

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

November 5, 2019 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 Lindsey Peratis, the Courtroom Deputy, at (916) 930-4473 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. [19-25701](#)-B-13 MARCIE GONZALEZ MOTION TO RECONSIDER
[GSJ](#)-1 10-9-19 [[34](#)]

2. [18-27004](#)-B-13 MYRTIS MARTIN MOTION TO INCUR DEBT
[HWW](#)-2 10-22-19 [[35](#)]

November 5, 2019 at 10:00 a.m.

3. [19-25404](#)-B-13 ART BRACAMONTE
[JHW](#)-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
9-30-19 [[13](#)]

FORD MOTOR CREDIT COMPANY
LLC VS.

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 debtor is 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. As the debtor is not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay as to the debtor and any co-debtor and waive FRBP 4001(a)(3). Moving party is to submit an appropriate order. There will be no further relief afforded. No appearance is necessary.

4. [16-22310](#)-B-13 MARISELA CASTANEDA
[MKM](#)-2

MOTION TO MODIFY PLAN
9-26-19 [[94](#)]

5. [19-25212](#)-B-13 AZALYN FOSTER
[STH](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY DEUTSCHE BANK NATIONAL
TRUST COMPANY
10-18-19 [[27](#)]

6. [19-25214](#)-B-13 MICHAEL YBARRA
[RDG-1](#)

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
10-4-19 [[16](#)]

Final ruling:

This is the trustee's objection to confirmation of the debtor's proposed chapter 13 plan. On October 16, 2019, the debtor filed an amended plan and a motion to confirm it. As a result of the filing of the amended plan, the present objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

7. [19-26215](#)-B-13 RAFAEL/PRIYA MARQUEZ
[MC-1](#)

MOTION TO VALUE COLLATERAL OF
LENDMARK FINANCIAL SERVICES,
LLC
10-18-19 [[14](#)]

8. [19-23718](#)-B-13 JAMES SHROPSHIRE
[JHW-4](#)

MOTION FOR RELIEF FROM
AUTOMATIC STAY
9-26-19 [[81](#)]

FORD MOTOR CREDIT COMPANY
LLC VS.

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 debtor is 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. As the debtor is not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

9. [19-22519](#)-B-13 CURTIS/BIANCA PERNICE CONTINUED OBJECTION TO CLAIM OF
[JCK-2](#) GENEVA CAPITAL, LLC, CLAIM
NUMBER 15
7-31-19 [[41](#)]

10. [19-25927](#)-B-13 TOBIAS GOMEZ MOTION TO VALUE COLLATERAL OF
[RK-1](#) CHASE AUTO FINANCE
9-29-19 [[8](#)]

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.

11. [19-21429](#)-B-13 JAYCEE DEVERA OBJECTION TO CLAIM OF NORTH
[JCK-1](#) SHORE CONDOMINIUM ASSOCIATION,
CLAIM NUMBER 3
9-11-19 [[15](#)]

12. [18-27831](#)-B-13 VAL/CHANDRA COLA MOTION TO MODIFY PLAN
[MMM-1](#) 9-27-19 [[31](#)]

13. [19-23232](#)-B-13 DAVID VEDDER
[JGL-1](#)

MOTION TO CONFIRM PLAN
9-17-19 [[47](#)]

14. [18-26935](#)-B-13 EARL HAYS
[GW-2](#)

MOTION FOR COMPENSATION FOR
GERALD L. WHITE, DEBTORS
ATTORNEY(S)
10-1-19 [[24](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

15. [18-26935](#)-B-13 EARL HAYS
[GW-3](#)

OBJECTION TO CLAIM OF SF POLICE
CREDIT UNION, CLAIM NUMBER 20
AND/OR OBJECTION TO CLAIM OF SF
POLICE CREDIT UNION, CLAIM
NUMBER 21
10-4-19 [[34](#)]

16. [19-24736](#)-B-13 JEAN CURUTCHET
[APN](#)-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-2-19 [[26](#)]

WELLS FARGO BANK, N.A. VS.

Final ruling:

This matter is resolved without oral argument. This is Wells Fargo Bank, N.A.'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 debtor is 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. As the debtor is not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

17. [19-24736](#)-B-13 JEAN CURUTCHET
[RDG](#)-2

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
9-25-19 [[23](#)]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed and the objection to the debtor's claim of exemptions is supported by the record. The court will issue a minute order sustaining the trustee's objection to debtor's claim of exemptions. No appearance is necessary.

18. [19-24138](#)-B-13 ANN LORRAINE CARVAJAL
[RDG](#)-3

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
9-28-19 [[40](#)]

Final ruling:

This is the trustee's objection to the debtor's claim of exemption of \$1,286.74 in checking accounts pursuant to C.C.P. § 704.808. On October 8, 2019, the debtor filed an amended Schedule C on which the exemption in the checking account was not listed. As a result of the filing of the amended Schedule C, the objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

19. [14-31345](#)-B-13 JOSE AGUAYO
[HWW](#)-1

MOTION TO MODIFY PLAN
10-1-19 [[29](#)]

20. [14-31345](#)-B-13 JOSE AGUAYO
[HWW](#)-2

MOTION TO AVOID LIEN OF GREATER
CALIFORNIA FINANCIAL SERVICES
10-8-19 [[34](#)]

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 debtor is entitled. As a result, the court will grant the debtor's motion to avoid the lien. Moving party is to submit an appropriate order, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

21. [19-23047](#)-B-13 ROBERT/SOPHIA BLANTON
[WLG](#)-1

MOTION TO CONFIRM PLAN
9-23-19 [[44](#)]

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 referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

22. [19-21550](#)-B-13 DANIEL/JAMIE DOLE CONTINUED MOTION TO CONFIRM
[JCK-2](#) PLAN
6-27-19 [[27](#)]

Final ruling:

This matter has been resolved by the parties and an order confirming plan was entered on October 17, 2019. As such, the motion is granted by minute order. No appearance is necessary.

23. [19-25659](#)-B-13 KATHY KENOLY MOTION TO VALUE COLLATERAL OF
[JCK-1](#) NAVY FEDERAL CREDIT UNION
9-20-19 [[18](#)]

24. [11-28360](#)-B-13 LADISLAO/ROSA ABARCA MOTION TO AVOID LIEN OF JAWAID
[TOG-2](#) AKHTAR
10-2-19 [[104](#)]

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 debtor is entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

25. [19-24370](#)-B-13 ANTHONY/JEWELLE BASA MOTION TO CONFIRM PLAN
[HLG-1](#) 9-12-19 [[23](#)]

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 referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

26. [18-26974](#)-B-13 FERNANDO CANTILLO MOTION TO MODIFY PLAN
[JCK](#)-5 9-13-19 [[68](#)]
27. [19-26477](#)-C-13 BRIAN/KRISTINE HURLEY MOTION TO EXTEND AUTOMATIC STAY
[WJO](#)-1 10-21-19 [[8](#)]
28. [19-23989](#)-B-13 WILLIAM/ELVIRA VARQUEZ MOTION TO CONFIRM PLAN
[HWW](#)-3 10-1-19 [[46](#)]
29. [17-27693](#)-B-13 ANTHONY MOORE CONTINUED COUNTER MOTION TO
DISMISS CASE/PROCEEDING
9-3-19 [[148](#)]

30. [17-27693](#)-B-13 ANTHONY MOORE
[PGM](#)-3

CONTINUED MOTION TO MODIFY PLAN
8-12-19 [[138](#)]

31. [19-26647](#)-C-13 ROBERT BISHOP
[PGM](#)-1

MOTION FOR SANCTIONS FOR
VIOLATION OF THE AUTOMATIC STAY
AND/OR MOTION FOR COMPENSATION
FOR PETER G. MACALUSO, DEBTORS
ATTORNEY(S) O.S.T.
10-30-19 [[13](#)]