

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

September 10, 2013 at 9:31 A.M.

1. [13-26809](#)-B-13 ALFONSO GAYTAN MOTION FOR RELIEF FROM
SW-1 AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
8-15-13 [[31](#)]

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. Therefore, the court issues no tentative ruling on the merits of the motion.

2. [13-22367](#)-B-13 DANIEL DEREPIENTIGNY MOTION FOR RELIEF FROM
JHW-1 AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
8-7-13 [[39](#)]

DAIMLER TRUST 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 against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) in order to permit the movant to obtain possession of its collateral, 2010 Mercedes Benz C300 (VIN WDDGF5EB6AR118089) (the "Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. The request for relief from the co-debtor (Sandhya Sanjivini) stay of 11 U.S.C. § 1301(a) is granted. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

The movant alleges without dispute that the debtor and co-debtor are three (3) months in post-petition arrears totaling approximately \$1,209.90. The foregoing fails to provide movant with adequate protection.

Relief from the co-debtor stay is granted because continuation of the co-debtor stay would irreparably harm the movant's interest in the Collateral. 11 U.S.C. § 1301(c)(3).

The court will issue a minute order.

3. [13-26082](#)-B-13 LINDA DIXON
WSS-2

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-12-13 [[43](#)]

AUBURN INVESTORS, LLC VS.

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

The motion is granted in part. To the extent that it applies, the automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) in order to permit the movant to permit the movant to obtain possession of the collateral described in the UCC-1 Financing Statement filed as an exhibit to the motion (Dkt. 45 at 25), consisting of "[a]ll personal property (fixtures and equipment) used in the business on the property commonly known as 210-212 Palm Avenue, Auburn, California 95603" (the "Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorneys' fees awarded herein. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

The movant alleges without dispute that it holds a lien in the Collateral pursuant to a commercial lease agreement between the movant and the debtor. The movant alleges without dispute that the debtor has defaulted under the terms of the lease. The court confirmed a chapter 13 plan in this case on August 13, 2013 (Dkt. 50). The confirmed plan does not provide any treatment for the movant's claim. The foregoing facts constitute cause for relief from the automatic stay.

The court construes the motion as seeking relief only as to personal property. The analysis in the motion is addressed solely to the movant's lien in personal property and why cause exists to pursue personal property.

The court will issue a minute order.

4. [12-40994](#)-B-13 MICHAEL LITTLE
JMW-1

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY AND/OR
MOTION FOR ADEQUATE PROTECTION
7-2-13 [[117](#)]

RUSH FUNDING, LLC VS.

Tentative Ruling: The motion is removed from the calendar.

By order entered August 27, 2013 (Dkt. 162), the court approved the stipulation of the movant and the debtor (Dkt. 161) to the valuation of the movant's collateral and chapter 13 plan treatment for the movant's claim.