

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis
Bankruptcy Judge
Sacramento, California

September 9, 2014 at 1:30 p.m.

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1. [14-27557-E-13](#) DOUGLAS HAYCOCK MOTION FOR RELIEF FROM
SMR-1 W. Steven Shumway AUTOMATIC STAY AND/OR MOTION TO
CONFIRM TERMINATION OR ABSENCE
OF STAY
8-11-14 [[14](#)]
- BAINS FAMILY INVESTMENTS,
LLC VS.

Final Ruling: No appearance at the September 9, 2014 hearing is required.

Local Rule 9014-1(f)(1) Motion - No Opposition Filed.

Correct Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, Chapter 13 Trustee, and Office of the United States Trustee on August 11, 2014. By the court's calculation, 29 days' notice was provided. 28 days' notice is required.

The 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 respondent and other parties 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 to be the equivalent of a statement of nonopposition. *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 Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties are entered. Upon review of the record there are no disputed material factual issues and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

The Motion for Relief From the Automatic Stay is granted.

Bains Family Investments, LLC ("Movant") seeks relief from the automatic stay with respect to the real property commonly known as 6034 Turquoise Drive, Rocklin, California (the "Property"). FN. 1. The moving party has provided the Declaration of Baljinder Singh to introduce evidence as a basis for Movant's contention that Douglas Haycock ("Debtor") does not have an ownership interest in or a right to maintain possession of the Property.

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Movant presents evidence that it is the owner of the Property. Movant asserts it purchased the Property at a pre-petition Trustee's Sale on February 14, 2014. Based on the evidence presented, Debtor would be at best tenant at sufferance. Movant commenced an unlawful detainer action in California Superior Court, County of Placer on April 23, 2014. That proceeding was stayed before a judgment could be rendered when Debtor filed the instant bankruptcy case. Exhibit E, Dckt. 15.

FN.1.

Movant alternatively asks the court to recognize that the automatic stay expired 30 days after Debtor filed this case, according to 11 U.S.C. § 362(c)(3). This is the Debtors' third bankruptcy petition pending in the past year. The Debtors' prior bankruptcy cases (Nos. 13-24791 and 13-34984) were dismissed on September 16, 2013, and May 17, 2014, respectively, after Debtor failed to confirm a plan and make plan payments. See Order, Bankr. E.D. Cal. No. 13-24791, Dckt. 36, September 16, 2013. And No. 13-34984, Dckt. 45, May 17, 2014. Though the stay may have expired 30 days after the Debtor filed the instant case, pursuant to 11 U.S.C. § 362(c)(3)(A), it is not necessary for the court to rule on this, since the motion for relief from stay is sufficient on its own to allow the Movant to proceed with its unlawful detainer action.

Movant has provided a properly authenticated copy of the recorded Trustee's Deed Upon Sale to substantiate its claim of ownership and the unlawful detainer complaint. Based upon the evidence submitted, the court determines that there is no equity in the property for either the Debtor or the Estate. 11 U.S.C. § 362(d)(2).

Movant has presented a colorable claim for title to and possession of this real property. As stated by the Bankruptcy Appellate Panel in *Hamilton v. Hernandez*, No. CC-04-1434-MaTK, 2005 Bankr. LEXIS 3427 (B.A.P. 9th Cir. Aug. 1, 2005), relief from stay proceedings are summary proceedings which address issues arising only under 11 U.S.C. Section 362(d). *Hamilton*, 2005 Bankr. LEXIS 3427 at *8-*9 (citing *Johnson v. Righetti (In re Johnson)*, 756 F.2d 738, 740 (9th Cir. 1985)). The court does not determine underlying issues of ownership, contractual rights of parties, or issue declaratory relief as part of a motion for relief from the automatic stay. Fed. R. Bankr. P. 9014.

David Cusick, the Chapter 13 Trustee, filed a notice of non-opposition on August 20, 2014.

The court shall issue an order terminating and vacating the automatic stay to allow Bains Family Investments, LLC, and its agents, representatives and successors, to exercise its rights to obtain possession and control of the real property commonly known as 6034 Turquoise Drive, Rocklin, California, including unlawful detainer or other appropriate judicial proceedings and remedies to obtain possession thereof.

The Movant has alleged adequate facts and presented sufficient evidence to support the court waving the 14-day stay of enforcement required under Rule 4001(a)(3).

No other or additional relief is granted by the court.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief From the Automatic Stay filed by Bains Family Investments, LLC ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Bains Family Investments, LLC and its agents, representatives and successors, to exercise and enforce all nonbankruptcy rights and remedies to obtain possession of the property commonly known as 6034 Turquoise Drive, Rocklin, California.

IT IS FURTHER ORDERED that the fourteen (14) day stay of enforcement provided in Rule 4001(a)(3), Federal Rules of Bankruptcy Procedure, is waived for cause shown by Movant.

No other or additional relief is granted.

2. [14-21567-E-13](#) DEAN DOMACH
EGS-1 C. Anthony Hughes

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION TO
CONFIRM TERMINATION OR ABSENCE
OF STAY
7-29-14 [[47](#)]

GUILD MORTGAGE COMPANY VS.

Final Ruling: No appearance at the September 9, 2014 hearing is required.

Local Rule 9014-1(f)(1) Motion - No Opposition Filed.

Correct Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, Chapter 13 Trustee, parties requesting special notice, and Office of the United States Trustee on July 30, 2014. By the court's calculation, 41 days' notice was provided. 28 days' notice is required.

The 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 respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(iii) is considered to be the equivalent of a statement of nonopposition. *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 Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties are entered. Upon review of the record there are no disputed material factual issues and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

The Motion for Relief From the Automatic Stay is granted.

Guild Mortgage Company ("Movant") seeks relief from the automatic stay with respect to the real property commonly known as 8020 Walerga Road #1198, Antelope, California (the "Property"). Movant has provided the Declaration of Paul Laboda to introduce evidence to authenticate the documents upon which it bases the claim and the obligation secured by the Property.

The Laboda Declaration states that there are four (4) post-petition defaults in the payments on the obligation secured by the Property, with a total of \$5,160.96 in post-petition payments past due.

No opposition has been filed by either the Debtor or the Trustee. In fact, David Cusick, the Chapter 13 Trustee, filed a notice of non-opposition on August 18, 2014.

From the evidence provided to the court, and only for purposes of this

Motion for Relief, the total debt secured by this property is determined to be \$172,939.50 (including \$172,939.50 secured by Movant's first deed of trust), as stated in the Laboda Declaration and Schedule D filed by Dean Domach ("Debtor"). The value of the Property is determined to be \$87,000.00, as stated in Schedules A and D filed by Debtor.

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay, including defaults in post-petition payments which have come due. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

The existence of defaults in post-petition or pre-petition payments by itself does not guarantee Movant obtaining relief from the automatic stay. Movant has not sufficiently established an evidentiary basis for granting relief from the automatic stay for "cause" pursuant to 11 U.S.C. § 362(d)(1).

Once a movant under 11 U.S.C. § 362(d)(2) establishes that a debtor or estate has no equity, it is the burden of the debtor or trustee to establish that the collateral at issue is necessary to an effective reorganization. *United Savings Ass'n of Texas v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S. 365, 375-76 (1988); 11 U.S.C. § 362(g)(2). Based upon the evidence submitted to the court, and no opposition or showing having been made by the Debtor or the Trustee, the court determines that there is no equity in the property for either the Debtor or the Estate, and the property is not necessary for any effective reorganization in this Chapter 13 case.

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having lien rights against the Property, to conduct a nonjudicial foreclosure sale pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, at the nonjudicial foreclosure sale to obtain possession of the Property.

Because Movant has established that there is no equity in the property for Debtor and no value in excess of the amount of Movant's claims as of the commencement of this case, Movant is not awarded attorneys' fees as part of Movant's secured claim for all matters relating to this Motion.

Movant has not pleaded adequate facts and presented sufficient evidence to support the court waiving the 14-day stay of enforcement required under Rule 4001(a)(3), and this part of the requested relief is not granted.

No other or additional relief is granted by the court.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief From the Automatic Stay filed by Guild Mortgage Company ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the automatic stay provisions of 11 U.S.C. § 362(a) are immediately vacated to allow Guild Mortgage Company, its agents, representatives, and successors, and trustee under the trust deed, and any other beneficiary or trustee, and their respective agents and successors under any trust deed which is recorded against the property to secure an obligation to exercise any and all rights arising under the promissory note, trust deed, and applicable nonbankruptcy law to conduct a nonjudicial foreclosure sale and for the purchaser at any such sale obtain possession of the real property commonly known as 8020 Walerga Road, #1198, Antelope, California.

IT IS FURTHER ORDERED that the fourteen (14) day stay of enforcement provided in Rule 4001(a)(3), Federal Rules of Bankruptcy Procedure, is not waived for cause shown by Movant.

IT IS FURTHER ORDERED that Movant having established that the value of the Property subject to its lien not having a value greater than the obligation secured, Movant is not awarded attorneys' fees as part of Movant's secured claim for all matters relating to this Motion.

No other or additional relief is granted.

3. 12-36378-E-13 MARILYN/JOSHUA JOHNSON
PD-3 Peter G. Macaluso

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-6-14 [[171](#)]

WESTLAKE FINANCIAL SERVICES
VS.

Tentative Ruling: The 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 respondent and other parties 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 to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling.

Local Rule 9014-1(f)(1) Motion - Hearing Required.

Correct Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtors, Debtor's Attorney, Chapter 13 Trustee, parties requesting special notice, and Office of the United States Trustee on August 6, 2014. By the court's calculation, 34 days' notice was provided. 28 days' notice is required.

The 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 respondent and other parties 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 to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). The defaults of the non-responding parties are entered. Upon review of the record there are no disputed material factual issues and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

The Motion for Relief From the Automatic Stay is granted.

Marilyn and Joshua Johnson ("Debtors") commenced this bankruptcy case on September, 10, 2012. Westlake Financial Services ("Movant") seeks relief from the automatic stay with respect to an asset identified as a 2004 Mercedes-Benz S-Class S430, VIN ending in 0389 (the "Vehicle"). The moving party has provided the Declaration of Ana Payne to introduce evidence to authenticate the documents upon which it bases the claim and the obligation owed by the Debtor.

The Payne Declaration provides testimony that the Vehicle was damaged in an accident in June 2014. Debtor's insurance company considered the Vehicle a total loss, but could not provide Movant with a settlement check unless Movant

obtains a repossession title to the Vehicle. Additionally, The Payne Declaration provides testimony that Debtor has not made about 20 post-petition payments, with a total of \$4,797.64 in post-petition payments past due.

From the evidence provided to the court, and only for purposes of this Motion for Relief, the debt secured by this asset is determined to be \$10,778.37, as stated in the Payne Declaration, while the value of the Vehicle is determined to be \$6,729.00, as stated in the Kelley Blue Book Valuation Report, assuming the car had not been destroyed.

Movant has also provided a copy of the Kelly Blue Book Valuation Report for the Vehicle. The Report has been properly authenticated and is accepted as a market report or commercial publication generally relied on by the public or by persons in the automobile sale business. Fed. R. Evid. 803(17).

TRUSTEE'S RESPONSE

The Trustee has filed a response to the motion, explaining in part why the Movant has not received the full payments through Debtors' plan. Debtors had previously been delinquent in their plan payments, but are now current. Additionally, the Trustee had placed a hold on Movant's claim following notification that the Vehicle had been in an accident.

DEBTORS' OPPOSITION

Debtors filed an opposition on August 25, 2014 asserting that the Motion is misleading and not supported by cause. Debtors state that Movant's Exhibits state that the lien amount is \$11,039.66 when the claim states that the balance due is \$10,778.37. Debtors also dispute the fair market value of the Vehicle, stating that Debtors were unable to get an independent appraisal of the Vehicle. Debtors also state that AAA, Debtors' insurer, has not been authorized by Debtors to release a settlement payment.

MOVANT'S REPLY

Movant filed a reply to Debtors' opposition on September 2, 2014, stating that the Debtors do not actually dispute the fair market value of the Vehicle, since the Debtors' exhibits indicate that Marilyn Johnson is willing to take the insurance settlement and purchase a new car with it while paying Movant through the plan. Exh. 1, Dckt. 184. Movant also reiterates that since the Vehicle has been "totaled," Movant has no security for its loan because there is no equity in the vehicle.

RULING

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

Movant's contention that the mere lack of equity is "cause," as set forth in 11 U.S.C. § 362(d)(1) is without merit. Lack of equity is one of the two necessary elements for relief from the automatic stay under 11 U.S.C.

§ 362(d)(2). The fact that the debtor has no equity in the estate is not sufficient, standing alone, to grant relief from the automatic stay under 11 U.S.C. § 362(d)(1). *In re Suter*, 10 B.R. 471, 472 (Bankr. E.D. Penn. 1981); *In re Mellor*, 734 F.2d 1396, 1400 (9th Cir. 1984). Moving party has not adequately plead or provided an evidentiary basis for granting relief for "cause."

Once a movant under 11 U.S.C. § 362(d)(2) establishes that a debtor or estate has no equity, it is the burden of the debtor or trustee to establish that the collateral at issue is necessary to an effective reorganization. *United Savings Ass'n of Texas v. Timbers of Inwood Forest Associates. Ltd.*, 484 U.S. 365, 375-76 (1988); 11 U.S.C. § 362(g)(2). Based upon the evidence submitted, the court determines that there is no equity in the Vehicle for either the Debtor or the Estate. 11 U.S.C. § 362(d)(2). Neither the Debtor nor the Trustee established in their responses that the Vehicle is necessary to reorganization. Their burden has not been met, and the court determines that the Vehicle is not necessary for any effective reorganization in this Chapter 13 case.

While the court notes the issues raised by the Debtors in their opposition, the bare-bones opposition does not provide any factual or legal reasons on why the instant motion for relief should not be granted. Stating conclusory statements does not in fact an opposition make.

The court shall issue an order terminating and vacating the automatic stay to allow Westlake Financial Services, and its agents, representatives and successors, and all other creditors having lien rights against the Vehicle, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

No other or additional relief is granted by the court.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief From the Automatic Stay filed by Westlake Financial Services ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant, its agents, representatives, and successors, and all other creditors having lien rights against the Vehicle, under its security agreement, loan documents granting it a lien in the asset identified as a 2004 Mercedes-Benz S-Class S430 ("Vehicle"), and applicable nonbankruptcy law to obtain possession of, nonjudicially sell, and apply proceeds from the sale of the Vehicle to the obligation secured thereby.

No other or additional relief is granted.

4. 13-28480-E-13 CHARLES/TAMYRA HEARD
TJS-1 Peter G. Macaluso

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
7-31-14 [106]

JP MORGAN CHASE BANK, N.A.
VS.

Tentative Ruling: The 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 respondent and other parties 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 to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling.

Local Rule 9014-1(f)(1) Motion - Hearing Required.

Correct Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtors, Debtors' Attorney, Chapter 13 Trustee, parties requesting special notice, and Office of the United States Trustee on July 31, 2014. By the court's calculation, 40 days' notice was provided. 28 days' notice is required.

The 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 respondent and other parties 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 to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). The defaults of the non-responding parties are entered. Upon review of the record there are no disputed material factual issues and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

The Motion for Relief From the Automatic Stay is granted.

Charles and Tamyra Heard ("Debtors") commenced this bankruptcy case on June 25, 2013. JPMorgan Chase Bank, N.A. ("Movant") seeks relief from the automatic stay with respect to an asset identified as a 2005 Dodge Ram 1500, VIN ending in 5716 (the "Vehicle"). The moving party has provided the Declaration of Maria Brown to introduce evidence to authenticate the documents upon which it bases the claim and the obligation owed by the Debtor.

The Brown Declaration provides testimony that Debtor has not made four (4)

post-petition plan payments, with a total of \$5,860.00 in plan payments past due. The Declaration also provides evidence that Movant has only received two payments from the Debtors' plan.

From the evidence provided to the court, and only for purposes of this Motion for Relief, the debt secured by this asset is determined to be \$6,217.92, as stated in the Brown Declaration, while the value of the Vehicle is determined to be \$3,000.00, as stated in Schedules B and D filed by Debtor.

TRUSTEE'S OPPOSITION

The Trustee has filed a response to the Motion, stating that the Debtor remains \$7,325.00 delinquent in plan payments. The Trustee also states that their records show \$901.40 due to Chase, which is just over seven (7) payments.

OPPOSITION TO MOTION

Debtor has filed an opposition asserting that the Debtors have, through plan payments, paid \$685.67 to Movant. Debtors state that this leaves \$1,264.33 due and owing to Movant. Debtors request that they be allowed to come current on their plan payments before this Motion is granted. This Opposition consists merely of Counsel's arguments, with Debtors, and each of them, failing (or refusing) to provide any testimony (in a simple declaration) in opposition to the Motion.

RULING

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay since the debtor and the estate have not made post-petition payments and there is no equity in the Vehicle. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

The court shall issue an order terminating and vacating the automatic stay to allow JPMorgan Chase Bank, N.A., and its agents, representatives and successors, and all other creditors having lien rights against the Vehicle, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

Movant has pleaded adequate facts and presented sufficient evidence to support the court waiving the 14-day stay of enforcement required under Rule 4001(a)(3), and this part of the requested relief is granted.

No other or additional relief is granted by the court.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief From the Automatic Stay filed by JPMorgan Chase Bank, N.A. ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant, its agents, representatives, and successors, and all other creditors having lien rights against the Vehicle, under its security agreement, loan documents granting it a lien in the asset identified as a 2005 Dodge Ram 1500 ("Vehicle"), and applicable nonbankruptcy law to obtain possession of, nonjudicially sell, and apply proceeds from the sale of the Vehicle to the obligation secured thereby.

IT IS FURTHER ORDERED that the fourteen (14) day stay of enforcement provided in Rule 4001(a)(3), Federal Rules of Bankruptcy Procedure, is waived for cause.

No other or additional relief is granted.