

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Fredrick E. Clement  
Bankruptcy Judge  
2500 Tulare Street, Fifth Floor  
Department A, Courtroom 11  
Fresno, California

**THURSDAY**

**NOVEMBER 20, 2014**

**PRE-HEARING DISPOSITIONS**

**GENERAL DESIGNATIONS**

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

**MATTERS RESOLVED BEFORE HEARING**

If the court has issued a final ruling on a matter and the parties directly affected by a matter have resolved the matter by stipulation or withdrawal of the motion before the hearing, then the moving party shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter to be dropped from calendar notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860.

**ERRORS IN FINAL RULINGS**

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 52(b), 59(e) or 60, as incorporated by Federal Rules of Bankruptcy Procedure, 7052, 9023 and 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

9:00 a.m.

1. [13-15013](#)-A-13 JUDY EVANS  
MET-1  
EASTERN SAVINGS BANK/MV  
THOMAS ARMSTRONG/Atty. for dbt.  
MARY TANG/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
10-21-14 [[55](#)]

**Tentative Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

**Subject:** 252 E Childs Ave., Merced, CA

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor is obligated to make loan payments to the moving party pursuant to a promissory note secured by a deed of trust on the real property described above. The debtor has defaulted on the loan as 2 postpetition payments are past due.

The movant is the Class 1 secured claim holder. The confirmed plan requires payments to be made on the 25th day of each month. A schedule of postpetition payments made on the Class 1 claim shows that the last payment was made on August 12, 2014, which was applied to the July 2014 payment owed. Therefore, the payments due August 25, 2014 and September 25, 2014 have not been made. The court infers from the lack of opposition that these facts are well taken.

In addition, the movant has printed out a case detail from the trustee's website. This detail shows that the debtor is delinquent in payments under the plan in the amount of \$11,421.96. No modification motion has been filed. Section 362(d)(1) authorizes stay relief for cause shown including lack of adequate protection of an interest in property. 11 U.S.C. § 362(d)(1). Cause exists to grant relief under § 362(d)(1).

The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

2. [14-14415](#)-A-13 KRIS/KIMBERLY STOHL  
MHM-1  
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
10-21-14 [[27](#)]

TIMOTHY SPRINGER/Atty. for dbt.

**No tentative ruling.**

3. [11-13920](#)-A-13 FELECIA NEDLEY  
TCS-3  
FELECIA NEDLEY/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
RESPONSIVE PLEADING  
OPPOSITION WITHDRAWN

CONTINUED MOTION TO MODIFY PLAN  
9-25-14 [[58](#)]

#### **Final Ruling**

**Motion:** Confirm Modified Chapter 13 Plan

**Notice:** LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by Chapter 13 trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(2), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve modification of the plan.

4. [14-14526](#)-A-13 JEFFERY/JENE SHIPMAN  
BDB-1  
JEFFERY SHIPMAN/MV  
BENNY BARCO/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
BUCKS FINANCIAL V, LLC  
10-21-14 [[22](#)]

#### **Final Ruling**

**Motion:** Value Collateral [Real Property; Principal Residence]

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the respondent is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

#### **VALUATION OF COLLATERAL**

Chapter 13 debtors may strip off a wholly unsecured junior lien encumbering the debtor's principal residence. 11 U.S.C. §§ 506(a), 1322(b)(2); *In re Lam*, 211 B.R. 36, 40-42 (B.A.P. 9th Cir. 1997); *In re Zimmer*, 313 F.3d 1220, 1222-25 (9th Cir. 2002) (holding that the trial court erred in deciding that a wholly unsecured lien was within

the scope of the antimodification clause of § 1322(b)(2) of the Bankruptcy Code). A motion to value the debtor's principal residence should be granted upon a threefold showing by the moving party. First, the moving party must proceed by noticed motion. Fed. R. Bankr. P. 3012. Second, the motion must be served on the holder of the secured claim. Fed. R. Bankr. P. 3012, 9014(a); LBR 3015-1(j). Third, the moving party must prove by admissible evidence that the debt secured by liens senior to the respondent's claim exceeds the value of the principal residence. 11 U.S.C. § 506(a); *Lam*, 211 B.R. at 40-42; *Zimmer*, 313 F.3d at 1222-25. "In the absence of contrary evidence, an owner's opinion of property value may be conclusive." *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

The debtor requests that the court value real property collateral. The collateral is the debtor's principal residence located at 5639 N. Torrey Pines, Fresno, CA.

The court values the collateral at \$268,000. The debt secured by liens senior to the respondent's lien exceeds the value of the collateral. Because the amount owed to senior lienholders exceeds the collateral's value, the respondent's claim is wholly unsecured and no portion will be allowed as a secured claim. See 11 U.S.C. § 506(a).

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to value real property collateral has been presented to the court. Having considered the well-pleaded facts of the motion, and having entered the default of respondent for failure to appear, timely oppose or otherwise defend in the matter,

IT IS ORDERED that the motion is granted. The real property collateral located at 5639 N. Torrey Pines, Fresno, CA, has a value of \$268,000. The collateral is encumbered by senior liens securing debt that exceeds the collateral's value. The respondent has a secured claim in the amount of \$0.00 and a general unsecured claim for the balance of the claim.

5. [14-13130](#)-A-13 GRACIELA CONDE  
HDN-4  
GRACIELA CONDE/MV  
HENRY NUNEZ/Atty. for dbt.

MOTION TO CONFIRM PLAN  
9-30-14 [[72](#)]

#### **Final Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by Chapter 13 trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(1), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

6. [12-12632](#)-A-13 JUAN/ELAINE SANTILLAN MOTION TO MODIFY PLAN  
SL-1 10-2-14 [[39](#)]  
JUAN SANTILLAN/MV  
STEPHEN LABIAK/Atty. for dbt.  
RESPONSIVE PLEADING

#### **Final Ruling**

**Motion:** Confirm Modified Chapter 13 Plan

**Notice:** LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by Chapter 13 trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(2), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve modification of the plan.

7. [14-13945](#)-A-13 MARDONIO CRUZ  
MHM-2  
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
10-21-14 [[37](#)]

DISMISSED

### **Final Ruling**

The case dismissed, the motion is denied as moot.

8. [14-12354](#)-A-13 CHAIRRALYN WASHINGTON  
RR-2  
CHAIRRALYN WASHINGTON/MV  
RANDY RISNER/Atty. for dbt.

MOTION TO INCUR DEBT  
11-6-14 [[63](#)]

### **Tentative Ruling**

**Motion:** Approve Debtor's Incurring New Debt [Vehicle Loan]

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted if the trustee confirms at the hearing that the debtor is not in default under the plan

**Order:** Prepared by moving party

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor seeks to incur new debt to finance the purchase of a vehicle. Amended Schedules I and J that were filed with the petition were attached as an exhibit to the motion. They are discussed in the declaration as though they are still applicable. The court will treat these schedules as amended Schedules I and J given that the debtor refers to them as though they still are accurate.

The motion indicates that the debtor can afford both the plan payment and the proposed monthly loan payment of principal and interest that would result from obtaining this financing. After deducting living expenses, the debtor's disposable income available for plan payments is currently \$1720.18. With this amount, the debtor can afford a plan payment of \$361.73 and the proposed car payment of \$460.00. Therefore, the debtor has demonstrated an ability to pay all future plan payments, projected living expenses and the new car debt. The court will grant the motion, and the trustee will approve the order as to form and content.

9. [14-14158](#)-A-13 ANTONIO NAJERA AND GLORIA MOTION TO VALUE COLLATERAL OF  
TOG-3 GUITIERREZ OLD REPUBLIC INSURANCE COMPANY  
ANTONIO NAJERA/MV 10-22-14 [[31](#)]  
THOMAS GILLIS/Atty. for dbt.

### **Tentative Ruling**

**Motion:** Value Collateral [Real Property; Principal Residence]

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the respondent is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **NOTICE PROCEDURE**

The notice of hearing states, "This motion is being filed and served pursuant to Local Bankruptcy Rule 9014-1(f)(2)." It further requires written opposition (a "written response") "on or before 14 calendar days prior to the hearing date." See Notice of Hr'g on Mot. Value Collateral at 2. This problem should not continue or the court may impose sanctions, such as to deny future motions without prejudice.

Requiring at least 14 days' written notice prior to the hearing is inconsistent with the notice procedure of LBR 9014-1(f)(2). It is consistent with LBR 9014-1(f)(1). But the moving party has given confusing instructions by referencing LBR 9014-1(f)(2), which permits opposition orally at the hearing and does not require written opposition to be filed.

The movant's Correction of Notice of Motion to Value Collateral attempts to cure this deficiency by stating that the notice of motion at docket no. 32 incorrectly referenced LBR 9014-1(f)(2) and that the reference should have been LBR 9014-1(f)(1).

To properly use the notice procedure of LBR 9014-1(f)(1), the respondent must be both *timely and unambiguously* informed that written opposition is required 14 days before the hearing. The original notice was timely but ambiguous for the reasons discussed. The movant's correction notice was unambiguous but it was untimely: it was filed November 3, 2014, only 17 days before the hearing date, giving the respondent its "unambiguous notice" of the deadline for written opposition only 3 days before such deadline: November 6, 2014 is the day that is 14 days before the hearing, and the correction notice was filed November 3, 2014.

The court will permit oral opposition to be raised up to and including the hearing despite the language of the notice of hearing requiring opposition no later than 14 days prior to the hearing date.

Lastly, the court would prefer that the notice of hearing contain a more detailed description of the collateral being valued. In addition, both the motion and the notice should state that the collateral being valued is the debtor's principal residence if that is the case.

## VALUATION OF COLLATERAL

Chapter 13 debtors may strip off a wholly unsecured junior lien encumbering the debtor's principal residence. 11 U.S.C. §§ 506(a), 1322(b)(2); *In re Lam*, 211 B.R. 36, 40-42 (B.A.P. 9th Cir. 1997); *In re Zimmer*, 313 F.3d 1220, 1222-25 (9th Cir. 2002) (holding that the trial court erred in deciding that a wholly unsecured lien was within the scope of the antimodification clause of § 1322(b)(2) of the Bankruptcy Code). A motion to value the debtor's principal residence should be granted upon a threefold showing by the moving party. First, the moving party must proceed by noticed motion. Fed. R. Bankr. P. 3012. Second, the motion must be served on the holder of the secured claim. Fed. R. Bankr. P. 3012, 9014(a); LBR 3015-1(j). Third, the moving party must prove by admissible evidence that the debt secured by liens senior to the respondent's claim exceeds the value of the principal residence. 11 U.S.C. § 506(a); *Lam*, 211 B.R. at 40-42; *Zimmer*, 313 F.3d at 1222-25. "In the absence of contrary evidence, an owner's opinion of property value may be conclusive." *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

The debtors request that the court value real property collateral. The motion does not state that the collateral is the debtors' principal residence. The address on the petition, however, matches the address for the collateral to be valued. The court concludes that the collateral is the debtor's principal residence located at 650 Quady Lane, Madera, CA.

The court values the collateral at \$174,334. The debt secured by liens senior to the respondent's lien exceeds the value of the collateral. Because the amount owed to senior lienholders exceeds the collateral's value, the respondent's claim is wholly unsecured and no portion will be allowed as a secured claim. See 11 U.S.C. § 506(a).

## CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to value real property collateral has been presented to the court. Having considered the well-pleaded facts of the motion, and having entered the default of respondent for failure to appear, timely oppose or otherwise defend in the matter,

IT IS ORDERED that the motion is granted. The real property collateral located at 650 Quady Lane, Madera, CA, has a value of \$174,334. The collateral is encumbered by senior liens securing debt that exceeds the collateral's value. The respondent has a secured claim in the amount of \$0.00 and a general unsecured claim for the balance of the claim.



10. [11-63472](#)-A-13 JOSE/LINDA TRUJILLO  
MHM-1  
MICHAEL MEYER/MV  
NANCY KLEPAC/Atty. for dbt.

MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
10-6-14 [[64](#)]

**No tentative ruling.**

11. [14-13777](#)-A-13 ELVA SILVA  
TOG-1  
ELVA SILVA/MV

CONTINUED MOTION TO VALUE  
COLLATERAL OF BANK OF AMERICA,  
N.A.  
8-27-14 [[16](#)]

THOMAS GILLIS/Atty. for dbt.  
RESPONSIVE PLEADING

**Tentative Ruling**

**Motion:** Value Collateral [Real Property; Not Principal Residence]

**Notice:** Written opposition filed by the responding party

**Disposition:** Continued for an evidentiary hearing

**Order:** Civil minute order or scheduling order

The motion seeks to value nonresidential real property that is the responding party's collateral. The court will hold a scheduling conference for the purpose of setting an evidentiary hearing under Federal Rule of Bankruptcy Procedure 9014(d). An evidentiary hearing is required because the disputed, material factual issue of the collateral's value must be resolved before the court can rule on the relief requested.

All parties shall appear at the hearing for the purpose of determining the nature and scope of the matter, identifying the disputed and undisputed issues, and establishing the relevant scheduling dates and deadlines. Alternatively, the court may continue the matter to allow the parties to file a joint status report that states:

- (1) all relief sought and the grounds for such relief;
- (2) the disputed factual or legal issues;
- (3) the undisputed factual or legal issues;
- (4) whether discovery is necessary or waived;
- (5) the deadline for Rule 26(a)(1)(A) initial disclosures;
- (6) the deadline for Rule 26(a)(2) expert disclosures (including written reports);
- (7) the deadline for the close of discovery;
- (8) whether the alternate-direct testimony procedure will be used;
- (9) the deadlines for any dispositive motions or evidentiary motions;
- (10) the dates for the evidentiary hearing and the trial time that will be required;
- (11) any other such matters as may be necessary or expedient to the resolution of these issues.

Unless the parties request more time, such a joint status report shall be filed 14 days in advance of the continued hearing date. The parties may jointly address such issues orally at the continued hearing in lieu of a written joint status report.

12. [09-61678](#)-A-13 DAVID/CARLA SIMPSON  
PLF-1

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF FEAR LAW GROUP,  
PC FOR PETER L. FEAR, DEBTOR'S  
ATTORNEY(S).  
10-20-14 [[47](#)]

PETER FEAR/Atty. for dbt.  
RESPONSIVE PLEADING

### **Final Ruling**

**Application:** Allowance of Final Compensation and Expense Reimbursement

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Approved

**Order:** Prepared by applicant

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **COMPENSATION AND EXPENSES**

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a debtor's attorney in a Chapter 13 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1), (4)(B). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Fear Law Group, P.C.'s application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having considered the well-pleaded facts of the application, and having entered the default of respondent for failure to appear, timely oppose or otherwise defend in the matter,

IT IS ORDERED that the application is approved on a final basis. The court allows compensation in the amount of \$7,744.50, which includes the \$3,500 flat fee elected under LBR 2016-1(c) and the \$4,244.50 of additional compensation requested, and reimbursement of expenses in the amount of \$33.69. The retainer held by the applicant on the date of the application is \$0.00. The amount of \$4,278.19 shall be allowed as an administrative expense, and \$1,755.64 held by the trustee may be paid to the applicant as payment in full this outstanding allowed amount requested.

IT IS FURTHER ORDERED that the trustee is authorized to pay the fees allowed by this order from the available funds of the plan in a manner

consistent with the distribution priorities of the confirmed plan.

**10:00 a.m.**

1. [14-13416](#)-A-12 JOAO/LUZIA VAZ  
PD-1  
WELLS FARGO BANK, N.A./MV  
MOTION TO APPROVE STIPULATION  
RESOLVING OPPOSITION TO  
DEBTORS' MOTION TO VALUE  
COLLATERAL AND TREATMENT OF  
CLAIM UNDER DEBTORS' PROPOSED  
CHAPTER 12 PLAN  
10-21-14 [[46](#)]  
  
NANCY KLEPAC/Atty. for dbt.  
GREG CAMPBELL/Atty. for mv.

**No tentative ruling.**

2. [14-13416](#)-A-12 JOAO/LUZIA VAZ  
TCS-5  
JOAO VAZ/MV  
NANCY KLEPAC/Atty. for dbt.  
MOTION TO CONFIRM CHAPTER 12  
PLAN  
10-26-14 [[53](#)]

**Tentative Ruling**

An amended plan filed November 18, 2014, this motion is denied as moot.

3. [14-13417](#)-A-12 DIMAS/ROSA COELHO  
PD-1  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION/MV  
NANCY KLEPAC/Atty. for dbt.  
GREG CAMPBELL/Atty. for mv.  
RESPONSIVE PLEADING  
MOTION TO APPROVE STIPULATION  
10-21-14 [[51](#)]

**No tentative ruling.**

4. [14-13417](#)-A-12 DIMAS/ROSA COELHO  
TCS-3  
DIMAS COELHO/MV  
MORTGAGE ASSOCIATION  
8-21-14 [[26](#)]  
NANCY KLEPAC/Atty. for dbt.  
RESPONSIVE PLEADING  
CONTINUED MOTION TO VALUE  
COLLATERAL OF FEDERAL NATIONAL

**Tentative Ruling**

**Motion:** Value Collateral of Fannie Mae

**Notice:** Continued hearing date; written opposition filed

**Disposition:** Denied without prejudice

**Order:** Civil minute order

The default of JPMorgan Chase Bank, N.A. was entered by the court at the October 30, 2014 hearing. It appears that the opposed relief requested to value collateral of respondent Fannie Mae / Seterus, Inc. has been resolved by stipulation that is pending approval of the court. The status report filed on October 23, 2014 indicates that the stipulation filed on October 21, 2014 resolves this motion to value.

5.     [14-13417](#)-A-12   DIMAS/ROSA COELHO                     MOTION TO CONFIRM CHAPTER 12  
TCS-5   PLAN  
DIMAS COELHO/MV  
10-26-14 [[61](#)]  
NANCY KLEPAC/Atty. for dbt.

**Tentative Ruling**

An amended plan filed November 19, 2014, this motion is denied as moot.

6.     [13-12112](#)-A-7    GLEN/MELISSA MCCLARAN               EMERGENCY HEARING ON MOTION  
[13-1073](#)   REGARDING FAILURE TO COMPLY  
KARRAKER ET AL V. MCCLARAN                     WITH PRETRIAL ORDER  
   11-19-14 [[134](#)]  
  
DAVID EMERZIAN/Atty. for pl.  
CONSOLIDATED WITH 13-01075  
KOZLOWSKI V. MCCLARAN  
OST

**No tentative ruling.**