

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

August 26, 2014 at 9:31 A.M.

1. [14-26803](#)-B-7 TRACI HOBSON MOTION FOR RELIEF FROM
PPR-1 AUTOMATIC STAY
7-18-14 [[9](#)]
BANK OF AMERICA, N.A. VS.

Disposition Without Oral Argument: This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as to the debtor and the estate pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 3213 Mill Run, Unit 174, Raleigh, North Carolina (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtor has failed to make eight (8) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtor has filed a statement of intention to surrender the Property. The trustee has filed a statement of non-opposition to the motion.

The court will issue a minute order.

2. [14-27011](#)-B-7 MARY SMITH MOTION FOR RELIEF FROM
SW-1 AUTOMATIC STAY
8-5-14 [[11](#)]
WELLS FARGO BANK, N.A. VS.

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Because the debtor has filed a statement of intention to surrender the Property (as that term is defined herein) the court issues the following tentative ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to obtain possession of its collateral, a 2011 Nissan Altima (VIN 1N4AL2AP4BN433108) (the "Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion

is denied.

Movant alleges without dispute that the debtor has failed to make nine (9) payments. Also, movant alleges without dispute that there is no equity in the Collateral and the Collateral is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtor has filed a statement of intention to surrender the Collateral.

The court will issue a minute order.

3. [14-21213](#)-B-7 ALAN GILMAN MOTION FOR RELIEF FROM
PD-1 AUTOMATIC STAY
7-24-14 [[18](#)]
- DEUTSCHE BANK NATIONAL TRUST
COMPANY VS.

Disposition Without Oral Argument: This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part and dismissed as moot in part. As to the debtor, the motion is dismissed as moot. The debtor received a discharge on May 13, 2014, and the automatic stay as to the debtor ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 3163 Butterfly Court, Shasta Lake, California (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees or costs. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtor has failed to make sixty-two (62) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case.

Because the movant has not established that the value of its collateral exceeds the amount of its claim, the court awards no fees and costs. 11 U.S.C. § 506(b).

The court will issue a minute order.

4. [14-27228](#)-B-7 RUTH JACOBS MOTION FOR RELIEF FROM
DVW-1 AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
8-8-14 [[9](#)]
- U.S. BANK, NA VS.

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

5. [14-27336](#)-B-7 EDWIN ELY AND DEMA MILLER MOTION FOR RELIEF FROM
LDH-1 AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
7-23-14 [[13](#)]

FEDERAL NATIONAL MORTGAGE
ASSOCIATION VS.

Disposition Without Oral Argument: This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as to the debtors and the estate, effective as of 8:00 a.m. on July 17, 2014, pursuant to 11 U.S.C. § 362(d) (1) and (d) (2) in order to obtain possession of the real property located at 113 West E Street, Galt, California (APN 148-0230-031-0000) (the "Property") in accordance with applicable non-bankruptcy law. The 14-day period specified in Fed. R. Bankr. P. 4001(a) (3) is not waived. Except as so ordered, the motion is denied.

Cause for modification of the automatic stay exists because movant acquired title to the Property at a pre-petition foreclosure sale and neither the estate nor the debtors have any interest in the Property, other than a bare possessory interest.

The court will issue a minute order.

6. [08-29045](#)-B-7 ALEXANDRA SPIEGEL MOTION FOR RELIEF FROM
PPR-1 AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
7-22-14 [[512](#)]

U.S. BANK, N.A. VS.

Disposition Without Oral Argument: This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part and dismissed as moot in part. As to the debtor, the motion is dismissed as moot. The debtor received a discharge on March 11, 2011, and the automatic stay as to the debtor ended on that date. 11 U.S.C. § 362(c) (2) (C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 7952 River Road, Olympic Valley, California (APN 080-222-028, 080-222-029, 080-222-030) (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 14-day period specified in Fed. R. Bankr. P. 4001(a) (3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtor has failed to make seventy-four (74) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not

necessary to an effective reorganization or rehabilitation in this chapter 7 case.

The court will issue a minute order.

7. [14-24345](#)-B-7 RAFAEL RODRIGUEZ MOTION FOR RELIEF FROM
PD-1 AUTOMATIC STAY
7-23-14 [[17](#)]
U.S. BANK, N.A. VS.

Disposition Without Oral Argument: This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part and dismissed as moot in part. As to the debtor, the motion is dismissed as moot. The debtor received a discharge on August 6, 2014, and the automatic stay as to the debtor ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 506 Dakota Street, Fairfield, California (APN 0032-262-020) (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees or costs. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtor has failed to make fifty-one (51) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution and a statement of non-opposition to the motion.

Because the movant has not established that the value of its collateral exceeds the amount of its claim, the court awards no fees and costs. 11 U.S.C. § 506(b).

The court will issue a minute order.

8. [14-20059](#)-B-7 ALFREDO HOLGUIN MOTION FOR RELIEF FROM
KE-1 AUTOMATIC STAY
7-22-14 [[80](#)]
FRED HOLGUIN VS.

Tentative Ruling: None.