

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Modesto, California

July 7, 2015 at 10:00 a.m.

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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.

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1.	12-90604-D-13 JDP-1	KEVIN/CHRISTINA GREENER	MOTION TO VALUE COLLATERAL OF BANK OF THE WEST 6-9-15 [33]
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2.	14-90904-D-13 CJY-3	ART/TERESA SISNEROZ	MOTION TO MODIFY PLAN 5-22-15 [41]
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**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. 15-90206-D-13 KATRINA CHANDLER CONTINUED MOTION TO VALUE  
EWG-1 COLLATERAL OF TOYOTA MOTOR  
CREDIT COMPANY  
4-24-15 [27]
4. 15-90206-D-13 KATRINA CHANDLER CONTINUED OBJECTION TO  
MDE-1 CONFIRMATION OF PLAN BY TOYOTA  
MOTOR CREDIT CORPORATION  
4-8-15 [15]
5. 15-90206-D-13 KATRINA CHANDLER CONTINUED OBJECTION TO  
RDG-1 CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
4-17-15 [21]
6. 11-90115-D-13 ISRAEL/REBECA VARGAS MOTION FOR RELIEF FROM  
TJS-1 AUTOMATIC STAY  
JPMORGAN CHASE BANK, N.A. 5-21-15 [148]  
VS.

7. 11-90115-D-13 ISRAEL/REBECA VARGAS MOTION TO MODIFY PLAN  
TOG-7 5-26-15 [154]

8. 14-91620-D-13 SHANE MILLER MOTION TO CONFIRM PLAN  
EWG-1 5-26-15 [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.

9. 10-91528-D-13 ANGEL/ANGELICA MARTINEZ MOTION TO VALUE COLLATERAL OF  
JDP-1 WELLS FARGO BANK, N.A.  
6-12-15 [57]

10. 15-90028-D-13 RAFAEL REYNA CONTINUED MOTION TO CONFIRM  
MLP-2 PLAN  
3-28-15 [51]

11. 15-90028-D-13 RAFAEL REYNA  
MLP-3  
OBJECTION TO CLAIM OF BAYVIEW  
LOAN SERVICING, LLC, CLAIM  
NUMBER 1  
5-18-15 [73]

**Final ruling:**

**Objection withdrawn by moving party. Matter removed from calendar.**

12. 12-92229-D-13 SANDY BENNETT  
JCK-3  
CONTINUED MOTION TO INCUR DEBT  
4-23-15 [55]

13. 15-90335-D-13 SANDRA NARANJO  
BF-5  
OBJECTION TO CONFIRMATION OF  
PLAN BY LOANCARE  
6-2-15 [15]

14. 15-90339-D-13 MARIANNE MAGATHEN  
KK-1  
OBJECTION TO CONFIRMATION OF  
PLAN BY GREEN TREE SERVICING  
LLC  
5-22-15 [21]

15. 15-90339-D-13 MARIANNE MAGATHEN  
RDG-2

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
5-29-15 [25]

16. 15-90249-D-13 THERESA TOWNES  
JAD-1

MOTION TO VALUE COLLATERAL OF  
SANTANDER CONSUMER USA INC.  
5-12-15 [21]

**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.

17. 15-90351-D-13 HENRY PEREZ  
BSH-1

MOTION TO VALUE COLLATERAL OF  
SANTANDER CONSUMER USA  
5-26-15 [15]

**Final ruling:**

This is the debtor's motion to value collateral of Santander Consumer USA Inc. ("Santander"). The motion will be denied because the moving party failed to serve Santander in strict compliance with Fed. R. Bankr. P. 7004(b)(3), as required by Fed. R. Bankr. P. 9014(b). The moving party served Santander by certified mail whereas Santander is not an FDIC-insured institution, and therefore, was required to be served by first-class mail. Compare preamble to Fed. R. Bankr. P. 7004(b) with Fed. R. Bankr. P. 7004(h).

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

18. 14-91154-D-13 JAMES/BRENDA COOK  
PBG-1

MOTION TO CONFIRM PLAN  
5-20-15 [34]

19. 15-90354-D-13 CHRIS/LISA FREITAS  
RDG-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
5-29-15 [14]

20. 12-90661-D-13 JOHN ATHEY  
JDP-1

MOTION TO VALUE COLLATERAL OF  
BANK OF AMERICA, N.A.  
6-10-15 [36]

21. 14-90962-D-13 JOSE/TERESA MOTA  
CJY-1

MOTION TO MODIFY PLAN  
5-27-15 [31]

**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.

22. 15-90370-D-13 GEORGE/REBECCA SOMERS  
APN-1

OBJECTION TO CONFIRMATION OF  
PLAN BY WELLS FARGO BANK, N.A.  
5-18-15 [15]

23. 15-90370-D-13 GEORGE/REBECCA SOMERS OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
5-29-15 [19]

24. 15-90073-D-13 RAYMOND STARK MOTION TO VALUE COLLATERAL OF  
EWG-2 CENTRAL STATE CREDIT UNION  
6-8-15 [55]

**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.

25. 15-90475-D-13 OLIVIA VENTURA MOTION FOR RELIEF FROM  
PD-1 AUTOMATIC STAY  
U.S. BANK, N.A. VS. 5-28-15 [12]

**DEBTOR DISMISSES:  
06/02/2015**

26. 12-90780-D-13 JUNE AMIOT MOTION TO VALUE COLLATERAL OF  
JDP-1 WELLS FARGO BANK, N.A.  
6-8-15 [49]

27. 10-91782-D-13 JAIME/PATRICIA ANAYA  
CJY-1

MOTION TO SUBSTITUTE PATRICIA  
A. ANAYA AS THE REPRESENTATIVE  
FOR JAIME ANAYA AND/OR MOTION  
TO EXCUSE DEBTOR JAIME ANAYA  
FROM COMPLETING POST PETITION  
INSTRUCTIONAL COURSE AND 11  
U.S.C. SECTION 1328 CERTIFICATE  
OR CERTIFICATE OF CHAPTER 13  
DEBTOR RE: 11.U.S.C. SECTION  
522(Q) EXEMPTIONS  
6-9-15 [36]

28. 10-93883-D-13 MUKESH/VINORMA PRASAD  
TBC-2

MOTION TO MODIFY PLAN  
6-2-15 [66]

**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.

29. 12-91089-D-13 MARY DANIELSON  
JDP-1

MOTION TO VALUE COLLATERAL OF  
WELLS FARGO BANK, N.A.  
6-8-15 [93]

30. 11-93492-D-13 KEVIN/BOBBIE YOUNG  
MLP-10

MOTION TO MODIFY PLAN  
5-30-15 [164]



31. 14-90494-D-13 WARREN/LYNETTE MCGHEE MOTION TO MODIFY PLAN  
JAD-2 6-1-15 [40]

**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.

32. 14-91595-D-13 JAIME/CHERYL JIMENEZ MOTION TO CONFIRM PLAN  
TOG-3 5-26-15 [66]

**Final ruling:**

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving parties failed to serve the State Board of Equalization at its address on the Roster of Governmental Agencies, as required by LBR 2002-1(b); and (2) the moving parties failed to serve "Court Order and Levies Dept., JPMorgan Chase," listed on their Schedule F, at all; thus, the moving parties failed to comply with Fed. R. Bankr. P. 2002(b).

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

33. 12-91197-D-13 VIRGINIA KING MOTION TO MODIFY PLAN  
JCK-1 5-18-15 [29]

**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.

34. 15-90499-D-13 KENNETH/TRACIE THORNE MOTION TO VALUE COLLATERAL OF  
DEF-1 FIRST TENNESSEE BANK, N.A.  
5-21-15 [12]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of First Tennessee Bank, N.A. at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of First Tennessee Bank, N.A.'s secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

35. 15-90499-D-13 KENNETH/TRACIE THORNE  
DEF-2

MOTION TO VALUE COLLATERAL OF  
KEY BANK, N.A.  
5-21-15 [18]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Key Bank, N.A. at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Key Bank, N.A.'s secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

36. 15-90499-D-13 KENNETH/TRACIE THORNE  
DEF-3

MOTION TO VALUE COLLATERAL OF  
UNIFUND CCR, LLC  
5-21-15 [24]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value collateral of Unifund CCR, LLC, at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior abstract of judgment 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, except as set forth below, supported by the record. As such, the court will grant the motion in part and set the amount of Unifund CCR, LLC's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

The motion also states that the judgment lien impairs the debtors' "home owner exemption" and is subject to avoidance pursuant to § 522(f) of the Bankruptcy Code. The debtors have made no showing that the lien impairs an exemption to which they are entitled; indeed, they have not claimed an exemption in the property. To the extent the motion seeks to avoid the lien pursuant to § 522(f), the motion will be denied.

37. 15-90402-D-13 FILEMON BANUELOS AND  
RDG-2 ESPERANZA BANLELOS

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
6-12-15 [29]

38. 10-90006-D-13 JOSE/PATRICIA VILICANA MOTION TO APPROVE LOAN  
JDP-1 MODIFICATION  
6-23-15 [70]
39. 15-90406-D-13 GEOFFREY WIK AND JENNIFER OBJECTION TO CONFIRMATION OF  
RDG-1 SPENCER-WIK PLAN BY RUSSELL D. GREER  
6-12-15 [16]
40. 10-91408-D-13 ANGELA JAUREGUI MOTION TO VALUE COLLATERAL OF  
JDP-1 VERIPRO SOLUTIONS, INC.  
6-19-15 [40]
41. 12-93216-D-13 DEANNA DUNN MOTION TO REFINANCE  
SDM-4 6-18-15 [66]

**Final ruling:**

This is the debtor's motion for approval of a mortgage loan refinance. On June 23, 2015, after the debtor's application for an order shortening time was denied, the debtor filed another motion to approve what appears to be the same refinance. That motion is set for hearing on July 21, 2015. As a result of the filing of the later motion, the present motion will be denied as moot.

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

42.	15-90018-D-13 RDG-1	KEVIN MIXON	CONTINUED MOTION TO DISMISS CASE 4-8-15 [23]
43.	12-92368-D-13 JAD-1	KAREN/ROBERT WALTERS	MOTION TO INCUR DEBT 6-22-15 [24]
44.	14-91368-D-13 JAD-1	HARRY/CAROL BERGER	MOTION TO INCUR DEBT 6-19-15 [27]
45.	15-90576-D-13 MRL-1	SCOTT/DANEL SHANKEY	MOTION TO VALUE COLLATERAL OF JPMORGAN CHASE BANK, N.A. 6-22-15 [10]

46.	10-91278-D-13 JDP-1	BRADLY BONGIORNO	MOTION TO VALUE COLLATERAL OF JP MORGAN CHASE BANK, N.A. 6-19-15 [48]
47.	15-90583-D-13 TOG-1	OLIVIA VENTURA	MOTION TO EXTEND AUTOMATIC STAY 6-17-15 [10]
48.	15-90386-D-13 RDG-1	MICHAEL CARSON	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 6-12-15 [24]
49.	15-90388-D-13 RDG-1	JOSEPH SHAW AND MARY INDERBITZIN-SHAW	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 6-12-15 [18]

50.	15-90393-D-13 RDG-2	SALVADOR JIMENEZ AND DOREHIDY MENDOZA	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 6-12-15 [29]
51.	15-90396-D-13 RDG-1	MICHAEL/DEBBIE DAGUE	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 6-12-15 [17]
52.	10-91897-D-13 JDP-1	STEVE/LISA WHITEAKER	MOTION TO VALUE COLLATERAL OF JP MORGAN CHASE BANK, N.A. 6-19-15 [50]
53.	15-90397-D-13 RDG-1	DANIEL MITCHELL	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 6-12-15 [30]

54. 15-90397-D-13 DANIEL MITCHELL  
REA-2

OBJECTION TO CONFIRMATION OF  
PLAN BY CREDITOR  
SCHAPIRO-THORN, INC. AND SUZIE  
S. THORN  
6-15-15 [33]