

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

September 24, 2013 at 9:31 A.M.

1. [11-32436](#)-B-13 CHARLES/ELVIRA MOTION FOR RELIEF FROM
EGS-1 LIVINGSTONE AUTOMATIC STAY
8-26-13 [[71](#)]
BAYVIEW LOAN SERVICING, LLC
VS.

Tentative Ruling: The debtors' opposition and this motion are dismissed as moot. The modified plan, filed May 13, 2013 (Dkt. 63), confirmed by order entered July 19, 2013 (Dkt. 70), already provides relief from the automatic stay for this Class 4 claim regarding real property located at 2041 Hillridge Drive, Fairfield, California. The movant already has the relief it seeks by this motion.

The court will issue a minute order.

2. [13-30441](#)-B-13 JEFFERY/LORI MCCRARY MOTION FOR RELIEF FROM
JHW-1 AUTOMATIC STAY
8-20-13 [[7](#)]
AMERICREDIT FINANCIAL
SERVICES, INC. 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 debtors pursuant to 11 U.S.C. § 362 (d) (1) in order to permit the movant to obtain possession of its collateral, a 2009 Dodge Ram 1500 (VIN 1D3HB18P89S764840) (the "Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorney's fees awarded herein. The 14-day period specified in Fed. R. Bankr. P. 4001(a) (3) is waived. Except as so ordered, the motion is denied.

Debtors' proposed plan fails to provide for Movant's claim. Movant also alleges without dispute that it has not received one (1) post-petition payment. The foregoing fails to provide movant with adequate protection and constitutes cause for relief from the automatic stay.

The court will issue a minute order.

3. [13-29066](#)-B-13 LEE OWENS
TRM-45

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
8-22-13 [[29](#)]

HILTON RESORTS CORPORATION
VS.

Tentative Ruling: This motion is unopposed. In this instance, the court issues the following abbreviated 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) in order to permit the movant to foreclose on the debtor's .009864% undivided tenant in common interest in the real property located at 102-106 & 108 West 57th Street, New York, New York 10019, together with the debtor's right to occupy and use a portion of said real property and debtor's membership in the Hilton Grand Vacations Club (collectively, the "Property") pursuant to its first deed of trust and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. 14-day stay of Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

The debtor's proposed plan provides for movant's claim in class 3, with the Property to be surrendered to the movant. Movant also alleges without dispute that it has not received one (1) post-petition payment. The foregoing fails to provide movant with adequate protection and constitutes cause for relief from the automatic stay.

The court will issue a minute order.