

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

May 3, 2016 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.	16-21902-D-13	VICTOR/ANITA GALINDO	AMENDED MOTION TO VALUE COLLATERAL OF CARRINGTON MORTGAGE SERVICES/SPECIALIZED LOAN SERVICING, LLC 4-4-16 [18]
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Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Carrington Mortgage Services/Specialized Loan Servicing, LLC 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 Carrington Mortgage Services/Specialized Loan Servicing, LLC's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

2. 16-21902-D-13 VICTOR/ANITA GALINDO MOTION TO AVOID LIEN OF
JCK-2 PORTFOLIO RECOVERY ASSOCIATES
3-31-16 [13]

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 is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

3. 15-26914-D-13 DANIELLA WALKER MOTION TO CONFIRM PLAN
ALF-1 3-18-16 [49]

4. 16-20815-D-13 CHRISTOPHER/SEUN FAGBOLU MOTION TO VALUE COLLATERAL OF
MC-1 GREENPOINT MORTGAGE FUNDING,
INC.
Final ruling: 4-5-16 [15]

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Greenpoint Mortgage Funding, Inc. 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 Greenpoint Mortgage Funding, Inc.'s secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

5. 16-20815-D-13 CHRISTOPHER/SEUN FAGBOLU MOTION TO AVOID LIEN OF
MC-2 SARASOTA CCM, INC.
4-5-16 [20]

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 is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

6. 16-20815-D-13 CHRISTOPHER/SEUN FAGBOLU MOTION TO AVOID LIEN OF
MC-3 CITIBANK (SOUTH DAKOTA), N.A.
4-5-16 [25]

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 is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

7. 16-20815-D-13 CHRISTOPHER/SEUN FAGBOLU MOTION TO AVOID LIEN OF
MC-4 CITIBANK (SOUTH DAKOTA), N.A.
4-5-16 [26]

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 is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

8. 15-29824-D-13 DANILO/HYDIE CRUDA MOTION TO CONFIRM PLAN
CJY-1 3-9-16 [24]

9. 16-20826-D-13 MOHAMMED ALHAJI-HUSSAINI OBJECTION TO CONFIRMATION OF
BRT-1 PLAN BY CREDITOR KINECTA
FEDERAL CREDIT UNION
3-11-16 [18]

10. 15-26928-D-13 DAN/KIMBERLEE FRASER MOTION TO AVOID LIEN OF STATE
JCK-1 OF CALIFORNIA, EMPLOYMENT
DEVELOPMENT DEPARTMENT
3-18-16 [37]

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 is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

11. 15-26928-D-13 DAN/KIMBERLEE FRASER MOTION TO VALUE COLLATERAL OF
JCK-3 FRANCHISE TAX BOARD
3-25-16 [42]

Final ruling:

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

12. 15-26928-D-13 DAN/KIMBERLEE FRASER MOTION TO VALUE COLLATERAL OF
JCK-4 REDBRIDGE OWNERS ASSOCIATION
3-25-16 [48]

Final ruling:

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

13. 15-26928-D-13 DAN/KIMBERLEE FRASER MOTION TO MODIFY PLAN
JCK-5 3-25-16 [53]

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. 15-27844-D-13 KHEVIN TRAN
DAT-3

MOTION TO CONFIRM PLAN
3-18-16 [73]

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.

15. 13-20946-D-13 BOLIVAR/ARACELI VALLE
TOG-5

MOTION TO AVOID LIEN OF CAPITAL
ONE BANK (USA), N.A.
3-25-16 [83]

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 is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

16. 13-20946-D-13 BOLIVAR/ARACELI VALLE
TOG-6

MOTION TO AVOID LIEN OF CACH,
LLC
3-25-16 [89]

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 is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

17. 16-20059-D-13 LEY NGAR
RDG-1

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
D. GREER
2-29-16 [11]

18. 15-26560-D-13 JOHN/ROBIN IVY MOTION TO MODIFY PLAN
JCK-1 3-29-16 [22]

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.

19. 14-25673-D-13 STEVEN TUCKER MOTION FOR RELIEF FROM
NLG-1 AUTOMATIC STAY
SETERUS, INC. VS. 3-25-16 [142]

Final ruling:

In the debtor's confirmed plan this creditor is scheduled as Class 4 - to be paid outside the plan. Therefore, the motion is unnecessary as the plan explicitly provides: "Entry of the confirmation order shall constitute an order modifying the automatic stay to allow the holder of a Class 4 secured claim to exercise its rights against its collateral in the event of a default under the terms of its loan or security documentation provided this case is pending under chapter 13." The court will deny the motion as unnecessary by minute order. No appearance is necessary.

20. 16-21276-D-13 GRAYLING WILLIAMS CONTINUED MOTION TO IMPOSE
CLH-1 AUTOMATIC STAY
3-4-16 [9]

21. 12-30684-D-13 DANIEL RODRIGUEZ MOTION TO MODIFY PLAN
LRR-2 3-8-16 [38]

Final ruling:

This is the debtor's motion to confirm a modified chapter 13 plan. The motion will be denied for the following reasons: (1) the moving party failed to serve several creditors at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g); and (2) the moving party failed to serve the creditor requesting special notice at DN 16 at its designated address, as required by the same rule.

As a result of these service defects, the motion will be denied by minute order. No appearance is necessary.

22. 15-21791-D-13 LYNELLE SAYRE MOTION TO MODIFY PLAN
CJY-1 3-24-16 [32]

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.

23. 16-20823-D-13 JOHN/KELLY COSTAMAGNA OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
4-11-16 [43]

Final ruling:

This case was dismissed on April 21, 2016. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

24. 15-29725-D-13 TYESHA LINDSEY CONTINUED MOTION TO CONFIRM
TBK-2 PLAN
2-24-16 [23]

25. 16-20826-D-13 MOHAMMED ALHAJI-HUSSAINI OBJECTION TO CONFIRMATION OF
RDG-3 PLAN BY TRUSTEE RUSSELL D.
GREER
4-11-16 [31]

26. 11-20334-D-13 FLORENCIO/MARIFE GOROSPE MOTION TO VALUE COLLATERAL OF
CJY-1 WELLS FARGO BANK
4-18-16 [84]
27. 11-20334-D-13 FLORENCIO/MARIFE GOROSPE MOTION TO VALUE COLLATERAL OF
CJY-2 WELLS FARGO BANK
4-18-16 [88]
28. 13-22646-D-13 DAVID/TUESDAY GRAHAM MOTION FOR WAIVER OF THE
SJS-3 CERTIFICATION REQUIREMENTS FOR
ENTRY OF DISCHARGE
4-8-16 [60]
29. 16-21047-D-13 FABIAN PELAYES OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
4-11-16 [23]

30. 16-20998-D-13 TIFFANY GARCIA
RDG-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
4-11-16 [25]