

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

October 29, 2013 at 10:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled "Amended Civil Minute Order."

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.
3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.
4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	13-29901-D-13 CSL-1	JUANITO/VIRGIE PERALTA	MOTION TO VALUE COLLATERAL OF EMC MORTGAGE CORPORATION 9-5-13 [16]
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Final ruling:

This is the debtors' motion to value collateral of EMC Mortgage Corporation ("EMC"), which the motion indicates is a subsidiary of MTH Mortgage/Chase Home Mortgage ("MTH"). The motion will be denied because the moving parties failed to serve EMC or MTH in strict compliance with Fed. R. Bankr. P. 7004(b)(3), as required by Fed. R. Bankr. 9014(b). The moving parties served EMC through CT Corporation System as its agent for service of process. This was insufficient because where service is made on a corporation to the attention of an agent for service of process, it must be an agent authorized by appointment or by law to receive service of process (Fed. R. Bankr. P. 7004(b)(3)), whereas the California Secretary of State's office shows EMC as a "surrendered" corporation. Under California law, a foreign corporation that surrenders its right to do business in California revokes its designation of agent for service of process (see Cal. Corp. Code § 2113(a)), and service must be made by delivery to the Secretary of State. Id. at § 2114(b).

The moving parties also served MTH Mortgage/Chase Home Mortgage at a street address, but with no attention line, whereas the rule requires service on a

corporation to the attention of an officer, managing or general agent, or agent for service of process. Finally, the court notes that according to a proof of claim filed in this case by Real Time Resolutions, Inc., the actual holder of the claim is JPMorgan Chase Bank, NA. Thus, service of any future motion should take into account that service on an FDIC-insured institution must be made pursuant to Fed. R. Bankr. P. 7004(h), which requires service by certified mail to the attention of an officer (and only an officer, and, as distinct from Rule 7004(b)(3), not to the attention of an officer, managing or general agent, or agent for service of process).

As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

2. 12-40802-D-13 RUSSELL/KATHERINE MOTION TO VALUE COLLATERAL OF
TBK-3 LAVARIAS FRANKLIN CREDIT MANAGEMENT
9-18-13 [73]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Franklin Credit Management at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Franklin Credit Management's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

3. 12-40802-D-13 RUSSELL/KATHERINE MOTION TO MODIFY PLAN
TBK-4 LAVARIAS 9-18-13 [78]

4. 13-21405-D-13 DAVID/MICHELE SOTO MOTION TO CONFIRM PLAN
RKB-2 8-28-13 [57]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving parties failed to serve several creditors filing claims in this case at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g); (2) the moving parties failed to serve the party requesting special notice at DN 25 at its designated address, as required by the same rule; and (3) the moving parties failed to serve the Franchise Tax Board and the U.S. Dept. of Education at their addresses on the Roster of Governmental Agencies, as required by LBR 2002-1(b).

As a result of these service defects, the motion will be denied by minute order. No appearance is necessary.

5. 11-40912-D-13 ARNEL/KATRINA DE JESUS MOTION TO MODIFY PLAN
TBK-8 9-16-13 [114]

6. 13-28714-D-13 JOHN/CONNIE PERRY AMENDED MOTION TO VALUE
TCB-2 COLLATERAL OF BANK OF AMERICA
9-27-13 [31]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Bank of America at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Bank of America's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

7. 10-46619-D-13 REGGINALL/VERA SCOTT MOTION FOR RELIEF FROM
SKI-1 AUTOMATIC STAY
FORD MOTOR CREDIT COMPANY, 9-26-13 [84]
LLC VS.

Final ruling:

This case was dismissed on October 16, 2013. As a result the motion will be denied by minute order as moot. No appearance is necessary.

8. 13-27621-D-13 CLAUDIA JOB MOTION TO CONFIRM PLAN
MLA-3 9-4-13 [54]

Final ruling:

This is the debtor's motion to confirm a chapter 13 plan. The motion will be denied because the plan provides for two secured claims of Tedrowe Realty & Investments ("Tedrowe") at \$0, whereas the debtor has failed to obtain orders valuing the collateral securing those claims, as required by LBR 3015-1(j). The court notes that the debtor's motions to value the collateral securing those claims are set for continued hearing on December 10, 2013. However, pursuant to LBR 3015-1(j), the hearing on a debtor's motion to value collateral must be concluded before or in conjunction with the plan, or the court may deny confirmation of the plan. For this reason, the motion will be denied, and the court need not reach the oppositions filed by Tedrowe and the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

9. 13-28723-D-13 DENNIS/DONNA FREY MOTION TO CONFIRM PLAN
GFG-1 9-16-13 [22]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

10. 13-22825-D-13 DOUGLAS/DANIELLE FARRIS MOTION TO MODIFY PLAN
MLP-2 9-20-13 [27]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

11. 12-27134-D-13 SCOTT/ALLISON SMEDLEY MOTION TO MODIFY PLAN
TBK-7 9-18-13 [79]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

12. 13-26034-D-13 GARY/SABRINA SCHWARTZ MOTION TO CONFIRM PLAN
TBK-5 9-10-13 [69]

Tentative ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied because there is no proof of service on file; thus, the court cannot determine whether all parties required to be served were served, and at the correct addresses. Alternatively, the court will continue the hearing two weeks to allow counsel to file a proof of service, assuming the motion was properly served. The court will hear the matter.

13. 13-23735-D-13 TIMOTHY/ROSE FELZIEN MOTION TO CONFIRM PLAN
GFG-37 9-11-13 [72]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons. First, the moving parties failed to serve several creditors filing claims in this case at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g). The court notes that the moving parties used the PACER matrix as their service list; however, they used a version printed over two months before the date of service; the list did not include all the creditors who had filed proofs of claim in the interim. Second, the plan provides for the secured claims of Santander and American General Finance at less than the full amounts of their claims, whereas (1) according to their proofs of claim filed in this case, the claims are actually held by National Capital Management, LLC, and LVNV Funding, LLC, respectively, and (2) the debtors' motions to value the collateral securing those claims will be denied. Thus, this motion will be denied pursuant to LBR 3015-1(j).

For the reasons stated, the motion will be denied, and the court need not reach the additional objections raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

14. 11-33940-D-13 JULIO/TAMMI ADAME MOTION TO DISMISS CASE AND/OR
IRS-1 MOTION TO CONVERT CASE FROM
Final ruling: CHAPTER 13 TO CHAPTER 7
9-23-13 [92]

This is the motion of the Internal Revenue Service (the "Service") to dismiss or convert this case. On October 17, 2013, the court granted the debtors' request to dismiss the case. As such, the Service's motion is moot. The motion will be denied as moot by minute order. No appearance is necessary.

15. 11-45142-D-13 ELIZABETH LAJOS MOTION TO MODIFY PLAN
JBR-7 9-17-13 [101]

16. 11-25444-D-13 JOSE/TAMMY MAGALLANES MOTION TO MODIFY PLAN
HWW-3 9-24-13 [60]

17. 12-22744-D-13 CLYDE/GAYLE WILSON
PGM-7

MOTION FOR COMPENSATION FOR
PETER G. MACALUSO, DEBTORS'
ATTORNEY(S), FEES: \$2,500.00,
EXPENSES: \$0.00
9-20-13 [216]

Tentative ruling:

This is the application of the debtors' counsel for approval of additional fees. No timely opposition has been filed. However, the court notes that counsel served a different chapter 13 trustee, and failed to serve the trustee who is serving in this case. As a result, the court will hear the matter.

18. 09-41345-D-13 MICHAEL/ANGELA ENGLE
PGM-4

MOTION TO MODIFY PLAN
9-24-13 [59]

19. 09-46148-D-13 PETER REA
JCK-2

MOTION TO MODIFY PLAN
9-19-13 [36]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

20. 10-52359-D-13 JORDAN/CHERYL BALATAYO
SKI-1
FORD MOTOR CREDIT COMPANY,
LLC VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
9-27-13 [60]

Final ruling:

This matter is resolved without oral argument. This is Ford Motor Credit Company, LLC's motion for relief from automatic stay. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and debtors are not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. Accordingly, the court will grant relief from stay by minute order. As the debtors are not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). There will be no further relief afforded. No appearance is necessary.

21. 13-30960-D-13 MANUEL/LILIA ANDRADE MOTION TO VALUE COLLATERAL OF
DN-1 REAL TIME RESOLUTIONS, INC.
10-1-13 [14]

22. 13-30960-D-13 MANUEL/LILIA ANDRADE MOTION TO VALUE COLLATERAL OF
DN-2 FINANCIAL CENTER CREDIT UNION
10-1-13 [18]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

23. 13-26162-D-13 ERIC/RAQUEL ALMASON MOTION TO CONFIRM PLAN
ALF-1 9-10-13 [42]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving parties failed to serve Redbridge Owners' Association, which filed Claim No. 9, at all; thus, the moving parties did not comply with Fed. R. Bankr. P. 2002(b); and (2) the moving parties failed to serve Quantum3 Group LLC, which filed Claim Nos. 6 and 7, at the address on its proofs of claim, as required by Fed. R. Bankr. P. 2002(g) (the moving parties attempted service at a post office box address, but with no city, state, or zip code). The court adds that the service list attached to the proof of service is very difficult to read; the court would appreciate the parties using a different format in the future.

As a result of these service defects, the motion will be denied, and the court need not reach the trustee's opposition at this time. The motion will be denied by minute order. No appearance is necessary.

24. 13-26962-D-13 SALVADOR MOYA AND ROSALBA MOTION TO CONFIRM PLAN
SBS-4 HUERTA 9-10-13 [75]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving parties failed to serve the creditors filing Claim Nos. 3, 4 and 5 in this case at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g), and failed to serve the creditor filing Claim No. 4 at all; and (2) the moving papers all refer to a third amended plan, but the plan filed with the motion is entitled a second amended plan. As a result of these service and notice defects, the motion will be denied, and the court need not reach the trustee's opposition and the debtors' response at this time. The motion will be denied by minute order. No appearance is necessary.

25. 13-30563-D-13 MARCELINO/LUZVIMINDA MOTION TO AVOID LIEN OF UNIFUND
JCK-1 MALVAR CCR PARTNERS
9-26-13 [19]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

26. 13-30563-D-13 MARCELINO/LUZVIMINDA MOTION TO AVOID LIEN OF
JCK-2 MALVAR ADVANTAGE ASSETS II, INC.
9-26-13 [24]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

27. 13-30563-D-13 MARCELINO/LUZVIMINDA OBJECTION TO CONFIRMATION OF
MDE-1 MALVAR PLAN BY WELLS FARGO BANK, N.A.
9-26-13 [29]

28. 13-31768-D-13 MARIBEL/RAMON AGUILAR MOTION TO VALUE COLLATERAL OF
ALB-1 WACHOVIA DEALER SERVICES
9-24-13 [12]

29. 13-29872-D-13 TORIE ESCAMILLA MOTION TO CONFIRM PLAN
DEF-2 9-12-13 [23]

Final ruling:

This is the debtor's motion to confirm a chapter 13 plan. The motion will be denied because the moving party failed to serve the Internal Revenue Service, listed on the debtor's Schedule E and provided for by the plan, at all. Thus, the moving party failed to comply with Fed. R. Bankr. P. 2002(b).

As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

30. 13-31773-D-13 CHRISTIAN BADER MOTION TO EXTEND DEADLINE TO
RLC-1 FILE SCHEDULES OR PROVIDE
REQUIRED INFORMATION
9-20-13 [11]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion to extend deadline to file schedule or provide required information is supported by the record. As such the court will grant the motion to extend deadline to file schedule or provide required information. Moving party is to submit an appropriate order. No appearance is necessary.

31. 13-32376-D-13 TERESA GOUL MOTION FOR RELIEF FROM
ADR-1 AUTOMATIC STAY AND/OR MOTION
REO A&D, LLC VS. FOR ADEQUATE PROTECTION
9-24-13 [9]

Final ruling:

This case was dismissed on October 11, 2013. As a result the motion will be denied by minute order as moot. No appearance is necessary.

32. 13-29578-D-13 WILLAIM BUDREWICZ MOTION FOR RELIEF FROM
NMB-1 AUTOMATIC STAY
U.S. BANK, N.A. ND VS. 9-19-13 [48]

Final ruling:

This case was dismissed on October 21, 2013. As a result the motion will be denied by minute order as moot. No appearance is necessary.

33. 12-33779-D-13 JAVIER NAVARRO MOTION TO MODIFY PLAN
TBK-2 9-18-13 [61]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

34. 12-32082-D-13 GERALD/STEPHANIE LIPICH MOTION TO MODIFY PLAN
TBK-4 9-19-13 [54]

35. 13-29186-D-13 MICHAEL/TERESA CHOJNACKI MOTION TO CONFIRM PLAN
JM-2 9-10-13 [36]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied because the moving parties served only the plan itself and not the motion, supporting declaration, or notice of hearing. Further, the proof of service does not comply with LBR 9014-1(e)(3) in that it does not bear the docket control number, and does not comply with section 4(b) and (e) of the court's Revised Guidelines for the Preparation of Documents, as required by LBR 9004-1(a), in that it does not include a caption, the date and time of the hearing, or the courtroom where the hearing will be held. Finally, the proof of service does not state the manner of service.

As a result of these service defects, the motion will be denied, and the court need not reach the issues raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

36. 11-48689-D-13 JOSEPH/MARY BOLANOS MOTION TO VALUE COLLATERAL OF
DN-2 THE BANK OF NEW YORK MELLON
10-1-13 [39]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of The Bank of New York Mellon at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of The Bank of New York Mellon's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

37. 13-32093-D-13 FAIYAZ/FAMIZA AHAMAD MOTION TO VALUE COLLATERAL OF
MC-1 NISSAN MOTOR ACCEPTANCE
CORPORATION
9-27-13 [8]

38. 13-25998-D-13 SHANELLE RANDISI MOTION TO CONFIRM PLAN
KJL-3 9-12-13 [58]

39. 13-29404-D-13 OLIVIA EVANS MOTION TO VALUE COLLATERAL OF
TBK-1 PNC BANK, N.A.
10-15-13 [34]

40. 13-29404-D-13 OLIVIA EVANS MOTION TO VALUE COLLATERAL OF
TBK-1 PNC BANK, N.A.
10-15-13 [37]

Item no. 40 is a duplicate of item no. 39. Matter removed from calendar.

41. 12-27014-D-13 LISA ROCHA CONTINUED MOTION TO MODIFY PLAN
WW-3 9-5-13 [60]

42. 13-24718-D-13 STEPHANIE JOHNSON MOTION TO CONFIRM PLAN
BSH-6 9-7-13 [64]

Tentative ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because there is no evidence of service of the motion or the plan. The moving party originally filed, along with the plan, a motion, notice of hearing, and supporting declaration, and later filed an amended notice of hearing. The proof of service of the amended notice of hearing, DN 73, is complete. However, the "attached matrix" referred to in the proof of service of the plan, motion, original notice of hearing, and supporting declaration, DN 68, was not attached. Thus, there is no evidence the plan, motion, and supporting declaration were ever served on creditors, as required by Fed. R. Bankr. P. 2002(b) and LBR 3015-1(d)(1).

Alternatively, the court will continue the hearing two weeks to allow for a corrected proof of service to be filed. The court will hear the matter.

43. 13-29526-D-13 BRENDA CARTER CONTINUED OBJECTION TO DEBTOR'S
RDG-1 CLAIM OF EXEMPTIONS
9-6-13 [15]

Final ruling:

This is the trustee's objection to the debtor's claim of exemptions. The objection was based on the debtor's failure to file a spousal waiver, as required for use of the § 703.140(b) exemptions she has claimed. The debtor has now filed written waivers, signed by both the debtor and her spouse, by which they have both waived the right to claim, during the period the case is pending, the exemptions provided by [Cal. Code Civ. Proc. §§ 704.010, et seq.]. As a result of the filing of these waivers, the trustee's objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

44. 12-40730-D-13 KEITH/LEAH
JCK-5 HETTMANNSPERGER

MOTION TO INCUR DEBT
10-11-13 [58]

45. 13-23735-D-13 TIMOTHY/ROSE FELZIEN
GFG-29

MOTION TO VALUE COLLATERAL OF
LVNV FUNDING, LLC
10-15-13 [78]

Final ruling:

This is the debtors' motion to value collateral of LVNV Funding, LLC ("LVNV"). The motion will be denied for two reasons. First, although the notice of hearing states that no written response is required, it goes on to require that "if an objection is filed, service of an objection and all evidence supporting the objection shall be served" on the trustee, the debtors, and the debtors' attorney, whereas there is no such requirement for a motion brought, as this one was, pursuant to LBR 9014-1(f)(2) on 14 days' notice. The notice adds, in the imperative tense, "File with the court a written objection explaining your position at: [court's address]. You must also mail a copy to: [addresses of debtors, debtors' attorney, and the trustee]." The local rule requires a plain statement in the notice as to whether or not written opposition is required. LBR 9014-1(d)(3). The rule is not an invitation for counsel to invent requirements for parties who happen to decide to file written opposition although none is required.

The motion will be denied for the additional independent reason that the moving parties failed to serve LVNV in strict compliance with Fed. R. Bankr. P. 7004(b)(3), as required by Fed. R. Bankr. P. 9014(b). The original proof of service states that the moving parties served LVNV only in care of Resurgent Capital Services, in turn, in care of CT Corporation System, in Greenville, South Carolina, with no street address or post office box address. First, service with no street address or post office box address was almost certainly ineffective. Even if an address had been included, however, a search of the South Carolina Secretary of State's website reveals that CT Corporation System is not the registered agent for service of process of either LVNV or Resurgent Capital Services. Further, although Resurgent Capital Services filed a proof of claim in this case for LVNV, the proof of claim clearly states that the creditor is LVNV, not Resurgent Capital Services, and there is no evidence Resurgent Capital Services is authorized to accept service of process on behalf of LVNV under Rule 7004(b)(3). (Where service is made on a corporation to the attention of an agent for service of process, it must be an agent authorized by appointment or by law to receive service of process. Fed. R. Bankr. P. 7004(b)(3).)

Finally, the moving parties' amended proof of service states that service on LVNV Funding was made in care of Resurgent Capital Services, at a post office box address in Greenville, South Carolina, to the attention of "President/CEO." The problem, again, is that the target of the motion is LVNV, not Resurgent Capital Services, and there is no evidence the latter is authorized to accept service of process on behalf of the former.

The court notes that the moving parties served Resurgent Capital Services, Springleaf Financial, American General Finance, and Corporation Service Co. at various addresses; however, the target of the motion is LVNV, and according to the proof of claim filed on its behalf in this case, the creditor is LVNV. As discussed above, the moving parties failed to serve LVNV in accordance with Rule 7004(b) (3).

As a result of these service and notice defects, the motion will be denied by minute order. No appearance is necessary.

46. 13-23735-D-13 TIMOTHY/ROSE FELZIEN MOTION TO VALUE COLLATERAL OF
GFG-97 NATIONAL CAPITAL MANAGEMENT,
LLC
10-15-13 [83]

47. 12-22744-D-13 CLYDE/GAYLE WILSON MOTION TO CONVERT CASE FROM
RDG-5 CHAPTER 13 TO CHAPTER 7
10-11-13 [222]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

48. 12-36847-D-13 CORDELL PENNIX AND CONTINUED MOTION TO MODIFY PLAN
TBK-4 HORTENSIA WATTS-PENNIX
9-9-13 [39]