

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Modesto, California

August 19, 2014 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.	14-90002-D-13	GREGORY SCOTT	MOTION TO CONFIRM PLAN
	DCJ-4		7-8-14 [67]

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.

2. 11-90804-D-13 GURMIT BIRK MOTION TO MODIFY PLAN  
PGM-7 7-11-14 [126]
3. 10-92306-D-13 GERARDO TEJEDA MOTION TO MODIFY PLAN  
TEJ-5 7-17-14 [67]
4. 14-90412-D-13 GREGORY/LINDA GRIJALVA MOTION TO CONFIRM PLAN  
RLF-2 6-30-14 [25]
5. 13-90820-D-13 ROBERT/PAMELA WILLIAMS MOTION TO APPROVE LOAN  
CLH-7 MODIFICATION  
7-18-14 [107]

6. 08-92731-D-13 RAYMOND/BERTHA GARCIA CONTINUED MOTION TO DISMISS  
RDG-3 CASE FOR UNREASONABLE DELAY  
THAT IS PREJUDICIAL TO  
CREDITORS AND/OR MOTION TO  
DISMISS CASE  
5-23-14 [77]

**Final ruling:**

**Motion withdrawn by moving party.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

7. 13-91931-D-13 JERROD/GINA MELLO MOTION TO MODIFY PLAN  
SSA-5 7-10-14 [49]

8. 13-91540-D-13 ALONSO/MARTHA ORTEGA OBJECTION TO CLAIM OF HOUSEHOLD  
CJY-2 FINANCE CORPORATION OF  
CALIFORNIA, CLAIM NUMBER 1  
6-30-14 [29]

9. 10-91845-D-13 RUSSELL THURMAN AND MOTION TO MODIFY PLAN  
JCK-3 KAUTY SHIVARAS-THURMAN 7-10-14 [48]

**Tentative ruling:**

**This is the debtors' motion to confirm a modified chapter 13 plan. No timely opposition has been filed, and the relief requested is supported by the record. However, the proof of service does not properly evidence service. It states that Stephen D. Field states under penalty that the foregoing is true and correct to the best of his knowledge, but it purports to be signed by Janice Kyle. The court is prepared to grant the motion, conditioned on the filing of a corrected proof of service.**

**The court will hear the matter.**

10. 12-92947-D-13 JAMES TYLER MOTION TO MODIFY PLAN  
JAD-1 7-15-14 [52]
11. 14-90572-D-13 DOUGLAS/DEBORAH TOBIN MOTION TO CONFIRM PLAN  
PGM-2 7-8-14 [24]
12. 14-90481-D-13 OLIVIA SIMS MOTION TO CONFIRM PLAN  
CJY-1 7-8-14 [48]
13. 14-90781-D-13 STEVE/FRANCES MONTELONGO OBJECTION TO CONFIRMATION OF  
BHT-1 PLAN BY U.S. BANK, N.A.  
7-18-14 [35]

14. 14-90781-D-13 STEVE/FRANCES MONTELONGO MOTION TO VALUE COLLATERAL OF  
SFM-2 ONEWEST BANK, N.A.  
7-18-14 [30]

**Final ruling:**

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

15. 10-90582-D-13 MICHAEL/TERESITA MOTION TO MODIFY PLAN  
JDP-1 SILVA-SAMPAIO  
7-14-14 [73]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

16. 14-90682-D-13 MICHAEL CARRILLO MOTION TO VALUE COLLATERAL OF  
JAD-1 INTERNAL REVENUE SERVICE  
7-1-14 [15]

**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. 11-91690-D-13 MARGARITA QUINONES MOTION TO VALUE COLLATERAL OF  
JDP-1 WELLS FARGO BANK, N.A.  
7-24-14 [35]

18. 10-94793-D-13 JEANNETTE SABATHIA  
PLG-2

MOTION TO APPROVE LOAN  
MODIFICATION  
7-17-14 [53]

19. 14-90696-D-13 JAVIER MORENO  
BG-1

MOTION TO CONFIRM PLAN  
7-5-14 [39]

**Final ruling:**

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving party failed to serve the creditors filing Claim Nos. 1 and 4 using the complete names by which they requested notice, as set forth on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g); (2) the moving party served the creditor filing Claim No. 1 at an incorrect post office box number; (3) the moving party failed to serve the creditor filing Claim No. 3 at the address on its proof of claim or at all; thus, the moving party failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(b); (4) the moving party failed to serve the creditor requesting special notice at DN 29 at the complete address set forth on its request, as required by Fed. R. Bankr. P. 2002(g); and (5) the notice of hearing gives the time of the hearing as 10:00 a.m. in the caption but 9:32 a.m. in the text.

As a result of these service and notice defects, the court will deny the motion by minute order. No appearance is necessary.

20. 14-90822-D-13 BRENDA GONZALEZ  
GAR-1

OBJECTION TO CONFIRMATION OF  
PLAN BY NATIONSTAR MORTGAGE,  
LLC  
7-30-14 [20]

21. 14-90823-D-13 ROBERT/MICHELE SANCHEZ OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
7-28-14 [14]
22. 14-90831-D-13 JOSE MORA OBJECTION TO CONFIRMATION OF  
RDG-2 PLAN BY RUSSELL D. GREER  
7-26-14 [11]
23. 14-90831-D-13 JOSE MORA OBJECTION TO CONFIRMATION OF  
AWS-1 PLAN BY WELLS FARGO BANK, N.A.  
7-30-14 [14]
24. 14-90841-D-13 TIMOTHY REED OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
7-26-14 [12]

**Final ruling:**

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

25. 14-90845-D-13 NORA AMBRIZ AND  
RDG-1 ALEJANDRO ORDONEZ  
OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
7-26-14 [14]
26. 14-90845-D-13 NORA AMBRIZ AND  
EAT-1 ALEJANDRO ORDONEZ  
OBJECTION TO CONFIRMATION OF  
PLAN BY WELLS FARGO BANK, N.A.  
7-30-14 [17]
27. 11-91878-D-13 RAYMUNDO HURTADO  
ORDER TO SHOW CAUSE - FAILURE  
TO TENDER FEE FOR FILING  
TRANSFER OF CLAIM  
7-29-14 [97]
28. 09-92279-D-13 BOBBIE ROCHA  
JDP-1 MOTION TO INCUR DEBT  
8-5-14 [82]



29. 14-90681-D-13 SARAH TUCKER  
RDG-1

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
6-27-14 [17]

30. 14-90781-D-13 STEVE/FRANCES  
RDG-2 MONTELONGO

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
7-28-14 [39]