

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

April 7, 2015 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.	15-90007-D-13	FELIPE VELASCO AND ALMA	MOTION TO CONFIRM PLAN
	BSH-1	CARRENO	2-21-15 [16]

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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

2. 15-90007-D-13 FELIPE VELASCO AND ALMA MOTION TO VALUE COLLATERAL OF
BSH-2 CARRENO WELLS FARGO BANK, N.A.
2-21-15 [21]

Final ruling:

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

3. 15-90011-D-13 JOHN CURRY MOTION TO VALUE COLLATERAL OF
JAD-1 AMERICAN GENERAL
FINANCIAL/SPRINGLEAF FINANCIAL
2-19-15 [18]

Final ruling:

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

4. 13-91812-D-13 DOUGLAS/KAREN METCALFE MOTION TO BORROW
SSA-10 2-26-15 [146]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion to borrow is supported by the record. As such the court will grant the motion to borrow by minute order. No appearance is necessary.

5. 13-91812-D-13 DOUGLAS/KAREN METCALFE MOTION TO MODIFY PLAN
SSA-9 2-10-15 [138]

6. 14-91620-D-13 SHANE MILLER CONTINUED OBJECTION TO
RDG-1 CONFIRMATION OF PLAN BY RUSSELL
D. GREER
2-9-15 [17]

7. 11-92924-D-13 GARY GERVAISE MOTION FOR HARDSHIP DISCHARGE
BSH-3 3-9-15 [35]

Final ruling:

This is the debtor's motion for a hardship discharge pursuant to § 1328(b) of the Code. No party-in-interest has filed opposition; however, the court is not prepared to consider the motion at this time because the moving party failed to serve all creditors. The moving party served all creditors who have filed claims in this case but failed to serve mortgage creditor Oak Valley Community Bank, listed on his Schedule D, at all, and failed to serve American General Finance and Shell/Citibank at their addresses listed on his Schedule F. As the moving party seeks a discharge of all debts, the motion directly affects these creditors.

The hearing will be continued to April 21, 2015 at 10:00 a.m. No later than April 7, 2015, the moving party shall file a notice of continued hearing and serve it, together with the motion and supporting documents, on the previously-omitted creditors listed above. The moving party shall file a proof of service no later than April 24, 2015.

The hearing will be continued by minute order. No appearance is necessary on April 7, 2015.

8. 14-90628-D-13 DAVID/KARYN GARCIA OBJECTION TO CLAIM OF FANNIE
SSA-7 MAE, CLAIM NUMBER 13
2-23-15 [91]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

9. 15-90028-D-13 RAFAEL REYNA OBJECTION TO CONFIRMATION OF
EGS-1 PLAN BY BAYVIEW LOAN SERVICING,
LLC
2-17-15 [21]

10. 15-90028-D-13 RAFAEL REYNA OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
3-9-15 [38]
11. 15-90043-D-13 CAMERINO GAMBOA OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
3-9-15 [26]
12. 13-92052-D-13 RALPH KLAUSER MOTION TO TEMPORARILY SUSPEND
MRP-3 PLAN PAYMENTS
3-3-15 [63]

Final ruling:

This is the debtor's motion to temporarily suspend plan payments. The motion will be denied for the following reasons: (1) the moving party failed to serve either of the two creditors who have filed claims in this case at the addresses on their proofs of claim; and (2) the notice of hearing gives the deadline for filing opposition, but does not contain the cautionary language required by LBR 9014-1(d)(3).

As a result of these service and notice defects, the court need not reach the issues raised by the trustee at this time. However, the trustee's objection appears to be well taken. The motion will be denied by minute order. No appearance is necessary.

13. 12-91356-D-13 CARLOS/JENNIE PERAL MOTION TO MODIFY PLAN
CJY-6 2-24-15 [65]

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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

14. 14-91471-D-13 MORIS/KATRINE KOOCHOF MOTION TO CONFIRM PLAN
BSH-1 2-21-15 [20]

15. 14-90589-D-13 ELMER/POLLY KULP MOTION TO MODIFY PLAN
CJY-2 2-16-15 [23]

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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

16. 11-93492-D-13 KEVIN/BOBBIE YOUNG CONTINUED MOTION TO MODIFY PLAN
MLP-9 1-28-15 [148]

17. 12-91095-D-13 FELIPE/CARMEN HERCULES MOTION TO MODIFY PLAN
CJY-4 2-19-15 [121]

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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

18. 10-90099-D-13 RICHARD/EVELYN COFFEE MOTION TO VALUE COLLATERAL OF
CJY-1 JPMORGAN CHASE BANK, N.A.
3-12-15 [42]
19. 10-90413-D-13 GLENN/MONIET PARTO MOTION TO VALUE COLLATERAL OF
CJY-5 BANK OF AMERICA, N.A.
3-17-15 [74]
20. 10-94321-D-13 SIMONE FRANK MOTION TO INCUR DEBT
JDP-3 3-18-15 [47]
21. 15-90226-D-13 JOHNNY/TAMARA MATTHEWS MOTION TO EXTEND AUTOMATIC STAY
DCJ-1 3-24-15 [14]

22. 12-90176-D-13 KURT/ROSEANNA SHAKAL
CJY-3

MOTION TO INCUR DEBT
3-17-15 [39]