to Confirmation of Plan

**Notice:** LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

**Disposition:** Sustained and confirmation denied

**Order:** Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

The plan does not comply with 11 U.S.C. § 1325(a)(1) under grounds of feasibility, liquidation, disposable income and failure to file tax returns. The schedules, plan and statements are incomplete and/or inaccurate. The Trustee has not yet concluded the Meeting of the Creditors as Debtor failed to appear at the 341 hearing on February 18, 2020. The continued meeting will be held on March 24, 2020.

**CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

6. [20-10509](#)-A-13    **IN RE: EDDIE CALDWELL**  
[TCS-1](#)

MOTION TO EXTEND AUTOMATIC STAY  
2-24-2020    [[8](#)]

EDDIE CALDWELL/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.

**No Ruling**

7. [20-10110](#)-A-13    **IN RE: ANGEL DIAZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
2-18-2020    [[15](#)]

MARK HANNON/ATTY. FOR DBT.  
\$80.00 INSTALLMENT PAYMENT 2/25/20

**Final Ruling**

The installment having been paid, the order to show cause is discharged. The case will remain pending.

8. [20-10110](#)-A-13    **IN RE: ANGEL DIAZ**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.  
MEYER  
2-19-2020    [[16](#)]

MARK HANNON/ATTY. FOR DBT.

**Tentative Ruling**

**Objection:** Trustee's Objection to Confirmation of Plan

**Notice:** LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

**Disposition:** Sustained and confirmation denied

**Order:** Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

The debtor has failed to provide the trustee with required or requested documents. See 11 U.S.C. § 521(a)(3)-(4). Trustee has not received any 122C-2 required documents or documents that trustee

requested to perform under his § 1302 and 1304 duties. Trustee cannot determine if the debtor engaged in business under § 1304 or if the case meets disposable income or liquidation or feasibility.

The plan does not comply with 11 U.S.C. § 1325(a)(4) feasibility requirements due to lack of documents stated above.

The plan does not comply with 11 U.S.C. § 1325(a)(6) liquidation requirements due to lack of documents stated above.

Debtor has not filed all applicable tax returns required by 11 U.S.C. § 1325(a)(9). Debtor testified at the meeting of the creditors that he had not yet filed his 2019 tax returns. The trustee provided the debtor with a continuance through March 9, 2020. Debtor must provide proof that he filed all 2019 tax returns on or before that date or the case shall be dismissed pursuant to section § 1308. The plan cannot be confirmed until debtor provides evidence of filing.

The plan does not comply with 11 U.S.C. § 1325(b) disposable income requirements due to lack of documents stated above.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

9. [18-14713](#)-A-13    **IN RE: BRIAN/KARI COLEMAN**  
[SL-2](#)

MOTION TO INCUR DEBT  
2-25-2020    [[57](#)]

BRIAN COLEMAN/MV  
SCOTT LYONS/ATTY. FOR DBT.

**Tentative Ruling**

**Motion:** Approve New Debt [Vehicle Loan]

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor seeks to incur new debt to finance the purchase of a vehicle. Amended Schedules I and J have been filed indicating that the debtor can afford both the plan payment and the proposed monthly loan payment of principal and interest that would result from obtaining this financing. The court will grant the motion, and the trustee will approve the order as to form and content.

10. [19-14541](#)-A-13    **IN RE: MOSES/SONIA MALDONADO**  
[JMM-1](#)

MOTION TO CONFIRM PLAN  
1-27-2020    [[30](#)]

MOSES MALDONADO/MV  
JEFFREY MEISNER/ATTY. FOR DBT.  
DISMISSED 2/23/20

**Final Ruling**

The case having been dismissed, the matter is dropped as moot.

11. [18-14242](#)-A-13     **IN RE: ELIZABETH FRANCO**  
[SL-4](#)

MOTION TO MODIFY PLAN  
1-21-2020   [\[90\]](#)

ELIZABETH FRANCO/MV  
SCOTT LYONS/ATTY. FOR DBT.

### **Final Ruling**

**Motion:** Modify Chapter 13 Plan

**Notice:** LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** prepared by trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(2), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan modification is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. "[T]he only limits on modification are those set forth in the language of the Code itself, coupled with the bankruptcy judge's discretion and good judgment in reviewing the motion to modify." *In re Powers*, 202 B.R. 618, 622 (B.A.P. 9th Cir. 1996).

Chapter 13 debtors seeking plan modification have the burden of proving that all requirements of § 1322(a) and (b) and § 1325(a) have been met. See 11 U.S.C. §§ 1322(a)-(b), 1325(a), 1329(b)(1); see also *In re Powers*, 202 B.R. at 622 ("[Section] 1329(b)(1) protects the parties from unwarranted modification motions by ensuring that the proposed modifications satisfy the same standards as required of the initial plan."); see also *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994); *In re Andrews*, 49 F.3d 1404, 1408 (9th Cir. 1995).

The court finds that the debtor has sustained this burden of proof. The court will grant the motion and approve the modification.

12. [19-14442](#)-A-13     **IN RE: ANTONIO CASTANEDA**  
[MHM-6](#)

MOTION TO DISMISS CASE  
2-7-2020   [[54](#)]

MICHAEL MEYER/MV  
THOMAS GILLIS/ATTY. FOR DBT.

**Final Ruling**

This motion having been withdrawn, the court will drop this matter from the calendar as moot.

13. [19-14642](#)-A-13     **IN RE: GARY/PATRICIA MARTINEZ**  
[EPE-2](#)

MOTION TO CONFIRM PLAN  
1-30-2020   [[39](#)]

GARY MARTINEZ/MV  
ERIC ESCAMILLA/ATTY. FOR DBT.

**Final Ruling**

**Motion:** Confirm Chapter 13 Plan  
**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required  
**Disposition:** Granted  
**Order:** prepared by trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(1), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

14. [19-11043](#)-A-13     **IN RE: SAMUEL MUNGUIA**  
[MHM-2](#)

OBJECTION TO CLAIM OF CAVALRY SPV I, LLC, CLAIM NUMBER 1  
1-13-2020    [[38](#)]

MICHAEL MEYER/MV  
THOMAS GILLIS/ATTY. FOR DBT.  
DISMISSED 2/23/20

**Final Ruling**

The case having been dismissed, the matter is dropped as moot.

15. [19-15345](#)-A-7     **IN RE: JUAN PENA**  
[MHM-1](#)

MOTION TO DISMISS CASE  
2-10-2020    [[18](#)]

MICHAEL MEYER/MV  
WILLIAM OLCOTT/ATTY. FOR DBT.

**Final Ruling**

This case having been converted into a Chapter 7 (ECF 33), the court will drop this motion from the calendar as moot.

16. [20-10056](#)-A-13     **IN RE: MARK CASTRO**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.  
MEYER  
2-19-2020    [[13](#)]

**Tentative Ruling**

**Objection:** Trustee's Objection to Confirmation of Plan

**Notice:** LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

**Disposition:** Sustained and confirmation denied

**Order:** Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

This plan does not comply with 11 U.S.C. § 1325(a)(1). Trustee has not received any required documents to determine feasibility,

liquidation, or disposable income. Debtor has also failed to provide tax returns. The Trustee has not yet concluded the Meeting of the Creditors as Debtor failed to appear at the 341 hearing on February 18, 2020. The continued meeting will be held on March 24, 2020.

**CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

17. [20-10056](#)-A-13     **IN RE: MARK CASTRO**  
[RPZ-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY PENNYMAC LOAN SERVICES,  
LLC  
2-25-2020    [[20](#)]

PENNYMAC LOAN SERVICES, LLC/MV  
ROBERT ZAHRADKA/ATTY. FOR MV.

**No Ruling**

18. [19-12557](#)-A-12     **IN RE: FRANK/SUSAN FAGUNDES**  
[WJH-11](#)

MOTION TO SELL  
2-13-2020    [[132](#)]

FRANK FAGUNDES/MV  
RILEY WALTER/ATTY. FOR DBT.

**No Ruling**

19. [19-15081](#)-A-13     **IN RE: CHRISTOPHER/KERRI TYSON**  
[SL-1](#)

MOTION TO VALUE COLLATERAL OF WELLS FARGO BANK N.A.  
1-23-2020    [[18](#)]

CHRISTOPHER TYSON/MV  
SCOTT LYONS/ATTY. FOR DBT.

**Final Ruling**

**Motion:** Value Collateral [Personal Property; Motor Vehicle]

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the respondent is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

**VALUATION OF COLLATERAL**

Chapter 13 debtors may value collateral by noticed motion. Fed. R. Bankr. P. 3012. Section 506(a) of the Bankruptcy Code provides, "An allowed claim of a creditor secured by a lien on property in which the estate has an interest . . . is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property" and is unsecured as to the remainder. 11 U.S.C. § 506(a). For personal property, value is defined as "replacement value" on the date of the petition. *Id.* § 506(a)(2). For "property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." *Id.* The costs of sale or marketing may not be deducted. *Id.*

A debtor's ability to value collateral consisting of a motor vehicle is limited by the terms of the hanging paragraph of § 1325(a). See 11 U.S.C. § 1325(a) (hanging paragraph). Under this statute, a lien secured by a motor vehicle cannot be stripped down to the collateral's value if: (i) the lien securing the claim is a purchase money security interest, (ii) the debt was incurred within the 910-day period preceding the date of the petition, and (iii) the motor vehicle was acquired for the debtor's personal use. 11 U.S.C. § 1325(a) (hanging paragraph).

In this case, the debtor seeks to value collateral consisting of a motor vehicle described as a 2016 Kia Sedona. The debt owed to the respondent is not secured by a purchase money security interest. See 11 U.S.C. § 1325(a) (hanging paragraph). The court values the vehicle at \$12,139.00.

## CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to value collateral consisting of a motor vehicle has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The personal property collateral described as a 2016 Kia Sedona has a value of \$12,139.00. No senior liens on the collateral have been identified. The respondent has a secured claim in the amount of \$12,139.00 equal to the value of the collateral that is unencumbered by senior liens. The respondent has a general unsecured claim for the balance of the claim.

20. [19-13984](#)-A-13     **IN RE: CURTIS ALLEN AND CHARLOTTE JACKSON**  
[EPE-1](#)

CONTINUED MOTION TO CONFIRM PLAN  
1-9-2020    [\[33\]](#)

CURTIS ALLEN/MV  
ERIC ESCAMILLA/ATTY. FOR DBT.  
RESPONSIVE PLEADING.

### Final Ruling

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** prepared by trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(1), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*,

32 F.3d 405, 407-08 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

21. [20-10189](#)-A-13     **IN RE: JOSHUA CRABLE**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.  
MEYER  
2-19-2020    [[15](#)]

THOMAS MOORE/ATTY. FOR DBT.

**Tentative Ruling**

**Objection:** Trustee's Objection to Confirmation of Plan

**Notice:** LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

**Disposition:** Sustained and confirmation denied

**Order:** Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

Debtor has taken improper exemptions to which the trustee will be objecting. Debtor exempted 100% of his bank accounts and his tax refunds under CCP 704.070 and has failed to demonstrate that these are "paid earnings" or that they were subject to an "earnings withholding order." The case is not ready for confirmation at this time under 11 U.S.C. § 1325(a)(4).

The Debtor(s) have not filed all applicable tax returns required by 11 U.S.C. § 1325(a)(9). Debtor testified at the meeting of the creditors that he had not yet filed his 2019 tax returns. The trustee provided the debtor with a continuance through March 9, 2020. Debtor must provide proof that he filed all 2019 tax returns on or before that date or the case shall be dismissed pursuant to section § 1308. The plan cannot be confirmed until debtor provides evidence of filing.

Debtor is claiming an expense on Schedule J that reflects that he will be paying the solar panels direct. However, the solar panel claim is listed in Class 1 to be paid through the plan. Therefore, debtor is not providing all of his disposable income to his unsecured creditors under 11 U.S.C. § 1325(b).

Debtor has not yet filed the motion to value as indicated in the plan in accordance with L.B.R. 3015-1(i).

**CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

22. [18-14592](#)-A-13     **IN RE: MICHAEL/RANDI KESTNER**  
[RPZ-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-20-2019   [[89](#)]

U.S. BANK NATIONAL  
ASSOCIATION/MV  
STEPHEN LABIAK/ATTY. FOR DBT.  
ROBERT ZAHRADKA/ATTY. FOR MV.  
RESPONSIVE PLEADING.

**Final Ruling**

The motion having been withdrawn, the matter is dropped as moot.

23. [14-14894](#)-A-13     **IN RE: RYAN/JEANA MENKE**  
[MHM-1](#)

CONTINUED MOTION TO DISMISS CASE  
1-8-2020   [[30](#)]

MICHAEL MEYER/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.

**Final Ruling**

This motion having been withdrawn, the court will drop this matter from the calendar as moot.

24. [18-14394](#)-A-13    **IN RE: DEREK WHITFIELD**  
[SL-1](#)

MOTION TO MODIFY PLAN  
1-8-2020    [[41](#)]

DEREK WHITFIELD/MV  
SCOTT LYONS/ATTY. FOR DBT.

**No Ruling**