

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable René Lastreto II**  
**Hearing Date: April 12, 2017**  
**Place: Department B – Courtroom #13**  
**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 an 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.

**THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.**

9:30 A.M.

1. [15-12702](#)-B-7 MARTIN STEBBEN CONTINUED OBJECTION TO CLAIM OF  
RH-3 FRANCHISE TAX BOARD, CLAIM  
PETER FEAR/MV NUMBER 5  
12-9-16 [[41](#)]  
  
GLEN GATES/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.  
RESPONSIVE PLEADING

The record shows that this matter has been resolved by stipulation of the parties. No appearance is necessary. If a proposed order is properly submitted with the stipulation attached, the court will enter an order.

2. [17-10218](#)-B-7 JESUS E. CONCHA AND MARIA OPPOSITION RE: TRUSTEE'S MOTION  
RHT-1 DEL CARMEN TORRES TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
3-3-17 [[11](#)]  
  
ROSALINA NUNEZ/Atty. for dbt.

**The motion is conditionally denied. Debtor's counsel shall notify his/her client that no appearance is necessary at this hearing. The court will issue an order.**

The debtors state that they did not receive the notice and their mail delivery is unreliable and that their attorney recommended they use a more reliable address for delivery of the court's notices. The court notes that the debtors did file a change of address on March 8, 2017.

The debtor shall attend the meeting of creditors rescheduled for May 4, 2017, at 11:00 a.m. If the debtor fail to do so, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

The time prescribed in Rules 1017(e) (1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtor's discharge or to move for dismissal of the case under section 707(b) is extended to 60 days after the conclusion of the meeting of creditors.

3. [17-10120](#)-B-7 STEVEN LAW  
TMT-1  
TRUDI MANFREDO/MV

MOTION TO EMPLOY GOULD AUCTION  
& APPRAISAL COMPANY AS  
AUCTIONEER, AUTHORIZING SALE OF  
PROPERTY AT PUBLIC AUCTION AND  
AUTHORIZING PAYMENT OF  
AUCTIONEER FEES AND EXPENSES  
3-17-17 [[12](#)]

SCOTT LYONS/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

**This matter will proceed as scheduled.**

**Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.**

4. [16-10521](#)-B-7 ALAN ENGLE  
PBB-1  
ALAN ENGLE/MV  
PETER BUNTING/Atty. for dbt.  
RESPONSIVE PLEADING

OBJECTION TO CLAIM OF ROCKY J.  
PIPKIN, CLAIM NUMBER 3  
2-15-17 [[118](#)]

**This matter will proceed as scheduled.**

5. [10-15127](#)-B-7 NORMA BAKER  
WEE-1  
NORMA BAKER/MV  
WILLIAM EDWARDS/Atty. for dbt.

MOTION TO AVOID LIEN OF  
HFC/HSBC  
3-16-17 [[75](#)]

For the third time, this motion and the other two motions to avoid liens will be denied without prejudice for numerous defects that are attributable to a lack of familiarity with the Local Rules of Bankruptcy Practice. No appearance is necessary. The court will issue an order. If the next motion to be filed does not comply with the local rules or suffers any other defect, it will be denied WITH PREJUDICE.

The moving papers do not include an appropriate docket control number as required by LBR 9014-1(c). Docket control number WEE-1, was already used for the motion to reopen the case.

Also, the exhibits do not comply with the Local Rules of Practice for the U.S. Bankruptcy Court, Eastern District of California, Appendix II, EDC.002-901, E.D. Cal. Bankruptcy Court's Guidelines for the Preparation of Documents (effective August 12, 2015), Section II.D. and Section IV.A.

In addition, the motion was filed without admissible supporting evidence, of the value of the property being protected, as required by LBR 9014-1(d) (7).

Finally, there is nothing in the record to show the motion was served on anyone.

This case was reopened to permit the debtor to file several motions to avoid liens on her homestead. If this motion is not properly filed, served, and set for hearing within 30 days the case will be re-closed and an additional fee will be required to reopen the case.

6. [10-15127](#)-B-7 NORMA BAKER  
WEE-1  
NORMA BAKER/MV  
WILLIAM EDWARDS/Atty. for dbt.

MOTION TO AVOID LIEN OF CAPITAL  
ONE  
3-16-17 [[78](#)]

For the third time, this motion and the other two motions to avoid liens will be denied without prejudice for numerous defects that are attributable to a lack of familiarity with the Local Rules of Bankruptcy Practice. No appearance is necessary. If the next motion to be filed does not comply with the local rules or suffers any other defect, it will be denied WITH PREJUDICE.

The moving papers do not include an appropriate docket control number as required by LBR 9014-1(c). Docket control number WEE-1, was already used for the motion to reopen the case.

Also, the exhibits do not comply with the Local Rules of Practice for the U.S. Bankruptcy Court, Eastern District of California, Appendix II, EDC.002-901, E.D. Cal. Bankruptcy Court's Guidelines for the Preparation of Documents (effective August 12, 2015), Section II.D. and Section IV.A.

In addition, the motion was filed without admissible supporting evidence, of the value of the property being protected, as required by LBR 9014-1(d) (7).

Finally, there is nothing in the record to show the motion was served on anyone.

This case was reopened to permit the debtor to file several motions to avoid liens on her homestead. If this motion is not properly filed, served, and set for hearing within 30 days the case will be re-closed and an additional fee will be required to reopen the case.

7. [10-15127](#)-B-7 NORMA BAKER  
WEE-1  
NORMA BAKER/MV  
WILLIAM EDWARDS/Atty. for dbt.

MOTION TO AVOID LIEN OF CAPITAL  
ONE  
3-16-17 [[81](#)]

For the third time, this motion and the other two motions to avoid liens will be denied without prejudice for numerous defects that are attributable to a lack of familiarity with the Local Rules of Bankruptcy Practice. No appearance is necessary. If the next motion to be filed does not comply with the local rules or suffers any other defect, it will be denied WITH PREJUDICE.

The moving papers do not include an appropriate docket control number as required by LBR 9014-1(c). Docket control number WEE-1, was already used for the motion to reopen the case.

Also, the exhibits do not comply with the Local Rules of Practice for the U.S. Bankruptcy Court, Eastern District of California, Appendix II, EDC.002-901, E.D. Cal. Bankruptcy Court's Guidelines for the Preparation of Documents (effective August 12, 2015), Section II.D. and Section IV.A.

In addition, the motion was filed without admissible supporting evidence, of the value of the property being protected, as required by LBR 9014-1(d) (7).

Finally, there is nothing in the record to show the motion was served on anyone.

This case was reopened to permit the debtor to file several motions to avoid liens on her homestead. If this motion is not properly filed, served, and set for hearing within 30 days the case will be re-closed and an additional fee will be required to reopen the case.

8. [16-14043](#)-B-7 MYRNA LOPEZ  
TOG-2  
MYRNA LOPEZ/MV  
THOMAS GILLIS/Atty. for dbt.

MOTION TO AVOID LIEN OF CALVARY  
SPV I, LLC  
3-8-17 [[29](#)]

**This motion will be denied without prejudice. The court will enter an order. No appearance is necessary.**

The motion to avoid the judicial lien was filed without supporting evidence, of the value of the debtor's home, as required by LBR 9014-1(d)(7). This is one of the reasons noted by the court when this motion was previously denied on March 1, 2016.

Although the motion states a value for the property, and that the value is "based upon the value of the debtor's personal opinion of the value of their real property (See Declaration of Debtor)," the declaration merely recites that the lien exceeds the property's value and contains no statement of fact based on personal opinion as to its value as a dollar amount.

9. 12-15547-B-7 DONNA/EVERETT DAVIS  
GH-2  
DINA WHITE/MV  
GARY HUSS/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION FOR OMNIBUS RELIEF UPON  
DEATH OF DEBTOR  
2-23-17 [248]

This matter will proceed as scheduled. There are new facts presented which need to be analyzed by the chapter 7 trustee. The court intends to enter the following tentative ruling:

The motion will be denied without prejudice because competent evidence has not been submitted that either the proposed successor or the objecting party is the proper successor/administrator or that a successor is appropriate.

First, the debtors' attorney filed the motion, however he represents the (now deceased) debtors and states, in the reply to the opposition, that he is not the attorney for or the representative of the Everett Davis estate. See, *In re Johnson*, 402 B.R. 313 (8th Cir. BAP, 2009). Nor does the debtors' attorney represent Dina White. The proper party to substitute in under FRCP 25 (FRBP 7025, 9014(c)) appears to be in dispute since the opposing party, Wei Jin, has submitted evidence that in 2011, before this case was filed, she and Mr. Davis married.

Second, when a chapter 7 debtor dies, "there are no procedural measures necessary in the bankruptcy case itself." *Hawkins v. Eads (In re Eads)*, 135 B.R. 380, 383 (E.D. Cal. 1991). "An essential element to substitution under Rule 25 is that the claim survived the death of the party. A timely motion for substitution can be granted only with respect to claims that are not extinguished by death. Fed.R.Civ.P. 25(a)(1). Each claim is examined independently." *In re Eads*, 135 B.R. at 384. "Abatement of a claim on death is a question of substance as to which federal law [governs] for federal claims. *Id.*, 385. The propriety of appointment of a successor is not clear in the moving papers.

Third, the proper party to substitute in is the successor or administrator of the Probate Estate, the identity of whom is unknown to the court. CCP §§ 377.21; 377.31; 377.32; Probate Code 7000 et seq. The court has discretion to either appoint a successor, or not to appoint a successor. FRCP 25(a), made applicable here to contested matters by FRBP 7025. This rule is procedural only and provides no substantive right to either party. *Wallace ex rel. Wallace v. Novartis Pharmaceuticals Corp.*, 984 F. Supp 2d. 377 (M.D. Pa., 2013). Some evidence of the proper successor, at least, is needed. *Kasting v. American Family Mut. Ins. Co., Inc*, 196 FRD 595, 598 (D. KS 2000).

10. [13-14352](#)-B-7 GLORIA DEL RIO  
ALG-2  
GLORIA DEL RIO/MV  
JANINE ESQUIVEL/Atty. for dbt.

MOTION TO AVOID LIEN OF NOVA  
CASUALTY COMPANY  
3-9-17 [[23](#)]

**This matter will be continued to April 26, 2017, at 9:30 a.m., for submission of additional evidence. The court will enter an order. No appearance is necessary.**

**The motion to avoid a judicial lien was filed without admissible supporting evidence, of the value of the property sought to be protected, as required by LBR 9014-1(d) (7). The additional evidence shall be filed by April 19, 2017.**

11. [16-14554](#)-B-7 BRIAN/DANA CUNNINGHAM  
B-2  
THE GOLDEN 1 CREDIT UNION/MV  
SCOTT LYONS/Atty. for dbt.  
VALERIE PEO/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
3-29-17 [[25](#)]

**The motion will proceed as scheduled.**

**Based on the stipulation, between the debtors, the creditor, and the trustee, filed March 8, 2017, and unless opposition is presented at the hearing, the court intends to grant the motion.**

**The court notes that the ECF docket did not show the docket control number, B-2, because the CM system does not recognize a single letter. However, LBR 9014-1(c) merely states, "The Docket Control Number shall consist of not more than three letters, which may be the initials of the attorney for the moving party . . . or the first three initials of the law firm for the moving party . . . ."**

12. [16-13860](#)-B-7 JANNET ANTUNA  
RHT-1  
ROBERT HAWKINS/MV  
OSCAR SWINTON/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.  
RESPONSIVE PLEADING

CONTINUED OBJECTION TO DEBTOR'S  
CLAIM OF EXEMPTIONS  
2-10-17 [[14](#)]

**This hearing will proceed as a scheduling conference and to set an evidentiary hearing on the issues outlined in this disposition.**

**The chapter 7 trustee filed an objection to the debtor's claim of the property located at 558 North Third Street Porterville, CA ("Porterville property") as an exempt homestead. The trustee argues that the debtor's schedules show the debtor's residence as 9044 Rd 236, Terra Bella, CA ("Terra Bella property") and that a preliminary title report relied on by both parties in this objection shows that the debtor transferred any interest in the Porterville property to Mr. de la Cruz and Ms. Cazares on August 15, 2015, over a year before the debtor filed this bankruptcy case.**

The debtor has presented evidence, her counsel's declaration and attached exhibits, that the transfer by the debtor of the Porterville property was rejected by the Tulare County Tax Assessor because a *lis pendens* was recorded encumbering the property before the transfer to Mr. de la Cruz and Ms. Cazares. In addition, debtor's counsel states that the address of the debtor's residence in the petition was incorrect and that the Porterville property is the correct address for the debtor's homestead. The debtor filed a change of address on January 18, 2017. (Doc. 18)

The debtor claimed a homestead exemption for her interest in the Porterville property (Doc. 1). The debtor elected California's "automatic" homestead exemption, CCP § 704.730. The trustee filed a timely objection on February 10, 2017. The court first heard the matter on March 15, 2017 and continued the matter to April 12, 2017 to allow the trustee to respond to the belated opposition filed by the debtor.

"The [automatic] exemption protects a 'homestead,' defined as a dwelling in which the debtor . . . resided on the date the judgment creditor's lien attached [in bankruptcy, the petition date] and has resided continuously until the court's determination that the dwelling is a homestead." CCP § 704.710(c). "Thus, this protection is available in bankruptcy if the debtor was living in the home on the petition date." *In re Pass*, 553 BR 749, 757 (9th Cir BAP, 2016).

The burden of proof is on the debtor to establish that she is entitled to the exemption. *In re Diaz*, 547 BR 329, 337 (9th Cir BAP, 2016); *In re Pashenee*, 531 BR 834, 836-39 (Bankr. E.D. Cal. 2015); *In re Tallerico*, 532 BR 774, 788 (Bankr. E.D. Cal. 2015). Homestead statutes are to be construed liberally in favor of the debtor. *Wells Fargo Financial Leasing, Inc. v. D & M Cabinets*, 177 Cal. App. 4th 59, 73 (2009) quoted by *Pass*, at 756. The proof submitted by the debtor consisted of her attorney's declaration. There is no foundation for any of counsel's personal knowledge of the crucial facts central to the debtor's claim:

1. Where the debtor lived at the time the petition was filed;
2. How long had she lived there;
3. That the "Tulare County Assessor" rejected the attempted transfer by the debtor to de la Cruz and Cazares;
4. That the "Terra Bella property" was in fact not the debtor's correct home address when the debtor filed bankruptcy;
5. Why the transfer from the debtor to de la Cruz and Cazares remains of record according to both parties' reference to the title report notwithstanding the assessor's "rejection" of the transfer;
6. What the assessor's request for clarification (Doc. 18) means to the debtor's title on the petition date.

A debtor's entitlement to claim exemptions is determined as of the original petition date. *Moffatt v. Habber (In re Moffatt)* 119 B.R. 201, 204 (9th Cir BAP, 1990); *Cisneros v. Kim, (In re Kim)* 257 BR 680, 685 (9th Cir BAP 2000).

Debtor's counsel's declaration is inadequate for another reason. Even if the court infers personal knowledge by counsel, the alleged "mistake" in identifying the, "Where do you live," information on the petition does not conclusively prove anything. California Code of Civil Procedure §704.710(a) defines a "Dwelling" as "a place where a person resides . . . ." There is no evidence that the debtor resided at the Porterville address at all or of any colorable interest supporting her homestead claim. See, e.g., *In re Donaldson*, 156 BR 51, 52 (Bankr. N.D. Cal. 1993). A debtor need not continuously own the property to claim a homestead. *In re Elliott* 523 BR 188, 196 (9th Cir BAP, 2014). To determine whether sufficient residency has been established to qualify for [California's] automatic homestead exemption, a court should consider "physical occupancy of the property and the intention with which the property is occupied." *Elliott*, p. 196. Nothing in counsel's declaration addresses this specifically. The change of address is merely an administrative requirement for debtors and the filing of that form by the debtor does not correct the status of the debtor's actual title or possession under some claim of right on the day of the filing of the bankruptcy. It does not retroactively change the state of record title or possessory interest as of the petition date.

The petition and schedules in this case raise serious questions about the debtor being able to properly claim the Porterville property as exempt. The court notes that the debtor answered question 11 on page 3 of the petition: "Do you rent your residence?" in the affirmative. Schedule A/B lists the Porterville property as a "Single-family home," the interest in the property, valued at \$69,114, held only by the debtor. Schedule D lists no creditors with an interest secured by any property, yet schedule J lists an expense of \$250 on question 4 as, "The rental or home ownership expense for your residence. Include first mortgage payments and any rent for the ground or lot."

The alleged effect argued by the debtor of the recorded *lis pendens* as extinguishing the pre-petition transfer of the Porterville property to de la Cruz/Cazares does not make sense. A recorded *lis pendens* simply provides constructive notice to any subsequent purchaser, encumbrancer or other transferee of the pendency of an action affecting real property. It does not prevent transfers after it is recorded. See CCP §405.24.

The preliminary title report that both parties offer to establish ownership of the property is nothing more than a hearsay statement by Fidelity National Title Company of the conditions under which it may have been able to issue a title insurance policy when the report was prepared. It is clearly excludable as hearsay evidence and does not fall within any exception. See FRE 803(14) (15). However, although it is only marginally relevant, FRE 401, 402, neither party has objected to its admission to establish the state of title as relevant to the motion. There is corroborating evidence that the reference in the report to the de la

Cruz/Cazares transfer is correct (Doc.18).

At the hearing the parties shall provide dates for discovery cutoff and for the hearing on this matter.

13. [15-14470](#)-B-7 RAUL/RAQUEL REYES MOTION TO PAY  
TGM-4 3-8-17 [[59](#)]  
PETER FEAR/MV  
STEVE FOX/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order in conformance with the ruling. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. Accordingly, the respondents' defaults will be entered.

14. [16-10771](#)-B-7 CHRIS/KIMBERLY KATELEY MOTION TO APPROVE STIPULATION TO  
TGM-3 SELL CO-OWNED REAL PROPERTY  
PETER FEAR/MV 3-22-17 [[61](#)]  
MARK ZIMMERMAN/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

This matter will proceed as scheduled.

Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

15. [16-12676](#)-B-7 NELLIE MOSQUEDA  
JES-1  
JAMES SALVEN/MV  
PATRICIA CARRILLO/Atty. for dbt.

MOTION TO SELL  
3-7-17 [[28](#)]

The motion will proceed as scheduled for higher and better bids only. The motion will be granted without oral argument based upon well-pled facts. The trustee shall submit a proposed order after hearing as specified below.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. It appears that the sale is a reasonable exercise of the trustee's business judgment.

16. [17-10281](#)-B-7 MONIKA ALONZO  
RHT-1

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING  
OF CREDITORS  
3-3-17 [[14](#)]

*The motion is conditionally denied. No appearance is necessary at this hearing. The court will issue an order.*

The debtor shall attend the meeting of creditors rescheduled for May 4, 2017, at 11:00 a.m. If the debtor fail to do so, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

The time prescribed in Rules 1017(e)(1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtor discharge or to move for dismissal of the case under section 707(b) is extended to 60 days after the conclusion of the meeting of creditors.

17. [17-10484](#)-B-7 ADAM MONARRES  
APN-1  
WELLS FARGO BANK, N.A./MV  
JEFFREY ROWE/Atty. for dbt.  
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
3-7-17 [[9](#)]

**The motion will be granted without oral argument for cause shown. Movant shall submit a proposed order as specified below. No appearance is necessary.**

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtor's and the trustee's defaults will be entered. 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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates.

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the debtor intends to surrender the collateral that is a depreciating asset.

18. [16-13285](#)-B-7 PAUL COOPER  
ELR-2  
ALTAONE FEDERAL CREDIT  
UNION/MV  
ASHTON DUNN/Atty. for dbt.  
ERIKA RASCON/Atty. for mv.  
WITHDRAWN

CONTINUED MOTION TO DISMISS  
CASE  
12-14-16 [[34](#)]

**This motion has been withdrawn. No appearance is necessary.**

19. [14-14593](#)-B-7 WAYNE HEAD  
TGM-10  
PETER FEAR/MV  
DAVID JENKINS/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

MOTION TO SELL  
3-22-17 [[151](#)]

**This matter will proceed as scheduled.**

Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

11:00 A.M.

1. [17-10330](#)-B-7 FAUSTO PAVIA

PRO SE REAFFIRMATION AGREEMENT  
WITH LES SCHWAB TIRE CENTERS OF  
CENTRAL CA, INC.  
3-16-17 [[14](#)]

**This matter will proceed as scheduled.**

2. [17-10548](#)-B-7 NATHANIEL SANDERS

PRO SE REAFFIRMATION AGREEMENT  
WITH MECHANICS BANK  
3-22-17 [[11](#)]

**This matter will proceed as scheduled.**

1:30 P.M.

1. [16-12310](#)-B-13 ROBIN RANK CONTINUED STATUS CONFERENCE RE:  
[16-1092](#) COMPLAINT  
MCT GROUP, INC. V. RANK 9-23-16 [[1](#)]  
ALAN WILLIAMS/Atty. for pl.  
RESPONSIVE PLEADING

**This matter will be dropped from calendar. No appearance is necessary. The record shows that the adversary proceeding has been settled by stipulated judgment and order of the court entered March 30, 2017.**

2. [16-12310](#)-B-13 ROBIN RANK ORDER TO SHOW CAUSE REGARDING  
[16-1092](#) DISMISSAL OF ADVERSARY  
MCT GROUP, INC. V. RANK PROCEEDING  
3-15-17 [[17](#)]  
JUDGMENT ENTERED

**This OSC will be vacated. No appearance is necessary. The record shows that the adversary proceeding has been settled by stipulated judgment and order of the court entered March 30, 2017.**

3. [17-10310](#)-B-13 TERRI BREST-TAYLOR STATUS CONFERENCE RE: COMPLAINT  
[17-1009](#) 2-10-17 [[1](#)]  
U.S. TRUSTEE V. BREST-TAYLOR  
GREGORY POWELL/Atty. for pl.  
RESPONSIVE PLEADING

**This matter will proceed as scheduled.**

4. [15-12948](#)-B-7 RAYMOND RENTERIA RESCHEDULED PRE-TRIAL  
BMJ-2 CONFERENCE RE: MOTION TO  
ANTONETTE GUTIERREZ/MV CONFIRM VALIDITY OF SETOFF  
RIGHT  
5-2-16 [[43](#)]  
HENRY NUNEZ/Atty. for dbt.  
MOTION WITHDRAWN, PRE-TRIAL  
VACATED (DOC #83)

**Based on movant's withdrawal of the motion this matter will be dropped. Movant shall submit a proposed order by April 26, 2017. No appearance is necessary.**

5. [16-12266](#)-B-7 AVTAR SINGH  
[16-1109](#)  
U.S. TRUSTEE V. SINGH  
ROBIN TUBESING/Atty. for pl.  
RESPONSIVE PLEADING

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
12-30-16 [[1](#)]

**This matter will proceed as scheduled.**

6. [12-14680](#)-B-13 CARLOS FERNANDEZ  
[13-1097](#)  
FERNANDEZ V. BACA  
  
RESPONSIVE PLEADING

ORDER TO SHOW CAUSE WHY  
ADVERSARY PROCEEDING SHOULD NOT  
BE CLOSED  
3-17-17 [[26](#)]

**Based on the debtor's response and on the OSC, the clerk of the court may close the adversary proceeding without further notice. After the adversary proceeding has been closed, the parties will have to file an application to reopen the adversary proceeding if further action is required. The court will issue an order. No appearance is necessary.**