

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Michael S. McManus
Bankruptcy Judge
Sacramento, California

August 26, 2013 at 2:00 p.m.

1. 13-25615-A-13 GEORGE/MARIVIC AQUINO MOTION TO
JPJ-1 DISMISS CASE
8-12-13 [37]

- Telephone Appearance
- Trustee Agrees with Ruling

Tentative Ruling: The motion will be granted and the case will be dismissed.

The debtor proposed a plan within the time required by Fed. R. Bankr. P. 3015(b) but was unable to confirm it because the court dismissed the motion to confirm the plan. The debtor thereafter failed to promptly propose a modified plan and set it for a confirmation hearing. This suggests that the debtor either does not intend to confirm a plan or does not have the ability to do so. This would be cause for dismissal. See 11 U.S.C. § 1307(c)(1) & (c)(5).

2. 09-20016-A-13 ALFRED/ANNETTE LUNA MOTION TO
JPJ-1 DISMISS CASE
7-9-13 [48]

- Telephone Appearance
- Trustee Agrees with Ruling

Tentative Ruling: The motion will be granted and the case will be dismissed.

First, the debtor has failed to pay to the trustee approximately \$659 as required by the proposed plan. The foregoing has resulted in delay that is prejudicial to creditors and suggests that the plan is not feasible. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1).

Second, the confirmed plan had a duration of 50 months. However, the plan payments have not permitted the trustee to pay the dividends promised by the plan. Further, despite being advised of the plan's insolvency, the debtor has not taken timely steps to modify the plan.

3. 08-28218-A-13 DENNIS/TINA BROWN MOTION TO
JPJ-1 DISMISS CASE
8-2-13 [38]

Final Ruling: The trustee has voluntarily dismissed the motion. The case will remain pending.

4. 13-24919-A-13 MATTHEW/KAY HAYNES MOTION TO
JPJ-2 DISMISS CASE
7-22-13 [34]

August 26, 2013 at 2:00 p.m.

