

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable W. Richard Lee**  
**Hearing Date: Wednesday, October 9, 2013**  
**Place: Department B – Courtroom #12**  
**Fresno, California**

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**
  
2. Submission of Orders:  
  
Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.
  
3. Matters Resolved Without Opposition:  
  
If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.
  
4. Matters Resolved by Stipulation:  
  
If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.
  
5. Resubmittal of Denied Matters:  
  
If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

10:00 A.M.

1. [13-12507](#)-B-7 CRAIG/TERI MUNGARY MOTION TO AVOID LIEN OF ELLEN  
RLF-2 JOSEPHS  
CRAIG MUNGARY/MV 9-4-13 [[34](#)]  
JEFF REICH/Atty. for dbt.

**This matter will be continued to October 23, 2013, at 10:00 a.m. This motion seeks to avoid a lien recorded approximately 9 months before the bankruptcy against Gary M. Mungary at the location which the Debtors now contend is their residence. The identity of Gary M. Mungary is unknown. The Debtors shall file and serve evidence to show that the respondent holds a judgment against the debtors and that the debtors owned the Holly Street property at the time the judgment lien was recorded. *Farrey v. Sanderfoot*, 111 S.Ct. 667. The court will prepare a minute order. No appearance is necessary. No appearance is necessary.**

2. [13-12507](#)-B-7 CRAIG/TERI MUNGARY MOTION TO AVOID LIEN OF JACK  
RLF-3 GLOVER AND YVONNE GLOVER  
CRAIG MUNGARY/MV 9-4-13 [[39](#)]  
JEFF REICH/Atty. for dbt.

**This matter will be continued to October 23, 2013, at 10:00 a.m., for evidence to show that the debtors owned the Holly Street property at the time the judgment lien attached. *Farrey v. Sanderfoot*, 111 S.Ct. 667. The court will prepare a minute order. No appearance is necessary.**

3. [13-12507](#)-B-7 CRAIG/TERI MUNGARY MOTION TO AVOID LIEN OF UNITED  
RLF-4 LOCAL CREDIT UNION  
CRAIG MUNGARY/MV 9-4-13 [[44](#)]  
JEFF REICH/Atty. for dbt.

**This matter will be continued to October 23, 2013, at 10:00 a.m., for evidence to show that the debtors owned the Holly Street property at the time the judgment lien attached. *Farrey v. Sanderfoot*, 111 S.Ct. 667. The court will prepare a minute order. No appearance is necessary.**

4. [11-16825](#)-B-7 CRISPIN/CATALINA REYES  
JRL-1  
CRISPIN REYES/MV  
JOEL WINTER/Atty. for dbt.

MOTION TO AVOID LIEN OF HSBC  
BANK NEVADA, N.A.  
9-25-13 [[29](#)]

The motion will be denied without prejudice. The record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). In re Villar, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

In addition, the attorney who filed the moving papers is not the debtors' attorney of record. He needs to file a notice of appearance, or a substitution of counsel, together with a Rule 2016(b) disclosure statement to appear in this case.

Finally, the form of the proof of service does not comply with LBR 9004-1(d)(2). No appearance is necessary.

5. [13-11430](#)-B-7 MICHAEL/ALICIA WARD  
EPE-2  
MICHAEL WARD/MV  
ERIC ESCAMILLA/Atty. for dbt.

MOTION TO AVOID LIEN OF CAPITAL  
ONE SMALL BUSINESS  
9-24-13 [[31](#)]

This matter will be continued to October 23, 2013, at 10:00 a.m. The Debtors have not yet paid the statutory fee to reopen this case. In addition, the Debtors did not claim an exemption for the subject property and it appears that they used their entire "wild card" exemption to protect other assets. Any amendment to the exemption schedule must be served on the U.S. trustee, the chapter 7 trustee, and the affected creditor, together with a notice of the continued hearing date, in compliance with FRBP 7004. The court will prepare a minute order. No appearance is necessary.

6. [13-11430](#)-B-7 MICHAEL/ALICIA WARD  
EPE-3  
MICHAEL WARD/MV  
ERIC ESCAMILLA/Atty. for dbt.

MOTION TO AVOID LIEN OF  
COMMERCIAL TRADE, INC.  
9-24-13 [[35](#)]

This matter will be continued to October 23, 2013, at 10:00 a.m. The Debtors have not yet paid the statutory fee to reopen this case. In addition, the Debtors did not claim an exemption for the subject property and it appears that they used their entire "wild card" exemption to protect other assets. Any amendment to the exemption schedule must be served on the U.S. trustee, the chapter 7 trustee, and the affected creditor, together with a notice of the continued hearing date, in compliance with FRBP 7004. The court will prepare a minute order. No appearance is necessary.

7. [13-11430](#)-B-7 MICHAEL/ALICIA WARD  
EPE-4  
MICHAEL WARD/MV

MOTION TO AVOID LIEN OF  
TRAVELERS CASUALTY INSURANCE OF  
AMERICA, TRAVELERS CASUALTY AND  
SURETY COMPANY  
9-24-13 [[39](#)]

ERIC ESCAMILLA/Atty. for dbt.

This matter will be continued to October 23, 2013, at 10:00 a.m. The Debtors have not yet paid the statutory fee to reopen this case. In addition, the Debtors did not claim an exemption for the subject property and it appears that they used their entire "wild card" exemption to protect other assets. Any amendment to the exemption schedule must be served on the U.S. trustee, the chapter 7 trustee, and the affected creditor, together with a notice of the continued hearing date, in compliance with FRBP 7004. The court will prepare a minute order. No appearance is necessary.

8. [13-13432](#)-B-7 JAIME/LUZ RAMIREZ  
PSC-1  
JAIME RAMIREZ/MV  
PATRICIA CARRILLO/Atty. for dbt.

MOTION TO AVOID LIEN OF MIDLAND  
FUNDING LLC  
8-20-13 [[23](#)]

This matter will be continued to October 23, 2013, at 10:00 a.m. The debtors shall file a copy of the subject abstract of judgment, together with evidence to show that the judgment lien is related to a debt owed by the debtors and that the debtors owned the subject property at the time the judgment lien was recorded. *Farrey v. Sanderfoot*, 111 S.Ct. 667. The court will prepare a minute order. No appearance is necessary.

9. [11-10142](#)-B-7 SERGIO/SANDRA DIAZ  
TGF-3  
JAMES SALVEN/MV  
VIVIAN SAN JOSE/Atty. for dbt.  
VINCENT GORSKI/Atty. for mv.

MOTION TO SELL  
9-16-13 [[26](#)]

10. [12-60054](#)-B-7 DWIGHT/NELLIE LONG MOTION TO SELL AND/OR MOTION TO  
RHT-4 PAY ORDINARY COSTS OF SALE AND  
ROBERT HAWKINS/MV REAL ESTATE COMMISSIONS  
9-17-13 [[60](#)]  
  
LAYNE HAYDEN/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.
11. [12-60054](#)-B-7 DWIGHT/NELLIE LONG MOTION TO SELL AND/OR MOTION TO  
RHT-5 PAY ORDINARY COSTS OF SALE AND  
ROBERT HAWKINS/MV REAL ESTATE COMMISSIONS  
9-17-13 [[66](#)]  
  
LAYNE HAYDEN/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.
12. [13-10161](#)-B-7 RUBEN/MELISSA BARAJAS MOTION TO COMPROMISE  
PFT-7 CONTROVERSY/APPROVE SETTLEMENT  
PETER FEAR/MV AGREEMENT WITH MARIA BARAJAS  
9-10-13 [[28](#)]  
  
PETER BUNTING/Atty. for dbt.  
PETER FEAR/Atty. for mv.
- This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**
13. [13-16062](#)-B-7 MICHAEL WEILERT, M.D., ORDER TO APPEAR AND SHOW CAUSE  
INC. WHY A PATIENT CARE OMBUDSMAN  
SHOULD NOT BE APPOINTED  
9-11-13 [[6](#)]  
  
RILEY WALTER/Atty. for dbt.  
RESPONSIVE PLEADING
14. [13-14564](#)-B-7 ROBERT YOUNG MOTION TO CONVERT CASE FROM  
SL-1 CHAPTER 7 TO CHAPTER 13  
ROBERT YOUNG/MV 9-6-13 [[14](#)]  
STEPHEN LABIAK/Atty. for dbt.
15. [13-13565](#)-B-7 MARIO/TELBINA ZAMBRANO CONTINUED MOTION TO EXTEND  
SAS-1 DEADLINE TO FILE A COMPLAINT  
SHERYL STRAIN/MV OBJECTING TO DISCHARGE OF THE  
DEBTOR  
8-27-13 [[18](#)]  
  
JEFF REICH/Atty. for dbt.  
SHERYL STRAIN/Atty. for mv.  
WITHDRAWN

**The matter has been withdrawn. No appearance is necessary.**

16. [13-15167](#)-B-7 ABRAHAM MARTINEZ OPPOSITION RE: TRUSTEE'S MOTION  
RHT-1 TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341 (A) MEETING  
OF CREDITORS  
9-5-13 [[19](#)]
17. [13-15376](#)-B-7 JOANN HOWARD MOTION TO COMPEL ABANDONMENT  
GLA-1 8-23-13 [[10](#)]  
JOANN HOWARD/MV  
GEORGE ALONSO/Atty. for dbt.  
RESPONSIVE PLEADING
18. [13-15376](#)-B-7 JOANN HOWARD MOTION FOR ORDER REQUIRING  
SAS-1 DEBTOR TO SHUT DOWN BUSINESS  
SHERYL STRAIN/MV 9-18-13 [[19](#)]  
GEORGE ALONSO/Atty. for dbt.  
SHERYL STRAIN/Atty. for mv.  
ORDER 9/23/13
19. [13-10088](#)-B-7 PAISANOS PASTA LLC MOTION TO SELL  
PFT-3 9-11-13 [[46](#)]  
PETER FEAR/MV  
F. GIST/Atty. for dbt.  
PETER FEAR/Atty. for mv.
20. [13-10393](#)-B-7 GEORGE/MICHELLE WINGERD MOTION TO SELL  
PFT-1 9-10-13 [[18](#)]  
PETER FEAR/MV  
GARY HUSS/Atty. for dbt.  
PETER FEAR/Atty. for mv.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

21. [13-11497](#)-B-7 CATALINA ALEJANDRE MOTION TO SELL  
PFT-1 9-10-13 [[14](#)]  
PETER FEAR/MV  
ADRIAN WILLIAMS/Atty. for dbt.  
PETER FEAR/Atty. for mv.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

22. [13-16369](#)-B-7 CARLOS/ERIKA ZAMORANO MOTION TO COMPEL ABANDONMENT  
SL-1 10-1-13 [[11](#)]  
CARLOS ZAMORANO/MV  
SCOTT LYONS/Atty. for dbt.  
OST 10/1/13
23. [13-16432](#)-B-7 PATRICK/MARGARET BOWMAN MOTION TO WAIVE REQUIREMENT  
PLF-1 THAT DEBTORS FILE SCHEDULE I  
PATRICK BOWMAN/MV AND/OR MOTION TO SET DIFFERENT  
TIME PERIOD FOR COMPUTING  
CURRENT MONTHLY INCOME  
10-2-13 [[8](#)]  
  
PETER FEAR/Atty. for dbt.
24. [13-15754](#)-B-7 GLORIA MENDOZA MOTION TO COMPEL ABANDONMENT  
GGL-1 10-2-13 [[19](#)]  
GLORIA MENDOZA/MV  
GEORGE LOGAN/Atty. for dbt.  
OST 10/2/13
25. [13-16155](#)-B-7 MICHAEL WEILERT AND MOTION FOR RELIEF FROM  
WW-2 GENEVIEVE DE MONTREMARE AUTOMATIC STAY  
MICHAEL WEILERT/MV 10-3-13 [[30](#)]  
RILEY WALTER/Atty. for dbt.  
OST 10/3
26. [13-16370](#)-A-7 ABEL/AURORA SANCHEZ MOTION TO COMPEL ABANDONMENT  
SL-1 10-3-13 [[14](#)]  
ABEL SANCHEZ/MV  
SCOTT LYONS/Atty. for dbt.  
OST 10/3

**10:30 A.M.**

1. [13-15402](#)-B-7 ASHOK MILTON MOTION FOR RELIEF FROM  
DWE-1 AUTOMATIC STAY  
GREENTREE SERVICING LLC/MV 9-13-13 [[10](#)]  
HAGOP BEDOYAN/Atty. for dbt.  
DANE EXNOWSKI/Atty. for mv.

2. [13-13719](#)-B-7 GENEVIEVE COX  
KAZ-1  
JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION/MV  
OLLIE MANAGO/Atty. for dbt.  
KRISTIN ZILBERSTEIN/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-9-13 [[68](#)]

**This motion for relief from the automatic stay will be denied without prejudice. The relief from stay information sheet is incomplete and fails to comply with Local Rule 4001-1(c). In addition, the information sheet and the motion request relief pursuant to §362(d)(4), for bad faith, alleging "Debtor's filing of the petition was part of a scheme to delay, hinder, and defraud creditors that involved the transfer of all or part ownership of the property without the consent of Movant or court approval." However, no admissible evidence was filed to support the relief requested. No appearance is necessary.**

3. [13-13719](#)-B-7 GENEVIEVE COX  
PD-2  
WELLS FARGO BANK, NA/MV  
OLLIE MANAGO/Atty. for dbt.  
JONATHAN CAHILL/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-4-13 [[58](#)]

**This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.**

4. [13-15522](#)-B-7 JADENE MEEK  
MDE-1  
ONEWEST BANK FSB/MV  
JAMES PITNER/Atty. for dbt.  
MARK ESTLE/Atty. for mv.  
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-4-13 [[9](#)]

5. [13-12826](#)-B-7 MARIVEL ZAVALA  
RCO-1  
HSBC BANK USA, NATIONAL  
ASSOCIATION/MV  
KRISTI WELLS/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
8-28-13 [[34](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

6. [13-13527](#)-B-7 BRIAN MILLER  
[13-1079](#)  
SCOGGINS V. MILLER  
WILLIAM REHWALD/Atty. for pl.

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
7-11-13 [[1](#)]

This status conference will be dropped from calendar because the record does not show that the summons and complaint were properly and/or timely served in compliance with FRBP 7004(b) & (e). The clerk of the court will issue a notice of intent to dismiss for unreasonable delay and failure to prosecute if the plaintiff does not get the complaint properly served with a reissued summons within 30 days.

In addition, the summons and complaint were not served on the Debtor's attorney in compliance with FRBP 7004(g). No appearance is necessary.

7. [13-13527](#)-B-7 BRIAN MILLER MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
8-8-13 [[20](#)]  
ALYS SCOGGINS/MV  
RICHARD DWYER/Atty. for dbt.  
WILLIAM REHWALD/Atty. for mv.  
DISCHARGED

The motion will be denied without prejudice. The motion was not filed and served with a timely notice. The moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c). The moving papers were not served on the Debtor's attorney of record. The form of the proof of service does not comply with LBR 9004-1(d)(2). No appearance is necessary.

8. [13-15270](#)-B-7 NOHEMI GUTIERREZ MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
8-28-13 [[11](#)]  
PD-1  
WELLS FARGO BANK, NA/MV  
JEFF REICH/Atty. for dbt.  
JONATHAN CAHILL/Atty. for mv.

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

9. [13-15470](#)-B-7 MICHAEL/JENNIFER THULL CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY  
8-27-13 [[19](#)]  
DJP-1  
EDUCATIONAL EMPLOYEES CREDIT  
UNION/MV  
DON POOL/Atty. for mv.

10. [13-15470](#)-B-7 MICHAEL/JENNIFER THULL MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-25-13 [[33](#)]  
DJP-1  
EDUCATIONAL EMPLOYEES CREDIT  
UNION/MV  
DON POOL/Atty. for mv.

11. [12-19281](#)-B-7 RAUL COBARRUBIA AND  
JCW-1 ANDREA COVARRUBIA  
NATIONSTAR MORTGAGE, LLC/MV  
THOMAS GILLIS/Atty. for dbt.  
JENNIFER WONG/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-3-13 [[28](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

11:00 A.M.

1. [13-13540](#)-B-7 JESSICA HOGAN

PRO SE REAFFIRMATION AGREEMENT  
WITH WELLS FARGO FINANCIAL  
NATIONAL BANK (JRUS)  
8-15-13 [[31](#)]

2. [13-13540](#)-B-7 JESSICA HOGAN

PRO SE REAFFIRMATION AGREEMENT  
WITH KIA MOTORS FINANCE (JRUS)  
8-13-13 [[29](#)]