UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Michael S. McManus
Bankruptcy Judge
Sacramento, California

June 25, 2018 at 10:00 a.m.

No written opposition has been filed to the following motions set for argument on this calendar: 1, 3, 9, 10, 11.

When Judge McManus convenes court, he will ask whether anyone wishes to oppose one of these motions or objects to the tentative ruling. If you wish to oppose the motion or otherwise be heard, please so advise Judge McManus. Please do not identify yourself or explain the nature of your opposition. If anyone wishes to be heard, the motion will remain on calendar and Judge McManus will hear from you when he calls the motion for argument.

If no one indicates they oppose the motion or object to the proposed ruling, that ruling will become the final ruling. The motion will not be called for argument and the parties are free to leave (unless they have other matters on the calendar).

MOTIONS ARE ARRANGED ON THIS CALENDAR IN TWO SEPARATE SECTIONS. A CASE MAY HAVE A MOTION IN EITHER OR BOTH SECTIONS. **THE FIRST SECTION INCLUDES ALL MOTIONS THAT WILL BE RESOLVED WITH A HEARING. A TENTATIVE RULING IS GIVEN FOR EACH MOTION. THE SECOND SECTION INCLUDES ALL MOTIONS THAT HAVE BEEN RESOLVED BY THE COURT WITHOUT A HEARING. A FINAL RULING IS GIVEN FOR EACH MOTION. WITHIN EACH SECTION, CASES ARE ORGANIZED BY THE LAST TWO DIGITS OF THE CASE NUMBER.**

ITEMS WITH TENTATIVE RULINGS: IF A CALENDAR ITEM HAS BEEN SET FOR HEARING BY THE COURT PURSUANT TO AN ORDER TO SHOW CAUSE OR AN ORDER SHORTENING TIME, OR BY A PARTY PURSUANT TO LOCAL BANKRUPTCY RULE 3007-1(c)(1) OR LOCAL BANKRUPTCY RULE 9014-1(f)(1), AND IF ALL PARTIES AGREE WITH THE TENTATIVE RULING, THERE IS NO NEED TO APPEAR FOR ARGUMENT. HOWEVER, IT IS INCUMBENT ON EACH PARTY TO ASCERTAIN WHETHER ALL OTHER PARTIES WILL ACCEPT A RULING AND FOREGO ORAL ARGUMENT. IF A PARTY APPEARS, THE HEARING WILL PROCEED WHETHER OR NOT ALL PARTIES ARE PRESENT. AT THE CONCLUSION OF THE HEARING, THE COURT WILL ANNOUNCE ITS DISPOSITION OF THE ITEM AND IT MAY DIRECT THAT THE TENTATIVE RULING, AS ORIGINALLY WRITTEN OR AS AMENDED BY THE COURT, BE APPENDED TO THE MINUTES OF THE HEARING AS THE COURT'S FINDINGS AND CONCLUSIONS.

IF A MOTION OR AN OBJECTION IS SET FOR HEARING BY A PARTY PURSUANT TO LOCAL BANKRUPTCY RULE 3007-1(c)(2) OR LOCAL BANKRUPTCY RULE 9014-1(f)(2), RESPONDENTS WERE NOT REQUIRED TO FILE WRITTEN OPPOSITION TO THE RELIEF REQUESTED. RESPONDENTS MAY APPEAR AT THE HEARING AND RAISE OPPOSITION ORALLY. IF THAT OPPOSITION RAISES A POTENTIALLY MERITORIOUS DEFENSE OR ISSUE, THE COURT WILL GIVE THE RESPONDENT AN OPPORTUNITY TO FILE WRITTEN OPPOSITION AND SET A FINAL HEARING UNLESS THERE IS NO NEED TO DEVELOP THE WRITTEN RECORD FURTHER.

IF THE COURT SETS A FINAL HEARING, UNLESS THE PARTIES REQUEST A DIFFERENT SCHEDULE THAT IS APPROVED BY THE COURT, THE FINAL HEARING WILL TAKE PLACE ON JULY 30, 2018 AT 10:00 A.M. OPPOSITION MUST BE FILED AND SERVED BY JULY 16, 2018, AND ANY REPLY MUST BE FILED AND SERVED BY JULY 23, 2018. THE MOVING/OBJECTING PARTY IS TO GIVE NOTICE OF THESE

DATES.

ITEMS WITH FINAL RULINGS: THERE WILL BE NO HEARING ON THE ITEMS WITH FINAL RULINGS. INSTEAD, EACH OF THESE ITEMS HAS BEEN DISPOSED OF AS INDICATED IN THE FINAL RULING BELOW. THAT RULING ALSO WILL BE APPENDED TO THE MINUTES. THIS FINAL RULING MAY OR MAY NOT BE A FINAL ADJUDICATION ON THE MERITS. IF ALL PARTIES HAVE AGREED TO A CONTINUANCE OR HAVE RESOLVED THE MATTER BY STIPULATION, THEY MUST ADVISE THE COURTROOM DEPUTY CLERK PRIOR TO HEARING IN ORDER TO DETERMINE WHETHER THE COURT VACATE THE FINAL RULING IN FAVOR OF THE CONTINUANCE OR THE STIPULATED DISPOSITION.

ORDERS: UNLESS THE COURT ANNOUNCES THAT IT WILL PREPARE AN ORDER, THE PREVAILING PARTY SHALL LODGE A PROPOSED ORDER WITHIN 14 DAYS OF THE HEARING.

MATTERS FOR ARGUMENT

1. 18-22905-A-7 VERONICA MORALES — MOTION FOR RELIEF FROM AUTOMATIC STAY
VVF-1 — 5-30-18 [11]
AMERICAN HONDA FINANCE CORP. VS.

Tentative Ruling: Because less than 28 days' notice of the hearing was given by the creditor, this motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the other creditors, the debtor, the trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. Obviously, if there is opposition, the court may reconsider this tentative ruling.

The motion will be granted.

The movant, American Honda Finance Corporation, seeks relief from the automatic stay with respect to a 2016 Honda Civic. The movant has produced evidence that the vehicle has a value of $15,675 and its secured claim is approximately $20,559. Docket 14.

The court concludes that there is no equity in the vehicle and no evidence exists that it is necessary to a reorganization or that the trustee can administer it for the benefit of the creditors. The debtor has filed a non-opposition to the motion. The debtor has indicated an intent to surrender the vehicle in the statement of intention.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(2) to permit the movant to repossess its collateral, dispose of it pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

Because the movant has not established that the value of its collateral exceeds the amount of its secured claim, the court awards no fees and costs in connection with the movant's secured claim as a result of the filing and prosecution of this motion. 11 U.S.C. § 506(b).

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived due to the fact that the movant's vehicle is being used by the debtor without compensation and it is depreciating in value.

2. 18-21513-A-7 JOAN KAUFMAN — MOTION FOR FORFEITURE OF FEES AND IMPOSITION OF A FINE AGAINST NAILAH MURPHY
UST-1 — 5-10-18 [37]

Tentative Ruling: The motion will be granted in part.

The U.S. Trustee moves for the imposition of a $500 fine against bankruptcy petition preparer Nailah Murphy as well as the forfeiture of $300 in fees paid to her by the debtor. The motion is based on an alleged violation of 11 U.S.C. § 110(h)(2).

The debtor filed this chapter 7 case on March 15, 2018. Nailah Murphy prepared the petition and other petition documents for the debtor. Ms. Murphy has acknowledged that she is a bankruptcy petition preparer. Docket 1, Form 119; Docket 41, Ex. 2. Ms. Murphy charged the debtor $300, consisting of a $175 charge for "consultation intake" and $125 for document preparation. Docket 40 at 3.

Ms. Murphy did not disclose her compensation. She did not file a Disclosure of Compensation of Bankruptcy Petition Preparer. She did not disclose her compensation in the Statement of Financial Affairs. Docket 40 at 2; Docket 41, Ex. 2.

11 U.S.C. § 110(h)(2) requires a bankruptcy petition preparer to file with the petition a declaration disclosing any fees received by the preparer from or on behalf of the debtor within 12 months before the petition filing and any unpaid fee charged to the debtor.

"*A declaration under penalty of perjury by the bankruptcy petition preparer shall be filed together with the petition disclosing any fee received from or on behalf of the debtor within 12 months immediately prior to the filing of the case, and any unpaid fee charged to the debtor . . . the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).*"

11 U.S.C. § 110(h)(2).

A preparer who violates any of subsections (b) through (h) may be fined up to $500 for each violation. 11 U.S.C. § 110(l)(1).

Ms. Murphy collected a fee of $300 from the debtor for her services of preparing the petition documents in this case. Ms. Murphy did not file a declaration disclosing the paid fee. There is no disclosure of compensation by Ms. Murphy, in violation of 11 U.S.C. § 110(h)(2).

The court will order Ms. Murphy to forfeit the $300 fee she collected from the debtor, pursuant to 11 U.S.C. § 110(h)(3)(B), which provides that "*[a]ll fees charged by a bankruptcy petition preparer may be forfeited in any case in which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).*"

Ms. Murphy explains that she was unaware of the need to file a particular form disclosing her compensation. The issue is broader and more basic than this, however. She made no disclosure whatsoever of her compensation. If she had filed any other form satisfying the basic requirements of section 110(h)(2), there might be an argument that no consequence should follow from the failure to file the required form. The statute is clear that Ms. Murphy was required to disclose her compensation to the court. "*A declaration under penalty of perjury by the bankruptcy petition preparer shall be filed together with the petition disclosing any fee received from or on behalf of the debtor . . . .*" 11 U.S.C. § 110(h)(2).

Given the violation, the court will assess a fine of $50 and will order the forfeiture of Ms. Murphy's compensation.

3. 18-22813-A-7 COLETTE WHITE — MOTION FOR RELIEF FROM AUTOMATIC STAY
SMR-1 — 6-8-18 [22]
JOHN DANIEL VS.

Tentative Ruling: Because less than 28 days' notice of the hearing was given by the creditor, this motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the other creditors, the debtor, the trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. Obviously, if there is opposition, the court may reconsider this tentative ruling.

The motion will be granted in part.

The movant, John Daniel, seeks relief from the automatic stay as to real property in Roseville, California.

The movant is the legal owner of the property and the debtor leased it from the movant. The debtor defaulted under the lease agreement in April 2018. The debtor filed this bankruptcy case on May 7, 2018.

This is a liquidation proceeding and the debtor has no ownership interest in the property as the movant is the legal owner of it. And, even though the debtor is a tenant at the property, she has defaulted under the lease agreement by failing to pay the rent due from April (partial) 2018 onward.

This is cause for the granting of relief from stay. Accordingly, the motion will be granted for cause pursuant to 11 U.S.C. § 362(d)(1) to permit the movant to exercise its state law remedies to obtain possession of the property.

No monetary claim may be collected from the debtor. The movant is limited to recovering possession of the property to the extent permitted by state law. No other relief will be awarded.

Although the motion seeks relief "to validate a pending action for unlawful detainer," there is nothing in the record about the movant having filed an unlawful detainer action. Docket 24 at 6. There is no factual basis in the record for the granting of retroactive relief from stay. The court will award only the prospective relief described above.

No fees and costs will be awarded because the movant is not an over-secured creditor. See 11 U.S.C. § 506.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be waived.

4. 18-20235-A-7 JULIA RUTLEDGE — MOTION TO COMPEL ABANDONMENT
MKJ-1 — 5-25-18 [20]

Tentative Ruling: The motion will be denied without prejudice.

The debtor seeks an order compelling the trustee to abandon the estate's

interest in real property located in Placerville, California. The property is over-encumbered.

11 U.S.C. § 554(b) provides that on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate.

The property is encumbered by a single deed of trust in favor of Loancare, Inc. in the amount of $627,939. The debtor has exempted $75,000 in the property pursuant to Cal. Code Civ. Proc. § 704.730.

However, the court does not have admissible evidence of the property's value. The motion asserts that the property has a value of $600,000, based on the debtor's supporting declaration, saying that "[t]he stated value of the ASSET in my Schedule A is $600,000." Docket 23 at 1. This is not admissible evidence of value. It is evidence of what is in the schedules. Fed. R. Evid. 801(c) and 802. What the debtor wrote down in her schedules about the value of the property is not admissible evidence of value in this motion.

Further, it has been approximately six months since the debtor filed her schedules. This case was filed on January 16, 2018. What Schedule A filed in January 2018 says about the value of the property is not quite probative to what is the value of the property in May or June 2018. The local real estate market is in much flux and property values can change significantly in value in six months time. Without admissible and probative evidence of value for the property, the court cannot grant the motion.

5. 18-20956-A-7 JOHN/CAROLYN HANNESSON — MOTION TO AVOID JUDICIAL LIEN
SLH-5
VS. ARNOLD J. WOLF — 5-17-18 [74]

Tentative Ruling: The motion will be granted.

A judgment was entered against the debtor John Hannesson in favor of Arnold Wolf for the sum of $17,297.74 on October 5, 2000. A renewal of the judgment was entered on July 11, 2003. An abstract of the renewed judgment was recorded with San Joaquin County on February 22, 2005. That lien attached to the debtor's interest in a residential real property in Lodi, California. Another renewal of judgment was entered on or about October 1, 2014, in the amount of $53,671. The debtor is seeking to avoid the lien pursuant to 11 U.S.C. § 522(f)(1).

Mr. Wolf objects to the motion, contending that:

(1) exemption under Cal. Civ. Proc. Code § 704.950 is improper;

(2) the debtor "should produce the complete documentation of both the 2008 and 2011 [refinance] transactions so that a determination can be made whether the refinancings were intended to hinder, delay, or defraud existing or future creditors."

The motion will be granted pursuant to 11 U.S.C. § 522(f)(1)(A). The subject real property had an approximate value of $433,992 as of the petition date. Docket 76 ¶ 6.

The unavoidable liens totaled $268,980.06 on that same date, consisting of: (1)

a principal balance of $198,210.44 on which the debtor is paying interest and is making monthly payments; and (2) a deferred principal balance of $70,769.62 on which the debtor is not paying interest or making monthly payment presently. Docket 76; Docket 77, Exs. G, H, I. The court rejects Mr. Wolf's assertion that the mortgage totals only $198,210.44 on the petition date. The 2011 mortgage modification agreement does not provide for the forgiveness of the $70,769.62 deferred principal. That agreement recognizes only that the mortgagee will not collect interest on deferred principal. Docket 77, Ex. H. The $268,980.06 mortgage amount owed by the debtor as of the petition date is recognized even by the debtor's credit report, as of January 24, 2018. That report recognizes the liability to the mortgagee as $269,437. Docket 77, Ex. I at 3 of 10.

The report has been authenticated by the debtor (Docket 76 ¶ 13) and it is admissible under Fed. R. Evid. 803(6) and (15). Credit reports are routinely obtained by consumer debtor counsel, as is the case here, where the debtor's counsel obtained his credit report from Experian and TransUnion, well-recognized credit-reporting agencies, engaged in the regular activity of monitoring credit activities involving consumers.

The debtor claimed an exemption pursuant to Cal. Civ. Pro. Code § 704.730 in the amount of $175,000 in Amended Schedule C. Docket 29. The Amended Schedule C was served on the trustee and the creditors on April 27, 2018. Docket 61. No objections were filed against the changed exemption claim in the Amended Schedule C. The debtor has provided evidence of his qualification for the $175,000 exemption under Cal. Civ. Proc. Code § 704.730(a)(3)(A). The debtor is 65 years of age or older. Docket 76 at 1.

The debtor's exemption is not based on Cal. Civ. Pro. Code § 704.950 and this motion establishes his entitlement to the amended exemption under section 704.730.

The respondent holds a judicial lien created by the recordation of an abstract of judgment in the chain of title of the subject real property. After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the debtor's exemption of the real property and its fixing will be avoided subject to 11 U.S.C. § 349(b)(1)(B).

Next, the court rejects Mr. Wolf's contention that a determination should be made whether a refinance of the mortgage was intended to hinder, delay, or defraud existing or future creditors. Section 522(f)(1) merely prescribes a cold calculation for determining whether lien avoidance is warranted. The senior lien is in place and there is nothing in the record to indicate it was placed in the record to hinder, delay, or defraud a creditor including Mr. Wolf.

Mr. Wolf's has produced no evidence of any misconduct suggesting that the refinance did not occur or was initiated for some nefarious purpose. He is merely speculating about improprieties in connection with the refinance.

Further, Mr. Wolf suggests that the debtors generated $100,000 from a refinance and then transferred this sum into a trust in 2011. Docket 85 at 3 n.2. In other words, Mr. Wolf's problem is not with the refinance but with what the debtors did with $100,000 from the refinance. If this occurred, the trust is fair game for the trustee and the debtors may not be able to insulate the money in the trust from their creditors.

There is a chapter 7 trustee in this case, responsible for investigating the debtor's financial affairs, including investigating improper pre-petition transfers or transactions. He is discharging his duties. He has filed a notice of assets.

6. 18-20956-A-7 JOHN/CAROLYN HANNESSON — MOTION TO AVOID JUDICIAL LIEN
SLH-6
VS. AMERICAN EXPRESS BANK, F.S.B.
5-17-18 [79]

Tentative Ruling: The motion will be denied without prejudice.

The debtor John Hannesson seeks to avoid under 11 U.S.C. § 522(f)(1) a judicial lien held by American Express Bank.

The motion will be denied. The court has no evidence of the lien in question. The attachments to the motion reflect only the lien of Arnold Wolf, which is implicated in a different lien avoidance motion. The narrative in the pleadings also gives no details about the American Express lien.

7. 17-20662-A-7 EKATERINA NOSAREV — MOTION TO SELL AND TO APPROVE COMPENSATION FOR BROKER
DNL-3
5-30-18 [30]

Tentative Ruling: The motion will be granted.

The chapter 7 trustee requests authority to sell for $25,000 the estate's interest and the only co-owner's interest in real property in Havan, Florida to Dale Edwards Company, Inc. The trustee also asks for waiver of the 14-day period of Fed. R. Bankr. P. 6004(h) and asks for approval of the payment of the real estate commission.

11 U.S.C. § 363(b) allows the trustee to sell property of the estate, other than in the ordinary course of business.

The property is unencumbered. The trustee has obtained an 11 U.S.C. § 363(h) judgment against the co-owner of the property Dimitri Nosarev. The debtor has scheduled the total value of the property at $12,700 and has exempted $6,350 in her 50% tenant-in-common interest in the property. The estate estimates that it will net $4,775 from the sale.

The sale will generate proceeds for distribution to creditors of the estate. Hence, the sale will be approved pursuant to 11 U.S.C. § 363(b), as it is in the best interests of the creditors and the estate. The court will waive the 14-day period of Rule 6004(h) and will authorize payment of the real estate commission, consistent with the estate's broker's court-approved terms of employment.

8. 16-21585-A-11 AIAD/HODA SAMUEL — MOTION TO APPROVE DISCLOSURE STATEMENT
FWP-36
5-21-18 [1089]

Tentative Ruling: The motion will be conditionally granted.

The chapter 11 trustee asks the court to approve the disclosure statement filed on May 21, 2018. Docket 1089.

Subject to the exceptions below, the disclosure statement contains adequate information and will permit creditors to make an informed decision regarding the proposed plan. See 11 U.S.C. § 1125(a).

(1) The disclosure statement does not identify the amounts of many claims referenced in the classification and treatment of claims under the plan summary. This includes, for instance, the claims of the creditors secured by the estate's residential real properties. The disclosure statement should identify these claims, the amounts owed and the amounts necessary to cure defaults. Docket 1089 at 14-18.

(2) The May 2018 operating report has not been filed. Prior to serving the approved disclosure statement and soliciting votes on plan confirmation, the trustee shall file this report.

9. 17-21995-A-7 JASVINDER CHAHAL — MOTION TO APPROVE COMPENSATION OF TRUSTEE'S ATTORNEY
SCB-25 — 6-1-18 [248]

Tentative Ruling: Because less than 28 days' notice of the hearing was given by the trustee's counsel, this motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the creditors, the debtor, the trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. Obviously, if there is opposition, the court may reconsider this tentative ruling.

The motion will be granted.

Schneweis-Coe & Bakken, L.L.P. attorney for the trustee, has filed its third and final motion for allowance of compensation and authority to pay $17,025 in fees (reduced from $19,997.93) and $1,052.93 in expenses, for a total of $18,077.93. This motion covers the period from February 5, 2018 through June 25, 2018. The court approved the movant's employment as the trustee's attorney on May 18, 2017. In performing its services, the movant charged hourly rates of $150 and $300.

11 U.S.C. § 330(a)(1)(A)&(B) permits approval of "reasonable compensation for actual, necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." The movant's services included, without limitation:

(1) assisting the estate with the sale of a vehicle,

(2) assisting the trustee with the resolution of large claims asserted by the IRS and California Franchise Tax Board,

(3) reviewing records pertaining to an avoidance claim,

(4) negotiating with the transferee to resolve the claim,

(5) preparing and prosecuting motion to pay administrative expenses to a landlord of premises used by the estate,

(6) preparing and prosecuting an abandonment motion with respect to multiple personal property items,

(7) negotiating with the debtor the terms of marketing real property,

(8) preparing and prosecuting a motion for the turnover of the real property,

(9) assisting the trustee with the sale of the property,

(10) preparing and prosecuting a motion to sell the property,

(11) assisting the trustee with the general administration of the estate, and

(12) preparing and filing employment and compensation motions.

The court concludes that the compensation is for actual and necessary services rendered in the administration of this estate. The requested compensation will be approved. The court will ratify on final basis the prior interim award (the two prior interim compensation motions are for a single interim award).

10. 17-21995-A-7 JASVINDER CHAHAL
SCB-26

MOTION TO APPROVE COMPENSATION OF ACCOUNTANT
6-1-18 [254]

Tentative Ruling: Because less than 28 days' notice of the hearing was given by the trustee's counsel, this motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the creditors, the debtor, the trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. Obviously, if there is opposition, the court may reconsider this tentative ruling.

The motion will be granted.

Ryan, Christie, Quinn & Horn, accountant for the estate, has filed its third and final motion for compensation. The requested compensation consists of $12,320 in fees and $0.00in expenses. This motion covers the period from February 5, 2018 through June 25, 2018. The court approved the movant's employment as the estate's accountant on May 18, 2017. In performing its services, the movant charged hourly rates of $175 and $250.

11 U.S.C. § 330(a)(1)(A)&(B) permits approval of "reasonable compensation for actual, necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." The movant's services included, without limitation:

(1) assisting the estate with the analysis and determination of payroll taxes,

(2) researching and advising the estate on a new law pertaining to the carry-

back of net operating losses and alternatives to secure deduction of administrative fees,

(3) preparing income tax projections,

(4) preparing personal and estate tax returns,

(5) analyzing and reconciling proofs of claim of the IRS and California Franchise Tax Board, in light of newly filed tax returns,

(6) reconciling inconsistencies in the debtor's Quicken transaction activity, and

(7) responding to and communicating with the IRS and California Franchise Tax Board about various tax issues.

The court concludes that the compensation is for actual and necessary services rendered in the administration of this estate. The requested compensation will be approved. The court will ratify on final basis the prior interim award (the two prior interim compensation motions are for a single interim award).

11. 17-21995-A-7 JASVINDER CHAHAL — MOTION FOR ADMINISTRATIVE EXPENSES
SCB-27 — 6-1-18 [260]

Tentative Ruling: Because less than 28 days' notice of the hearing was given by the trustee, this motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the creditors, the debtor, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. Obviously, if there is opposition, the court may reconsider this tentative ruling.

The motion will be granted.

The trustee requests allowance of payments of post-petition estate income tax liability for the 2017-18 tax year (ending June 30, 2018) as follows: $133,552 to the IRS and $32,905 to the California Franchise Tax Board.

11 U.S.C. § 503(b)(1)(B) provides: "After notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under section 502(f) of this title, including –

(1) . . . (B) any tax – (i) incurred by the estate, whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both, except a tax of a kind specified in section 507(a)(8) of this title."

This case was filed on March 27, 2017. The tax liability in question was incurred in 2017 and 2018. As the tax was incurred post-petition, the court will allow its payment as an administrative expense claim under section 503(b)(1)(B). The motion will be granted.

FINAL RULINGS BEGIN HERE

12. 16-23904-A-7 JOHN/SANDRA BUTLER — MOTION FOR RELIEF FROM AUTOMATIC STAY
AP-1 — 5-15-18 [83]
HSBC BANK USA, N.A. VS.

Final Ruling: This motion for relief from the automatic stay has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the debtor and the trustee, to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument.

The motion will be granted in part and dismissed as moot in part.

The movant, HSBC Bank U.S.A., seeks relief from the automatic stay as to real property in Berry Creek, California.

Given the entry of the debtor's discharge on August 23, 2017, the automatic stay has expired as to the debtor and any interest the debtor may have in the property. See 11 U.S.C. § 362(c). Hence, as to the debtor, the motion will be dismissed as moot.

As to the estate, the analysis is different. The property has a value of $316,453 and it is encumbered by claims totaling approximately $325,788. The movant's deed is the only encumbrance against the property. And, the trustee has filed a non-opposition to the motion.

The court concludes that there is no equity in the property and there is no evidence that it is necessary to a reorganization or that the trustee can administer it for the benefit of creditors.

Thus, the motion will be granted as to the estate pursuant to 11 U.S.C. § 362(d)(2) to permit the movant to conduct a nonjudicial foreclosure sale and to obtain possession of the subject property following sale. No other relief is awarded.

The court determines that this bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described in the motion against the subject real property. Further, upon entry of the order granting relief from the automatic stay, the movant and its successors, assigns, principals, and agents shall comply with Cal. Civil Code § 2923.52 et seq., the California Foreclosure Prevention Act, to the extent it is otherwise applicable.

Because the movant has not established that the value of its collateral exceeds the amount of its secured claim, the court awards no fees and costs in connection with the movant's secured claim as a result of the filing and prosecution of this motion. 11 U.S.C. § 506(b).

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will not be waived. That period, however, shall run concurrently with the 7-day period specified in Cal. Civ. Code § 2924g(d) to the extent section 2924g(d) is applicable to orders

terminating the automatic stay.

13. 18-21605-A-7 DENISE CANALS — MOTION TO AVOID JUDICIAL LIEN
MB-1
VS. CAPITAL ONE — 6-8-18 [21]

Final Ruling: The motion will be dismissed without prejudice because it was not served on the respondent creditor, Capital One Bank, in accordance with Fed. R. Bankr. P. 7004(h), which requires service on insured depository institutions (as defined by section 3 of the Federal Deposit Insurance Act) to be made by certified mail and addressed to an officer of the institution. The proof of service accompanying the motion indicates that the notice was not addressed solely to an officer of the creditor. It was addressed to "Officer, Managing, or General Agent." Docket 25.

Rule 7004(h) requires service solely to the attention of an officer. Nothing in the rule or its legislative history suggests that Congress intended the term "officer" to include anything other than officer of the respondent creditor. Hamlett v. Amsouth Bank (In re Hamlett), 322 F.3d 342, 345-46 (4th Cir. 2003) (examining the legislative history of Rule 7004(h), comparing it to Rule 7004(b)(3), and concluding that the term "officer" in Rule 7004(h) does not include other posts with the respondent creditor, such as "registered agent").

Next, the service was not effectuated by certified mail. See Docket 25. This further violates Rule 7004(h).

Finally, while the debtor served Capital One's attorney, unless the attorney agreed to accept service, service was improper. See, e.g., Beneficial California, Inc. v. Villar (In re Villar), 317 B.R. 88, 92-94 (B.A.P. 9th Cir. 2004).

14. 18-22706-A-7 MICHAEL LAFOLLEY — MOTION FOR RELIEF FROM AUTOMATIC STAY
JHW-1
DAIMLER TRUST VS. — 5-16-18 [12]

Final Ruling: This motion for relief from the automatic stay has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the debtor and the trustee, to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument.

The motion will be granted.

The movant, Daimler Trust, seeks relief from the automatic stay with respect to a leased 2014 Mercedes Benz C250. The outstanding debt under the lease agreement totals approximately $28,213. The debtor also has not made three pre-petition payments under the lease agreement (January through March 2018). The lease matured on April 12, 2018, just prior to the filing of this case on May 1. These facts make it unlikely that the trustee will attempt to assert any interest in the lease. The court also notes that the trustee filed a report of no distribution on May 30, 2018.

The court concludes that the above is cause for the granting of relief from stay.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) to permit the movant to repossess its vehicle, to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

No fees and costs are awarded because the movant is not an over secured creditor. See 11 U.S.C. § 506.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) is ordered waived due to the fact that the movant's vehicle is being used by the debtor without compensation and is depreciating in value.

15. 17-22310-A-7 CAROLINE HEGARTY — MOTION TO ABANDON
BHS-3 — 5-24-18 [152]

Final Ruling: This motion has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, and any other party in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument.

The motion will be granted.

The trustee wishes to abandon the estate's interest in two limited liability companies, Regal Capital Holdings, L.L.C. and Solano Home Solution, L.L.C.

11 U.S.C. § 554(a) provides that a trustee may abandon any estate property that is burdensome or of inconsequential value or benefit to the estate, after notice and a hearing.

The LLCs own many parcels of land that are subject to various liabilities, including property taxes. A sale of these parcels will expose the estate to further tax liabilities. On the other hand, pursuant to an agreement between the estate and the debtor, the debtor has provided the trustee with sufficient funds to pay all administrative and unsecured creditors in full. Creditors are receiving 100% dividend in this case. Given this, the court concludes that the estate's interest in the LLCs is burdensome and of inconsequential value to the estate. The motion will be granted.

16. 17-22310-A-7 CAROLINE HEGARTY — MOTION TO APPROVE COMPENSATION OF ACCOUNTANT
GMR-2 — 5-23-18 [146]

Final Ruling: This motion has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the creditors, the debtor, the trustee, the U.S. Trustee, and any other party in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the granting of

the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument.

The motion will be granted.

Gabrielson & Company, accountant for the estate, has filed its first and final application for approval of compensation. The requested compensation consists of $4,012.50 in fees and $48.34 in expenses, for a total of $4,060.84. This motion covers the period from November 6, 2017 through May 13, 2018. The court approved the movant's employment as the estate's accountant on November 9, 2017. Docket 107. In performing its services, the movant charged an hourly rate of $375.

11 U.S.C. § 330(a)(1)(A)&(B) permits approval of "reasonable compensation for actual, necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." The movant's services included analyzing pre-petition tax returns, analyzing and advising the trustee about the tax consequences from the sale of real property and entity interest assets, and preparing and filing pleadings for employment and compensation motions.

The court concludes that the compensation is for actual and necessary services rendered in the administration of this estate. The compensation will be approved.

17. 16-21119-A-7 MONICA AHRENS — MOTION TO AVOID JUDICIAL LIEN
MKA-4
VS. SYNCHRONY BANK
5-24-18 [27]

Final Ruling: The motion will be dismissed without prejudice because it was not served on the respondent creditor, Synchrony Bank, in accordance with Fed. R. Bankr. P. 7004(h), which requires service on insured depository institutions (as defined by section 3 of the Federal Deposit Insurance Act) to be made by certified mail and addressed to an officer of the institution. The proof of service accompanying the motion indicates that the notice was not addressed solely to an officer of the creditor. It was addressed to "President/Manager," implying that the notice is not addressed solely to the president.

Rule 7004(h) requires service solely to the attention of an officer. Nothing in the rule or its legislative history suggests that Congress intended the term "officer" to include anything other than officer of the respondent creditor. Hamlett v. Amsouth Bank (In re Hamlett), 322 F.3d 342, 345-46 (4th Cir. 2003) (examining the legislative history of Rule 7004(h), comparing it to Rule 7004(b)(3), and concluding that the term "officer" in Rule 7004(h) does not include other posts with the respondent creditor, such as "registered agent").

Next, the service was not effectuated by certified mail. See Docket 29. This further violates Rule 7004(h).

The motion will be dismissed also because the notice of hearing does not identify the deadline for filing written oppositions to the motion. See Docket 28. This violates Local Bankruptcy Rule 9014-1(f)(1)-(3).

Further, even in the absence of the foregoing deficiencies, the motion would be

denied because it is not supported by admissible evidence, such as a declaration or an affidavit to support the motion's factual assertions. This violates Local Bankruptcy Rule 9014-1(d)(7), which provides that "Every motion shall be accompanied by evidence establishing its factual allegations and demonstrating that the movant is entitled to the relief requested. Affidavits and declarations shall comply with Fed. R. Civ. P. 56(c)(4)." The attachments to the motion are not authenticated either. See Docket 27.

Finally, this motion was filed by the debtor herself, even though she still has an attorney of record. The motion does not say why the court should ignore the debtor's attorney of record and permit her to prosecute this motion herself.

18. 16-21119-A-7 MONICA AHRENS — MOTION TO AVOID JUDICIAL LIEN
MKA-5
VS. MIDLAND FUNDING, L.L.C. — 5-24-18 [30]

Final Ruling: The motion will be dismissed because the notice of hearing does not identify the deadline for filing written opposition to the motion. See Docket 31. This violates Local Bankruptcy Rule 9014-1(f)(1)-(3).

Further, even in the absence of the foregoing deficiencies, the motion would be denied because it is not supported by admissible evidence, such as a declaration or an affidavit to support the motion's factual assertions. This violates Local Bankruptcy Rule 9014-1(d)(7), which provides: "Every motion shall be accompanied by evidence establishing its factual allegations and demonstrating that the movant is entitled to the relief requested. Affidavits and declarations shall comply with Fed. R. Civ. P. 56(c)(4)." Also, the attachments to the motion are not authenticated. See Docket 30.

19. 18-22138-A-7 MANJIT SINGH — MOTION FOR RELIEF FROM AUTOMATIC STAY
JHK-1
MERCEDES-BENZ FIN'L SVCS USA, L.L.C. VS. — 5-16-18 [15]

Final Ruling: This motion for relief from the automatic stay has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the debtor and the trustee, to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument.

The motion will be granted.

The movant, Mercedes Benz Financial Services, U.S.A., seeks relief from the automatic stay with respect to a 2016 Freightliner Cascadia. The movant has produced evidence that the vehicle has a value of $75,325 and its secured claim is approximately $113,611. Docket 19.

The court concludes that there is no equity in the vehicle and no evidence exists that it is necessary to a reorganization or that the trustee can administer it for the benefit of the creditors. And, the vehicle was repossessed pre-petition, in September 2017. Docket 19.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(2) to

permit the movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

Because the movant has not established that the value of its collateral exceeds the amount of its secured claim, the court awards no fees and costs in connection with the movant's secured claim as a result of the filing and prosecution of this motion. 11 U.S.C. § 506(b).

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived due to the fact that the movant's vehicle is depreciating in value.

20. 18-22138-A-7 MANJIT SINGH — MOTION FOR RELIEF FROM AUTOMATIC STAY
JHK-2 — 5-16-18 [22]
MERCEDES-BENZ FIN'L SVCS USA, L.L.C. VS.

Final Ruling: This motion for relief from the automatic stay has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the debtor and the trustee, to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument.

The motion will be granted.

The movant, Mercedes Benz Financial Services, U.S.A., seeks relief from the automatic stay with respect to a 2017 Freightliner Cascadia. The movant has produced evidence that the vehicle has a value of $91,575 and its secured claim is approximately $141,812. Docket 26.

The court concludes that there is no equity in the vehicle and no evidence exists that it is necessary to a reorganization or that the trustee can administer it for the benefit of the creditors. And, the vehicle was repossessed pre-petition, in September 2017. Docket 26.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(2) to permit the movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

Because the movant has not established that the value of its collateral exceeds the amount of its secured claim, the court awards no fees and costs in connection with the movant's secured claim as a result of the filing and prosecution of this motion. 11 U.S.C. § 506(b).

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived due to the fact that the movant's vehicle is depreciating in value.

21. 18-21443-A-7 STEPHANIE MEYER — MOTION FOR RELIEF FROM AUTOMATIC STAY
APN-1 — 5-25-18 [11]
WELLS FARGO BANK, N.A. VS.

Final Ruling: This motion for relief from the automatic stay has been set for

hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the debtor and the trustee, to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument.

The motion will be granted.

The movant, Wells Fargo Bank, seeks relief from the automatic stay with respect to a 2014 Toyota Corolla. The movant has produced evidence that the vehicle has a value of $10,300 and its secured claim is approximately $14,754. Docket 13.

The court concludes that there is no equity in the vehicle and no evidence exists that it is necessary to a reorganization or that the trustee can administer it for the benefit of the creditors. The court also notes that the trustee filed a report of no distribution on April 18, 2018. And, in the statement of intention, the debtor has indicated an intent to surrender the vehicle.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(2) to permit the movant to repossess its collateral, dispose of it pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

Because the movant has not established that the value of its collateral exceeds the amount of its secured claim, the court awards no fees and costs in connection with the movant's secured claim as a result of the filing and prosecution of this motion. 11 U.S.C. § 506(b).

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived due to the fact that the movant's vehicle is being used by the debtor without compensation and it is depreciating in value.

22. 15-22144-A-7 PEGGY BOSWORTH
MPD-4

MOTION TO APPROVE COMPENSATION OF TRUSTEE'S ATTORNEY
5-24-18 [53]

Final Ruling: This motion has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the creditors, the debtor, the trustee, the U.S. Trustee, and any other party in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument.

The motion will be granted.

Michael Dacquisto, attorney for the trustee, has filed its first and final motion for approval of compensation. The requested compensation consists of $13,000, reduced from $17,680 in fees and $321.95 in expenses. This motion covers the period from May 11, 2015 through June 25, 2018. The court approved the movant's employment as the trustee's attorney on June 11, 2015. In performing its services, the movant charged hourly rates of $350, $375, and $400.

11 U.S.C. § 330(a)(1)(A)&(B) permits approval of "reasonable compensation for actual, necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." The movant's services included, without limitation: (1) analyzing petition documents, (2) reviewing real property records, (3) analyzing exemption claim in real property, (4) negotiating agreement with the debtor resolving her exemption claim, (5) obtaining court approval of the agreement, (6) preparing a section 363(h) complaint, (7) negotiating with the debtor's non-filing spouse to resolve the complaint, (8) assisting the trustee with the general administration of the estate, and (9) preparing and filing employment and compensation motions.

The court concludes that the compensation is for actual and necessary services rendered in the administration of this estate. The requested compensation will be approved.

23. 14-24449-A-7 ROBERT/KATHLEEN BRANSON
PA-8

MOTION TO APPROVE COMPENSATION OF TRUSTEE'S ATTORNEY
5-26-18 [184]

Final Ruling: This motion has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the creditors, the debtor, the trustee, the U.S. Trustee, and any other party in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument.

The motion will be granted.

Pino & Associates, attorney for the trustee, has filed its first and final motion for approval of compensation. The requested compensation consists of $35,000 in fees (reduced from $51,180) and $2,945.97 in expenses, for a total of $37,945.97. This motion covers the period from June 3, 2014 through the present. The court approved the movant's employment as the trustee's attorney on July 7, 2014. In performing its services, the movant charged hourly rates of $125, $250, and $350.

11 U.S.C. § 330(a)(1)(A)&(B) permits approval of "reasonable compensation for actual, necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." The movant's services included, without limitation: (1) assisting the trustee with evaluating three real properties for the estate, (2) assisting the estate with the sale of two of the real properties, (3) defending stay relief motions relating to two of the properties, (4) preparing and prosecuting sale motions, (5) securing short

sale approvals from the mortgagees, (6) assisting the trustee with the general administration of the estate, and (7) preparing and filing employment and compensation motions.

The court concludes that the compensation is for actual and necessary services rendered in the administration of this estate. The requested compensation will be approved.

24. 18-22462-A-7 JULIA MARIN
SSW-1
CITIZENS BANK, N.A. VS.

MOTION FOR
RELIEF FROM AUTOMATIC STAY
5-16-18 [12]

Final Ruling: This motion for relief from the automatic stay has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the debtor and the trustee, to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument.

The motion will be granted.

The movant, Citizens Bank, seeks relief from the automatic stay with respect to a 2016 Chevrolet Impala. The movant has produced evidence that the vehicle has a value of $18,150 and its secured claim is approximately $31,793. Docket 14.

The court concludes that there is no equity in the vehicle and no evidence exists that it is necessary to a reorganization or that the trustee can administer it for the benefit of the creditors. The court also notes that the trustee filed a report of no distribution on May 18, 2018. And, in the statement of intention, the debtor has indicated an intent to surrender the vehicle.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(2) to permit the movant to repossess its collateral, dispose of it pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

Because the movant has not established that the value of its collateral exceeds the amount of its secured claim, the court awards no fees and costs in connection with the movant's secured claim as a result of the filing and prosecution of this motion. 11 U.S.C. § 506(b).

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived due to the fact that the movant's vehicle is being used by the debtor without compensation and it is depreciating in value.

25. 18-21670-A-7 STEPHANIE AMBROSELLI
APN-1
WELLS FARGO BANK, N.A. VS.

MOTION FOR
RELIEF FROM AUTOMATIC STAY
5-25-18 [14]

Final Ruling: This motion for relief from the automatic stay has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the debtor and the trustee, to file written opposition at least 14

days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument.

The motion will be granted.

The movant, Wells Fargo Bank, seeks relief from the automatic stay with respect to a 2011 Cadillac Escalade.

The court concludes that there is no equity in the vehicle and no evidence exists that it is necessary to a reorganization or that the trustee can administer it for the benefit of the creditors. The court also notes that the trustee filed a report of no distribution on April 30, 2018. Further, the debtor is three pre-petition and two post-petition payments delinquent to the movant. And, in the statement of intention, the debtor has indicated an intent to surrender the vehicle. This is cause for the granting of relief from stay.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) to permit the movant to repossess its collateral, dispose of it pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.
The movant has produced evidence that the vehicle has a value of $23,150 and its secured claim is approximately $17,122. Docket 16.

The loan documentation contains an attorney's fee provision and the movant is an over-secured creditor. The motion demands payment of fees and costs. The court concludes that a similarly situated creditor would have filed this motion. Under these circumstances, the movant is entitled to recover reasonable fees and costs incurred in connection with prosecuting this motion. See 11 U.S.C. § 506(b). See also Kord Enterprises II v. California Commerce Bank (In re Kord Enterprises II), 139 F.3d 684, 689 (9th Cir. 1998).

Therefore, the movant shall file and serve a separate motion seeking an award of fees and costs. The motion for fees and costs must be filed and served no later than 14 days after the conclusion of the hearing on the underlying motion. If not filed and served within this deadline, or if the movant does not intend to seek fees and costs, the court denies all fees and costs. The order granting the underlying motion shall provide that fees and costs are denied. If denied, the movant and its agents are barred in all events from recovering any fees and costs incurred in connection with the prosecution of the motion.

If a motion for fees and costs is filed, it shall be set for hearing pursuant to Local Bankruptcy Rule 9014-1(f)(1) or (f)(2). It shall be served on the debtor, the debtor's attorney, the trustee, and the United States Trustee. Any motion shall be supported by a declaration explaining the work performed in connection with the motion, the name of the person performing the services and a brief description of that person's relevant professional background, the amount of time billed for the work, the rate charged, and the costs incurred. If fees or costs are being shared, split, or otherwise paid to any person who is not a member, partner, or regular associate of counsel of record for the movant, the declaration shall identify those person(s) and disclose the terms of the arrangement with them.

Alternatively, if the debtor will stipulate to an award of fees and costs not to exceed $750, the court will award such amount. The stipulation of the debtor may be indicated by the debtor's signature, or the debtor's attorney's signature, on the order granting the motion and providing for an award of $750.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived due to the fact that the movant's vehicle is being used by the debtor without compensation and it is depreciating in value.

26. 18-21296-A-7 JOSHUA/HEATHER ROGERS — MOTION FOR RELIEF FROM AUTOMATIC STAY
APN-1
WELLS FARGO BANK, N.A. VS. — 5-17-18 [15]

Final Ruling: This motion for relief from the automatic stay has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the debtor and the trustee, to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument.

The motion will be granted.

The movant, Wells Fargo Bank, seeks relief from the automatic stay with respect to a 2012 Chevrolet Cruze. The movant has produced evidence that the vehicle has a value of $7,175 and its secured claim is approximately $9,475. Docket 17.

The court concludes that there is no equity in the vehicle and no evidence exists that it is necessary to a reorganization or that the trustee can administer it for the benefit of the creditors. The court also notes that the trustee filed a report of no distribution on April 18, 2018. And, in the statement of intention, the debtor has indicated an intent to surrender the vehicle.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(2) to permit the movant to repossess its collateral, dispose of it pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

Because the movant has not established that the value of its collateral exceeds the amount of its secured claim, the court awards no fees and costs in connection with the movant's secured claim as a result of the filing and prosecution of this motion. 11 U.S.C. § 506(b).

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived due to the fact that the movant's vehicle is being used by the debtor without compensation and it is depreciating in value.