

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable W. Richard Lee**  
**Hearing Date: Wednesday, October 22, 2014**  
**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.

**THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.**

**10:00 A.M.**

1. [14-14000](#)-B-7 JAMES/ROSE CASTILLO OBJECTION TO DEBTOR'S CLAIM OF  
JES-1 EXEMPTIONS  
JAMES SALVEN/MV 9-22-14 [[25](#)]  
TIMOTHY SPRINGER/Atty. for dbt.  
RESPONSIVE PLEADING

**The objection will be overruled as moot. The schedules have been amended and the exemption issue appears to be resolved. No appearance is necessary.**

2. [14-14107](#)-B-7 KATHLEEN BAALINDT MOTION TO AVOID LIEN OF STATE  
GH-1 FARM MUTUAL AUTOMOBILE INS. CO.  
KATHLEEN BAALINDT/MV 8-21-14 [[9](#)]  
GARY HUSS/Atty. for dbt.

**This matter will be continued to November 5, 2014, at 10:00 a.m. The debtor shall file evidence to show that the debtor possessed an interest in the subject property to which the judgment lien could have attached 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.**

3. [14-12523](#)-B-7 JOHN/MELODY OVERHOLSER MOTION TO AVOID LIEN OF OCE  
PSJ-1 NORTH AMERICA, INC.  
JOHN OVERHOLSER/MV 8-12-14 [[24](#)]  
PAUL JAMES/Atty. for dbt.

**The motion will be continued to November 5, 2014, at 10:00 a.m. The form of the proof of service does not comply with LBR 9014-1(d)(1) and needs to be amended (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (4)(e)). The court will prepare a minute order. No appearance is necessary.**

4. [14-13424](#)-B-7 KAREN REASONER MOTION TO AVOID LIEN OF CAPITAL  
ASW-1 ONE BANK (USA), N.A.  
KAREN REASONER/MV 9-11-14 [[18](#)]  
ADRIAN WILLIAMS/Atty. for dbt.

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

5. [10-19825](#)-B-7 FRANCISCO/MARIA PARREIRA CHAPTER 7 TRUSTEE'S FINAL REPORT, APPLICATION FOR COMPENSATION AND APPLICATIONS FOR COMPENSATION OF PROFESSIONALS FILED ON BEHALF OF TRUSTEE SHERYL ANN STRAIN 8-27-14 [[328](#)]
- RILEY WALTER/Atty. for dbt.  
HILTON RYDER/Atty. for mv.  
RESPONSIVE PLEADING
6. [10-19825](#)-B-7 FRANCISCO/MARIA PARREIRA HAR-7 CONTINUED MOTION FOR COMPENSATION BY THE LAW OFFICE OF MCCORMICK, BARSTOW, SHEPPARD, WAYTE AND CARRUTH, LLP FOR HILTON A. RYDER, TRUSTEE'S ATTORNEY(S). 7-3-14 [[315](#)]
- RILEY WALTER/Atty. for dbt.
7. [14-12733](#)-B-7 MANUEL LARA ORDER TO SHOW CAUSE WHY ATTORNEY SHOULD NOT BE SANCTIONED 9-12-14 [[39](#)]
- GEORGE ALONSO/Atty. for dbt.  
RESPONSIVE PLEADING
8. [14-12733](#)-B-7 MANUEL LARA UST-2 CONTINUED MOTION FOR REVIEW OF FEES OF GEORGE L. ALONSO 8-6-14 [[21](#)]
- TRACY DAVIS/MV  
GEORGE ALONSO/Atty. for dbt.  
ROBIN TUBESING/Atty. for mv.  
DISMISSED
9. [08-12435](#)-B-7 KEN/PAULA THOMPSON MAZ-2 MOTION TO AVOID LIEN OF CACV OF COLORADO, LLC 9-22-14 [[28](#)]
- KEN THOMPSON/MV  
MARK ZIMMERMAN/Atty. for dbt.
- This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**
10. [13-17341](#)-B-7 HOWARD SAGASER WFH-11 MOTION TO APPROVE AGREEMENT FOR RELIEF FROM STAY 10-1-14 [[468](#)]
- SHERYL STRAIN/MV  
HAGOP BEDOYAN/Atty. for dbt.  
DANIEL EGAN/Atty. for mv.

11. [13-17341](#)-B-7 HOWARD SAGASER  
WFH-13  
SHERYL STRAIN/MV
- MOTION TO COMPROMISE  
CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH PHILLIP  
BOGHOSIAN AND/OR MOTION FOR  
APPROVAL OF PAYMENT OF SECURED  
CLAIM  
10-1-14 [[473](#)]
- HAGOP BEDOYAN/Atty. for dbt.  
DANIEL EGAN/Atty. for mv.
12. [13-17341](#)-B-7 HOWARD SAGASER  
WFH-14  
SHERYL STRAIN/MV
- MOTION FOR AUTHORITY TO MAKE  
INTERIM DISTRIBUTION ON  
PRIORITY CLAIM  
10-1-14 [[478](#)]
- HAGOP BEDOYAN/Atty. for dbt.  
DANIEL EGAN/Atty. for mv.
13. [13-17341](#)-B-7 HOWARD SAGASER  
WFH-15  
SHERYL STRAIN/MV
- MOTION TO EXTEND DEADLINE TO  
FILE A COMPLAINT OBJECTING TO  
DISCHARGE OF THE DEBTOR AND/OR  
MOTION TO EXTEND DEADLINE TO  
FILE A COMPLAINT OBJECTING TO  
DISCHARGEABILITY OF A DEBT  
10-1-14 [[482](#)]
- HAGOP BEDOYAN/Atty. for dbt.  
DANIEL EGAN/Atty. for mv.
14. [13-17341](#)-B-7 HOWARD SAGASER  
WFH-8  
SHERYL STRAIN/MV
- MOTION TO COMPROMISE  
CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH DEBTOR, HEIDI  
SAGASER, THE CASTLEMAN  
CREDITORS AND JONES CREDITORS  
10-1-14 [[457](#)]
- HAGOP BEDOYAN/Atty. for dbt.  
DANIEL EGAN/Atty. for mv.
15. [13-17341](#)-B-7 HOWARD SAGASER  
WFH-9  
SHERYL STRAIN/MV  
HAGOP BEDOYAN/Atty. for dbt.  
DANIEL EGAN/Atty. for mv.
- MOTION TO ABANDON  
10-1-14 [[463](#)]

16. [09-60745](#)-B-7 ROBERT/TAWNYA PIERCE  
RH-3

MOTION FOR COMPENSATION FOR  
ROBERT HAWKINS, TRUSTEE'S  
ATTORNEY(S).  
9-19-14 [[56](#)]

DAVID MATHIAS/Atty. for dbt.

This motion will be continued to November 26, 2014, at 10:00 a.m. The motion requires additional supporting evidence. The applicant was employed to serve as the chapter 7 trustee's attorney. The trustee has not yet filed her final report. Based on the evidence presented in support of the motion, the court cannot tell if the applicant's services are concluded and cannot evaluate the necessity, reasonableness, and benefit of the applicant's services. No appearance is necessary.

17. [14-13953](#)-B-7 NICOLAS/DIANA TIJERINA

MOTION TO COMPEL ABANDONMENT  
9-18-14 [[17](#)]

NICOLAS TIJERINA/MV  
GRISELDA TORRES/Atty. for dbt.

The motion will be denied without prejudice. The moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c).

Also, the form and/or content of the notice do not comply with Local Rule 9014-1(d)

In addition, the form of the proof of service does not comply with LBR 9014-1(d)(1) (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (4)(e)).

Further, it is no longer necessary to abandon the debtors' exempt business assets to protect the exempt assets from a turnover demand by the trustee. The trustee has completed the meeting of creditors, filed a report of no assets, and the time for any party to object to exemptions has expired. No appearance is necessary.

18. [13-17257](#)-B-7 MARY MORENO  
TCS-3  
MARY MORENO/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO COMPEL ABANDONMENT  
9-13-14 [[46](#)]

This matter will be continued to December 10, 2014, at 10:30 a.m. to be called with the status conference in Adversary Proceeding No. 14-1118. At that time the court intends to consolidate this matter with the adversary proceeding for all purposes, including discovery and trial. The court will prepare a minute order. No appearance is necessary.

19. [13-18058](#)-B-7 JOSE/MARIA RIVERA MOTION TO SELL  
TMT-2 9-8-14 [[33](#)]  
TRUDI MANFREDO/MV  
MARK ZIMMERMAN/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

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

20. [14-13559](#)-B-7 EDWIN RUIZ MOTION BY RAYMOND F. MOATS III  
[14-1084](#) TO WITHDRAW AS ATTORNEY  
RUIZ V. KEYBANK NATIONAL 9-23-14 [[18](#)]  
ASSOCIATION  
RAYMOND MOATS/Atty. for mv.

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

**In addition, the court finds that the defendant's responsive pleading filed September 9, 2014 (Doc. # 9), was filed in error and it shall be stricken.**

21. [14-11865](#)-B-7 GURDEV/NIRMALJIT GILL MOTION TO SELL  
SAS-2 9-17-14 [[27](#)]  
SHERYL STRAIN/MV  
MARTHA PASSALAQUA/Atty. for dbt.

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

22. [14-11865](#)-B-7 GURDEV/NIRMALJIT GILL MOTION TO EMPLOY BAIRD AUCTIONS  
SAS-3 & APPRAISALS AS AUCTIONEER,  
SHERYL STRAIN/MV AUTHORIZING SALE OF PROPERTY AT  
PUBLIC AUCTION AND AUTHORIZING  
PAYMENT OF AUCTIONEER FEES AND  
EXPENSES 9-18-14 [[31](#)]  
MARTHA PASSALAQUA/Atty. for dbt.

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

23. [14-12770](#)-B-7 STEVEN/BARBARA BUTLER MOTION TO AVOID LIEN OF TARGET  
JDR-4 NATIONAL BANK  
STEVEN BUTLER/MV 9-16-14 [[47](#)]  
JEFFREY ROWE/Atty. for dbt.

The motion will be denied without prejudice. No appearance is necessary. The record does not establish that the motion was served on Target National Bank 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 (9<sup>th</sup> Cir. BAP 2004).

In addition, it appears that the named respondent, Target National Bank, no longer exists. The motion does not identify, and was not properly served on, the respondent's successor institution. The motion needs to be refiled and reserved with evidence to show who holds this claim.

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.

24. [14-12770](#)-B-7 STEVEN/BARBARA BUTLER MOTION TO AVOID LIEN OF CACH,  
JDR-5 LLC  
STEVEN BUTLER/MV 9-16-14 [[53](#)]  
JEFFREY ROWE/Atty. for dbt.

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

25. [14-12770](#)-B-7 STEVEN/BARBARA BUTLER MOTION TO AVOID LIEN OF  
JDR-6 DISCOVER BANK  
STEVEN BUTLER/MV 9-16-14 [[59](#)]  
JEFFREY ROWE/Atty. for dbt.

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

26. [09-11871](#)-B-7 COVENANT SERVICES, INC. MOTION TO COMPROMISE  
RHT-2 CONTROVERSY/APPROVE SETTLEMENT  
ROBERT HAWKINS/MV AGREEMENT WITH GE  
9-16-14 [[74](#)]  
  
DAVID JENKINS/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.

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

27. [13-17082](#)-B-7 RONALD RUSHING RESCHEDULED HEARING RE:  
SL-1 OBJECTION TO CLAIM OF JULIEN  
RONALD RUSHING/MV OIL COMPANY, CLAIM NUMBER 3  
8-27-14 [[149](#)]  
  
SCOTT LYONS/Atty. for dbt.  
RESPONSIVE PLEADING

28. [10-60485](#)-B-7 JOSE/AUGUSTINA CANELO MOTION FOR COMPENSATION FOR LAW  
RH-3 OFFICES OF GOLUB & ASSOCIATES,  
MITCHELL GOLUB/MV PLC, SPECIAL COUNSEL(S).  
9-26-14 [[59](#)]  
  
JANINE ESQUIVEL/Atty. for dbt.  
MITCHELL GOLUB/Atty. for mv.  
RESPONSIVE PLEADING

29. [14-10585](#)-B-7 FERNANDO PALOMINO AND MOTION TO SELL  
PFT-3 CELESTE FERREIRA-PALOMINO 9-11-14 [[27](#)]  
PETER FEAR/MV  
TAMIE CUMMINS/Atty. for dbt.  
PETER FEAR/Atty. for mv.

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

30. [14-14197](#)-B-7 CARLOS ZAVALA MOTION TO COMPEL ABANDONMENT  
TOG-1 10-3-14 [[16](#)]  
CARLOS ZAVALA/MV  
THOMAS GILLIS/Atty. for dbt.

31. [13-14530](#)-B-7 KATHERYN JONES RESCHEDULED HEARING RE:  
JES-3 OBJECTION TO DEBTOR'S CLAIM OF  
JAMES SALVEN/MV EXEMPTIONS  
8-7-14 [[228](#)]  
  
DAVID JENKINS/Atty. for mv.  
ORDER 10/15/14



10:30 A.M.

1. [14-14109](#)-B-7 EDER/ANGELICA GUERRERO MOTION FOR RELIEF FROM  
ASW-1 AUTOMATIC STAY  
BANK OF AMERICA, N.A./MV 9-22-14 [[15](#)]  
GARY HUSS/Atty. for dbt.  
JOELY BUI/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.

2. [14-13915](#)-B-7 PAUL FRANKEL AND MOTION FOR RELIEF FROM  
PD-1 ELIZABETH BEALONIS AUTOMATIC STAY  
BANK OF AMERICA, N.A./MV 9-19-14 [[31](#)]  
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.

3. [14-14226](#)-B-7 CHRISTOPHER/ESTELLA MOTION FOR RELIEF FROM  
VVF-1 ARZOLA AUTOMATIC STAY  
AMERICAN HONDA FINANCE 9-22-14 [[11](#)]  
CORPORATION/MV  
DAVID JENKINS/Atty. for dbt.  
VINCENT FROUNJIAN/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.**

4. [14-13430](#)-B-7 STEPHEN/JENNIFER FORD MOTION FOR RELIEF FROM  
DJP-1 AUTOMATIC STAY  
EDUCATIONAL EMPLOYEES CREDIT 10-6-14 [[15](#)]  
UNION/MV  
MICHAEL ARNOLD/Atty. for dbt.  
DON POOL/Atty. for mv.
5. [14-13243](#)-B-7 BONITA WALDRON MOTION FOR RELIEF FROM  
KH-1 AUTOMATIC STAY  
WELLS FARGO BANK, NA/MV 9-11-14 [[37](#)]  
KEVIN HARRIS/Atty. for mv.  
RESPONSIVE PLEADING

6. [14-14257](#)-B-7 MARISOL BUENROSTRO  
APN-1  
SANTANDER CONSUMER USA INC./MV  
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-18-14 [[11](#)]

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.

7. [14-13594](#)-B-7 COURTNEY/MONICA DAVIS  
PD-1  
WELLS FARGO BANK, N.A./MV  
BENNY BARCO/Atty. for dbt.  
JONATHAN CAHILL/Atty. for mv.  
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-22-14 [[18](#)]

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.

11:00 A.M.

1. [14-13024](#)-B-7 RAMIRO/GLORIA AYALA REAFFIRMATION AGREEMENT WITH  
TOP FINANCE CO., INC.  
9-22-14 [[16](#)]

GARY HUSS/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtors' attorney signed the reaffirmation agreement certifying that he has explained the agreement to the debtors, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. The bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

2. [14-13927](#)-B-7 JERRY/AMELIA FLORES REAFFIRMATION AGREEMENT WITH  
SANTANDER CONSUMER USA INC.  
9-25-14 [[15](#)]

TIMOTHY SPRINGER/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtors' attorney signed the reaffirmation agreement certifying that he has explained the agreement to the debtors, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. The bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.