

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

May 27, 2014 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.	14-22404-D-13	JOSE/VILMA ORTEZ	OBJECTION TO CONFIRMATION OF PLAN BY WELLS FARGO BANK, N.A. 5-1-14 [17]
	EAT-1		

2.	11-23711-D-13	ANNETTE BROWDER	MOTION TO MODIFY PLAN 4-22-14 [79]
	JCK-4		

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.

3. 13-36215-D-13 CINDY/DONAL LEE MOTION TO CONFIRM PLAN
CLH-4 4-10-14 [63]

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.

4. 13-30622-D-13 TIMMY/NORELI HUYNH MOTION TO COMPEL ABANDONMENT
JBC-1 4-22-14 [42]

Final ruling:

The matter is resolved without oral argument. There is no timely opposition to the creditors', Brian Sytsma and Matthew Hooper's, motion to compel the trustee to abandon property and the creditors have demonstrated the property to be abandoned is of inconsequential value to the estate. Accordingly, the motion will be granted and the property that is the subject of the motion will be deemed abandoned by minute order. No appearance is necessary.

5. 14-20926-D-13 LEROY JOHNSON MOTION TO CONFIRM PLAN
JCK-1 4-14-14 [22]

Final ruling:

Motion withdrawn by moving party May 8, 2014. Matter removed from calendar.

6. 10-50037-D-13 ANTHONY/EVELIA ADAMS MOTION TO MODIFY PLAN
MCB-5 4-4-14 [90]

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.

7. 14-23842-D-13 ANGELA WARREN-BASS
JCK-1

MOTION TO VALUE COLLATERAL OF
TOYOTA MOTOR CREDIT CORPORATION
4-24-14 [8]

Final ruling:

This is the debtor's motion to value collateral of Toyota Motor Credit Corporation ("Toyota"); namely, a 2004 Toyota Sequoia. Toyota has filed opposition. For the following reasons, the motion will be denied as moot.

By her motion, the debtor sought to value the vehicle at \$5,845; however, she based that value on a KBB printout for a 2004 Toyota Corolla, whereas the debtor's vehicle is a 2004 Toyota Sequoia. Toyota, on the other hand, posits that the value of the debtor's vehicle is \$14,195, based on a KBB printout for a 2004 Toyota Sequoia. However, Toyota admits in its opposition it did not include a mileage deduction because it had not verified the high mileage claimed by the debtor, 397,000 miles. On May 9, 2014, after Toyota filed its opposition, the debtor filed a motion to confirm an amended chapter 13 plan, in which she proposes to value Toyota's secured claim at \$10,845. Her motion to confirm the plan states that this valuation is pursuant to stipulation with Toyota.

As the debtor now proposes a chapter 13 plan with a value for Toyota's secured claim higher than the value asserted by the debtor in this motion, the motion is moot. (The debtor should take care to either file a new motion to value the claim or submit a stipulation or other evidence that Toyota does not oppose the new valuation, which is significantly lower than the amount of its filed secured claim.) The motion will be denied as moot by minute order. No appearance is necessary.

8. 11-25443-D-13 MILTON/ESTELLE JOHNSON
HWW-1

MOTION TO MODIFY PLAN
4-22-14 [89]

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.

9. 14-21843-D-13 JAVIER/SYLVIA MANZO
JCK-2

MOTION TO CONFIRM PLAN
4-14-14 [24]

Final ruling:

This case was dismissed on May 5, 2014. As a result the motion will be denied by minute order as moot. No appearance is necessary.

10. 14-20345-D-13 ERIC BROWN
RDG-1

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
D. GREER
3-14-14 [16]

11. 14-22348-D-13 LISA PINA
ALF-1

MOTION TO VALUE COLLATERAL OF
CITI FINANCIAL
4-7-14 [19]

Final ruling:

This is the debtor's motion to value collateral of Citi Financial ("Citi"); namely, a second position deed of trust against the debtor's residence, at \$0. The motion will be denied because the moving party failed to serve Citi in strict compliance with Fed. R. Bankr. P. 7004(b)(3), as required by Fed. R. Bankr. P. 9014(b). The moving party served Citi (1) by first-class mail to CT Corporation System, as its agent for service of process, at an address in California; and (2) by certified mail to the attention of a named individual. The first method was insufficient because according to the California Secretary of State's website, CitiFinancial, Inc. has surrendered its right to transact intrastate business in California, which had the effect of revoking CitiFinancial, Inc.'s designation of CT Corporation System as its agent for service of process. Cal. Corp. Code § 2112(a)(2).¹ The second method was insufficient for two reasons. First, service was addressed to the attention of a named individual, with no indication that individual is an officer, managing or general agent, or agent for service of process of Citi. Second, the rules provide for service of process on an FDIC-insured institution by certified mail (see Fed. R. Bankr. P. 7004(h)), whereas for a corporation such a CitiFinancial, Inc., which is not an FDIC-insured institution, service must be by first-class mail. See Fed. R. Bankr. P. 7004(b)(3) and preamble to Rule 7004(b).

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

¹ The court assumes CitiFinancial, Inc. is the entity identified in the motion as Citi Financial. There is no active entity listed by the Secretary of State by the name of Citi Financial.

12. 13-26259-D-13 JAGROOP SINGH MOTION TO CONFIRM PLAN
MJK-7 4-7-14 [179]

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.

13. 13-29367-D-13 WILLIAM/JENI FLORES MOTION TO MODIFY PLAN
JCK-5 4-17-14 [77]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

14. 14-21671-D-13 JOAQUIN/LILIANA GARCIA MOTION TO CONFIRM PLAN
CLH-2 4-15-14 [34]

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. 10-34573-D-13 JAY/ROSEMARY RODACKER MOTION TO APPROVE LOAN
PD-1 MODIFICATION
4-25-14 [31]

Final ruling:

On May 12, 2014, the moving party filed and served an amended notice of hearing, setting this matter for hearing on June 10, 2014. The matter will be removed from this May 27, 2014 calendar as having been superseded by the amended notice of hearing.

16. 14-22273-D-13 JUGJEEV/MINERVA MANGAT OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
4-24-14 [34]

17. 14-22773-D-13 ROLANDO/MICHELLE LOZANO MOTION TO VALUE COLLATERAL OF
SDM-1 AMERICAN CORADIUS
Final ruling: INTERNATIONAL, LLC
4-16-14 [18]

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

18. 13-26478-D-13 ALFONSO RODRIGUEZ MOTION FOR COMPENSATION FOR PMZ
ADJ-3 REAL ESTATE, BROKER(S)
4-22-14 [76]

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 for compensation for PMZ Real Estate, broker is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

19. 13-26478-D-13 ALFONSO RODRIGUEZ MOTION FOR COMPENSATION FOR
ADJ-4 MICHAEL D. MCGRANAHAN, CHAPTER
7 TRUSTEE
4-22-14 [82]

20. 13-26478-D-13 ALFONSO RODRIGUEZ MOTION FOR COMPENSATION FOR
ADJ-5 ANTHONY D. JOHNSTON, TRUSTEE'S
ATTORNEY
4-22-14 [88]
21. 12-33779-D-13 JAVIER NAVARRO MOTION TO MODIFY PLAN
TBK-3 4-2-14 [82]
22. 13-36179-D-13 ROMEO/JENNY HERNANDEZ AMENDED MOTION TO CONFIRM PLAN
JCK-4 4-17-14 [58]

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. 13-35783-D-13 ALDRICH FLORES AND KAREN MOTION TO CONFIRM PLAN
MDL-4 VIGILIA 4-15-14 [63]

24. 14-20883-D-13 ALLEN/PATRICIA FRANSELLA MOTION TO CONFIRM PLAN
JAD-1 4-11-14 [30]

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.

25. 14-22284-D-13 ERIN POTTER MOTION TO VALUE COLLATERAL OF
JM-1 INTERNAL REVENUE SERVICE
3-15-14 [19]

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. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

26. 14-21385-D-13 JOSE HERNANDEZ ORDER TO SHOW CAUSE
4-30-14 [39]

CASE DISMISSED 5/1/14

This hearing is going forward; however, based on Counsel, Peter Lago's, response to the order to show cause, he may appear at the hearing telephonically.

27. 14-21386-D-13 ROSIA/LINDA EALY MOTION TO VALUE COLLATERAL OF
JDP-2 HSBC BANK USA, N.A.
4-23-14 [37]

Final ruling:

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

28. 14-21386-D-13 ROSIA/LINDA EALY MOTION TO AVOID LIEN OF FIA
JDP-3 CARD SERVICES, N.A.
4-23-14 [32]

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.

29. 14-21387-D-13 ROSE MARIE BETTENCOURT CONTINUED MOTION TO VALUE
JDP-1 COLLATERAL OF BANK OF AMERICA,
N.A.
3-26-14 [24]

Final ruling:

This is the debtor's motion to value collateral of Bank of America (the "Bank"). The hearing was continued to allow the moving party to correct a service defect. The moving party has not done this. Instead, the moving party has filed a new motion and set it for hearing on June 10, 2014. As a result of the filing of the new motion, the present motion is moot.

The motion will be denied as moot by minute order. No appearance is necessary.

30. 14-21387-D-13 ROSE MARIE BETTENCOURT CONTINUED MOTION TO VALUE
JDP-2 COLLATERAL OF BANK OF AMERICA,
N.A.
3-26-14 [28]

Final ruling:

This is the debtor's motion to value collateral of Bank of America (the "Bank"). The hearing was continued to allow the moving party to correct a service defect. The moving party has not done this. Instead, the moving party has filed a new motion and set it for hearing on June 10, 2014. As a result of the filing of the new motion, the present motion is moot.

The motion will be denied as moot by minute order. No appearance is necessary.

31. 14-21387-D-13 ROSE MARIE BETTENCOURT CONTINUED MOTION TO VALUE
JDP-3 COLLATERAL OF BANK OF AMERICA,
N.A.
3-26-14 [32]

Final ruling:

This is the debtor's motion to value collateral of Bank of America (the "Bank"). The hearing was continued to allow the moving party to correct a service defect. The moving party has not done this. Instead, the moving party has filed a new motion and set it for hearing on June 10, 2014. As a result of the filing of the new motion, the present motion is moot.

The motion will be denied as moot by minute order. No appearance is necessary.

32. 14-21387-D-13 ROSE MARIE BETTENCOURT CONTINUED MOTION TO VALUE
JDP-4 COLLATERAL OF BANK OF AMERICA,
N.A.
3-26-14 [36]

Final ruling:

This is the debtor's motion to value collateral of Bank of America (the "Bank"). The hearing was continued to allow the moving party to correct a service defect. The moving party has not done this. Instead, the moving party has filed a new motion and set it for hearing on June 10, 2014. As a result of the filing of the new motion, the present motion is moot.

The motion will be denied as moot by minute order. No appearance is necessary.

33. 11-20490-D-13 ROBERT/GINA DAVIS MOTION TO MODIFY PLAN
DMR-2 4-22-14 [94]

34. 14-21992-D-13 CAROLYNN RODRIGUEZ OBJECTION TO DEBTOR'S CLAIM OF
RDG-1 EXEMPTIONS
4-21-14 [16]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed. The objection is supported by the record. The court will sustain the trustee's objection to debtor's claim of exemptions. Moving party is to submit an appropriate order. No appearance is necessary.

35. 14-20996-D-13 FRANCISCO/MARIA PADILLA CONTINUED OBJECTION TO
RDG-1 CONFIRMATION OF PLAN BY RUSSELL
D. GREER
3-28-14 [21]

36. 14-22311-D-13 ARTHUR/PAULINE CHAVES OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
5-2-14 [16]
37. 14-22411-D-13 KENNETH SERRANO OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
5-2-14 [20]
38. 14-22348-D-13 LISA PINA OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
5-2-14 [24]
39. 14-22380-D-13 VICTOR ROMERO OBJECTION TO CONFIRMATION OF
BHT-1 PLAN BY DEUTSCHE BANK NATIONAL
TRUST COMPANY
5-7-14 [33]

40. 14-22380-D-13 VICTOR ROMERO
RDG-3

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
5-2-14 [26]