

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Bankruptcy Judge

Sacramento, California

October 2, 2013 at 2:30 p.m.

1. [13-24512-E-13](#) AMOS SNELL
[13-2171](#)
SNELL V. DEUTSCHE BANK
NATIONAL TRUST COMPANY ET AL
ADV. DISMISSED 9/9/13

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
5-21-13 [[1](#)]

Final Ruling: The Status Conference is continued to 1:30 p.m. on October 3, 2013, to be conducted in conjunction with a motion to dismiss the remaining defendants in this Adversary Proceeding. No appearance at the October 2, 2013 Status Conference is required.

Plaintiff's Atty: Megan A. Dailey

Defendant's Atty: Sara Firoozeh

Adv. Filed: 5/21/13

Answer: 6/13/13

Nature of Action:

Recovery of money/property - fraudulent transfer

Recovery of money/property - other

Injunctive relief - other

Declaratory judgment

Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

Notes:

Continued from 7/31/13

Civil Minute Order dismissing case filed 9/9/13 [Dckt 56]

October 2, 2013 at 2:30 p.m.

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2. [07-27123-E-13](#) DOREEN GASTELUM
[12-2295](#)
GASTELUM V. CITY OF CHICAGO,
DEPT. OF BUILDINGS ET AL
ADV. DISMISSED 9/9/13

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
7-6-12 [[1](#)]

Dismissed 9/9/13

Plaintiff's Atty: Peter G. Macaluso

Defendants' Atty:

Marc B. Koenigsberg

[City of Chicago, a municipal corp; City of Chicago Dept of Revenue; City of Chicago Dept of Streets and Sanitation; City of Chicago Dept of Buildings; Dept of Police City of Chicago; Markoff Kransy, LLC; Law Offices of Talan and Ktsanes]

Regina J. McClendon and Stephanie A. Chambers

[Mortgage Electronic Registration Systems, Inc.; Select Portfolio Servicing, Inc.]

James F. McShane and Robert K. Sahyan

[Fifth Third Bank]

Monique Jewett-Brewster

[Greenpoint Mortgage Funding, Inc.]

Unknown [Rahm Emanuel]

Unknown [US Bank National Association]

Adv. Filed: 7/6/12

Amd Cmplt Filed: 10/30/12

Answer: none

Nature of Action:

Declaratory judgment

Injunctive relief - other

Validity, priority or extent of lien or other interest in property

Final Ruling: the Adversary Proceeding having been dismissed, **the Status Conference is removed from the calendar.** No appearance at the October 3, 2013 Status Conference is required.

Notes:

Continued from 7/31/13

Civil Minute Order denying without prejudice motion to amend complaint filed 9/9/13 [Dckt 166]

Civil Minute Order dismissing adversary proceeding filed 9/9/13 [Dckt 166]

3. [10-21236-E-13](#) MATTHEW/NOELL THOMPSON
[13-2184](#)
THOMPSON ET AL V.
CITIMORTGAGE, INC.

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
6-5-13 [[1](#)]

Plaintiff's Atty: Douglas B. Jacobs
Defendant's Atty: unknown

Adv. Filed: 6/5/13
Answer: none

Nature of Action:
Validity, priority or extent of lien or other interest in property
Other (e.g. other actions that would have been brought in state court if
unrelated to bankruptcy case)

Final Ruling: The court having granted the Plaintiffs' motion for entry of
default judgment, **the Status Conference is continued to 2:30 p.m. on
November 13, 2013.** No appearance at the October 5, 2013 Status Conference
is required.

Notes:

Continued from 7/31/13

Civil Minute Order granting motion for entry of default judgment filed
9/20/13 [Dckt 21]

4. [13-20051-E-11](#) TYRONE BARBER

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
12-20-12 [[1](#)]

Debtor's Atty: Cory A. Birnberg

Notes:

Continued from 6/26/13

Operating Reports filed: 6/28/13, 7/21/13, 8/15/13, 9/24/13

[CAB-3] Application for Allowance of Compensation filed 8/5/13 [Dckt 107];
Order granting filed 9/20/13 [Dckt 119]

MONTHLY OPERATING REPORT CONFERENCE SUMMARY

August, 2013 Report		Filed: September 24, 2013	
INCOME	Current		Cumulative

PAST DUE POST-PETITION ACCOUNTS PAYABLE	\$ (50,384.00)	\$ (27,782.00)
Bank Account Statements	August 31	July 31
Bank of the West, 4748		
Beginning Balance	\$ 520.68	\$ 88,732.46
Credits	\$ 81,738.16	\$ 71,398.45
Deposits	\$ 68,200.00	\$ 6,000.00
Withdrawals	\$ (47,681.51)	\$ (40,184.88)
Checks	\$ (96,541.34)	\$ (125,425.35)
Ending Balance	\$ 6,235.99	\$ 520.68
Bank of the West, 4839		
Beginning Balance	\$ 33.88	\$ 41.88
Total Deposits and Additions	\$ 0.00	\$ 0.00
Total Withdrawal and Subtractions	\$ (8.00)	\$ (8.00)
Ending Balance	\$ 25.88	\$ 33.88
Bank of the West, 3711		
Beginning Balance	\$ 4,302.83	\$ 4,539.00
Total Deposits and Additions	\$ 60.54	\$ 4,000.00
Total Withdrawal and Subtractions	\$ (4,055.00)	\$ (4,236.17)
Ending Balance	\$ 308.37	\$ 4,302.83

SUMMARY OF SCHEDULES

Real Property Schedule A	FMV	LIENS	
Tadyaw Beach & Spa, Phillipines	\$75,000	\$0	

Personal Property Schedule B	FMV	LIENS	
2006 Hummer H2	\$28,237		
2006 Lincoln Mark LT	\$5,623		
2007 Chevy Silverado 1500	\$4,671		
2008 Ford Ranger	\$2,000		
Child Support	\$12,000		

Secured Claims Schedule D	TOTAL CLAIM AMOUNT	FMV	UNSECURED CLAIM PORTION
Ford Credit 2008 Ford Ranger	(\$3,000)	\$2,000	(\$1,000)

PRIORITY UNSECURED CLAIMS SCHEDULE E	TOTAL CLAIM AMOUNT	PRIORITY	GENERAL UNSECURED
EDD	\$4,910	\$4,910	\$0
IRS	\$187,000	\$187,000	\$0
Franchise Tax Board	\$11,315	\$11,315	

GENERAL UNSECURED CLAIMS SCHEDULE F	TOTAL CLAIMS AMOUNT	\$583,762.32	
OneWest Bank	\$178,475		
Law Offices of Eugene Hannon	\$63,538		
Gearinger Law Group	\$44,580		
Drs. Iqvinder Gill & Baljit Chahal	\$191,949		
Bolls Fire	\$27,619		
H&H Floor Covering	\$10,000		

INCOME, SCHEDULE I	Self Employed	
Total Average Monthly Income	Single Two Minor Sons	
Wages	\$5,000	

EXPENSES, SCHEDULE J		
Total Average Monthly Expenses	(\$4,322.50)	
Rent	(\$2,000)	
Food	(\$400)	
Transportation	\$60	
Renter Insurance	\$0	
Expenses From Operation of Business	(\$200)	

STATEMENT OF FINANCIAL AFFAIRS

Question 1 Income

2012 YTD	\$2,312,026	
2011	\$1,207,938	
2010	Not Disclosed	

Question 2 Non-Business Income

2012 YTD	None	
2011	None	
2010	None	

Question 3 Payments within 90 days

Creditor	Amount	Date
	None	

Payments within one year

Creditor	Amount	Date
	None	

5. [13-26159-E-11](#) IVAN RAVLOV

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
5-3-13 [[1](#)]

Debtor's Atty: Scott A. CoBen

Final Ruling: The Debtor in Possession having a hearing set on a motion to approve disclosure statement, the Debtor in Possession having addressed claim valuation issues, and this case being actively prosecuted, **the Status conference is continued to 3:00 p.m. on November 7, 2013**, to be conducted in conjunction with the hearing on the Motion to Approve Disclosure Statement. No appearance at the October 3, 2013 Status Conference is required.

Notes:

Continued from 6/26/13

Operating Reports filed: 7/12/13, 8/14/13

[SAC-14] Motion to Approve Disclosure Statement filed 5/13/13 [Dckt 63]; heard 8/29/13 and continued to 10/24/13 at 3:00 p.m. On or before 9/30/13 Debtor in Possession is to file a statement of proposed amendments and an exhibit of the proposed amended disclosure statement, and serve a notice of proposed amendments and continued hearing date. On or before 10/15/13, objections to the proposed amendments shall be filed and served.

Debtor's First Amended Plan filed 9/23/13 [Dckt 274]

[SAC-24] Motion to Approve Disclosure Statement filed 9/23/13 [Dckt 275], set for hearing 11/7/13 at 3:00 p.m.

Debtors' Disclosure Statement re First Amended Plan filed 9/23/13 [Dckt 277]

[SAC-15] Motion to Value Collateral of Deutsche Bank National Trust Company filed 7/25/13 [Dckt 166]; heard 8/29/13 and continued to 10/24/13; Debtor to file on or before 9/30/13 a statement of proposed amendments and an exhibit of the proposed amended disclosure statement and serve a notice of proposed amendments; objections to the proposed amendments to be filed and served on or before 10/15/13.

[SAC-16] Motion to Value Collateral of JPMorgan Chase Bank, N.A. [7513 Johanne Court, Citrus Heights, CA] filed 7/25/13 [Dckt 172]; Order granting filed 9/20/13 [Dckt 271]

[SAC-17] Motion to Value Collateral of Deutsche Bank National Trust Company [3490 Lewiston Road, West Sacramento, CA] filed 7/25/13 [Dckt 177]; Order granting filed 9/30/13 [Dckt 272]

[SAC-18] Motion to Value Collateral of JPMorgan Chase Bank, N.A. [3490 Lewiston Road, West Sacramento, CA] filed 7/25/13 [Dckt 182]; Order granting filed 8/27/13 [Dckt 241]

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[SAC-19] Motion to Value Collateral of Bank of America, N.A. [3490 Lewiston Road, West Sacramento, CA] filed 7/25/13 [Dckt 187]; Order granting filed 8/27/13 [Dckt 242]

[SAC-20] Motion to Value Collateral of Wells Fargo Bank, N.A. [3490 Lewiston Road, West Sacramento, CA] filed 7/25/13 [Dckt 192]; Order granting filed 8/27/13 [Dckt 243]

[SAC-21] Motion to Value Collateral of JPMorgan Chase Bank, N.A. [7716 Belle Rose Circle, Roseville, CA] filed 7/25/13 [Dckt 197]; Order granting filed 9/20/13 [Dckt 273]

[SAC-22] Motion to Value Collateral of JPMorgan Chase Bank, N.A. [7716 Belle Rose Circle, Roseville, CA] filed 7/25/13 [Dckt 202]; Order granting filed 8/27/13 [Dckt 244]

6. [09-33870-E-13](#) [12-2703](#) **GERALD/JEANIE GONZALES** **CONTINUED STATUS CONFERENCE RE: COMPLAINT**
GONZALES V. US BANK NA ET AL **12-4-12 [1]**

Plaintiff's Atty: John G. Downing
Defendant's Atty:
Tara L. Elgie [GreenPoint Mortgage Funding, Inc.]
unknown [GMAC Mortgage, LLC]
unknown [US Bank NA]

Adv. Filed: 12/4/12
Answer: none

Nature of Action:
Validity, priority or extent of lien or other interest in property
Declaratory judgment

Final Ruling: The court having granted the motion for entry of default judgment, **the Status Conference is continued to 2:30 p.m. on November 13, 2013.** No appearance at the October 3, 2013 Status Conference is required.

Counsel for Plaintiffs shall file the costs bill and motion for award of attorneys' fees, if any, so that the award of each will be determined prior to November 7, 2013.

Notes:

Continued from 7/31/13. The Plaintiff having filed on 7/30/13 a motion for entry of default judgment.

[JGD-3] Civil Minute Order granting Motion for entry of default judgment filed 9/9/13 [Dckt 26]

7. [09-32070-E-13](#) CIBONAY CORDOVA
[13-2151](#)
CORDOVA V. HSBC MORTGAGE
SERVICES ET AL

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
5-3-13 [[1](#)]

Plaintiff's Atty: Scott D. Shumaker
Defendant's Atty: unknown

Adv. Filed: 5/3/13
Answer: none

Nature of Action:
Validity, priority and extent of lien or other interest in property

No Tentative Ruling:

Notes:
Continued from 7/31/13

OCTOBER 2, 2013 CONTINUED STATUS CONFERENCE MINUTES

No additional pleadings have been filed and no action taken in prosecution of this Adversary Proceeding by the Plaintiff since May 3, 2013.

JULY 31, 2013 STATUS CONFERENCE MINUTES

This Adversary Proceeding was commenced with the filing of the Complaint on May 3, 2013. The Complaint seeks to have the court determine that the deed of trust securing defendants claim is void, the Plaintiff having completed a Chapter 13 Plan and the court having determined that the secured claim to be paid under the Plan has a value of \$0.00. The Plaintiff also requests an award of attorneys fees, though the claim for attorneys fees and the basis (specific contractual provision or statute) is not stated in the Complaint. The Complaint is a series of 25 paragraphs without any headings or specific causes of action stated. While reference is made to California Civil Code § 2941(a), that paragraph relates to a mortgage and not a deed of trust. No reference is made to California Civil Code § 2941(b), which requires that a deed of trust be reconveyed within 30 days of satisfaction, or § 2941(d), which imposes a statutory forfeiture of \$500.00. Reference is made to California Civil Code § 2939, which refers to a recorded mortgage.

The Complaint asserts that the court has jurisdiction over this Adversary Proceeding pursuant to 28 U.S.C. § 157(b)(2)(K). That Code Section is not the granting of federal court jurisdiction over any matter, but only statutorily defines the determination of the validity, extent, or priority of liens to be a core proceeding.

8. [13-26471](#)-E-13 RAYMOND/CYNTHIA SCOTT STATUS CONFERENCE RE: COMPLAINT
[13-2251](#) 8-6-13 [[1](#)]
FIRST NATIONAL BANK OF OMAHA
V. SCOTT

Plaintiff's Atty: Donald T. Dunning
Defendant's Atty: pro se

Adv. Filed: 8/6/13
Answer: 8/30/13

Nature of Action:
Dischargeability - false pretenses, false representation, actual fraud

Final Ruling: The Parties having stipulated to dismiss without prejudice this Adversary Proceeding and an order entered thereon, **the Status Conference is removed from the calendar.** No appearance at the October 3, 2013 Status Conference is required.

Notes:

Stipulation to Dismiss Adversary Proceeding and Order Thereon filed 9/23/13 [Dckt 10]

9. [13-27771](#)-E-11 ANGELA CATARATA CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
6-6-13 [[1](#)]

Debtor's Atty: Pro Se

OCTOBER 3, 2013 STATUS CONFERENCE MINUTES

The court appointed Gary Farrar to be the Chapter 11 Trustee on September 24, 2013.

Notes:

Continued from 7/31/13

Operating Reports filed: 8/23/13, 8/28/13, 9/17/13

Motion to Impose the Automatic Stay filed 7/7/13 [Dckt 48]; Order denying filed 8/27/13 [Dckt 131]

Application for Employment of Attorney for Debtor and Debtor In Possession filed 7/18/13 [Dckt 68]; Order denying filed 9/5/13 [Dckt 161]

[BNF-1] Seterus, Inc. Servicer for Federal National Mortgage Association's Motion for Order Confirming No Stay is in Effect filed 8/5/13 [Dckt 90]; Order denying filed 9/5/13 [Dckt 160]

[UST-1] United States Trustee's Motion to Convert or Dismiss Chapter 11 Case filed 8/7/13 [Dckt 97]; Order (1) granting appointment of a Chapter 11 Trustee, (2) if the U.S. Trustee cannot locate and have appointed a Chapter 11 Trustee by 10/15/13 the case shall be converted to one under Chapter 7 without further hearing, and (3) as soon as practical on or after 10/16/13, the U.S. Trustee shall lodge with the court an order amending this order, with the amended order converting the case to one under Chapter 7 filed 9/5/13 [Dckt 162]

[UST-2] Acting United States Trustee's Appointment of Chapter 11 Trustee and Application for Order Approving Appointment of Gary Farrar as the Chapter 11 Trustee filed 9/16/13 [Dckt 163]; Order granting filed 9/24/13 [Dckt 168]

10. [13-29072-E-13](#) [13-2238](#) **GARY/JUDY DUERNER** **STATUS CONFERENCE RE: COMPLAINT**
DUERNER ET AL V. U.S. BANK **8-5-13 [9]**
NATIONAL ASSOCIATION

Plaintiff's Atty: Pro Se
Defendant's Atty: Bernard J. Kornberg

Adv. Filed: 7/22/13
Amd. Cmplt. Filed: 8/5/13
Answer: none

Nature of Action:
Declaratory judgment
Validity, priority or extent of lien or other interest in property

Final Ruling: The Plaintiffs having filed their notice of dismissal of this Adversary Proceeding pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rule of Bankruptcy Procedure 7041, and no answer or motion for summary judgment having been filed, the Adversary Proceeding has been dismissed. **The Status Conference is removed from the calendar.** No appearance at the October 2, 2013 Status Conference is required.

Notes:

[SW-1] Motion to Dismiss Adversary Proceeding for Failure to State a Claim filed 9/4/13 [Dckt 15], set for hearing 10/3/13 at 1:30 p.m.

Notice of Dismissal filed by the Debtors on 9/18/13 [Dckt 21]; order pending

11. [09-35773-E-13](#) DAVID/SHAWNNA BURKEY
[12-2715](#)
BURKEY ET AL V. JPMORGAN
CHASE, N.A.

STATUS CONFERENCE RE: COMPLAINT
12-11-12 [[1](#)]

Plaintiff's Atty: Scott A. CoBen
Defendant's Atty: Philip A. McLeod

Adv. Filed: 12/11/12
Answer: none

Nature of Action:
Validity, priority or extent of lien or other interest in property

Final Ruling: The parties having filed a stipulation for dismissal pursuant to Federal Rule of Civil Procedure 41(a)(2) and an order thereon lodged with the court, **the Status Conference is removed from the calendar.** No appearance at the October 2, 2013 Status Conference is required.

Notes:

Stipulation for Dismissal of Adversary Proceeding With Prejudice filed 9/23/13 [Dckt 37]; order pending

12. [09-46888-E-13](#) MEDY BEAUCHANE
[13-2226](#)
BEAUCHANE V. U.S. BANK,
NATIONAL ASSOCIATION

STATUS CONFERENCE RE: COMPLAINT
7-12-13 [[1](#)]

Plaintiff's Atty: Douglas B. Jacobs
Defendant's Atty: unknown

Adv. Filed: 7/12/13
Answer: none

Nature of Action:
Validity, priority or extent of lien or other interest in property
Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

Final Ruling: The hearing on the Plaintiff's Motion for Entry of Default Judgment and attorneys' fees set for hearing on October 3, 2013, **the Status Conference is continued to 2:30 p.m. on November 13, 2013.** No appearance at the October 3, 2013 Status Conference is required.

Notes: [DBJ-1] Motion for Default Judgment Including an Award of \$1,953.50 in Attorney Fees and Penalties filed 8/29/13 [Dckt 12], set for hearing 10/3/13 at 1:30 p.m..

Plaintiff's Status Conference Statement filed 9/16/13 [Dckt 18]

13. [12-34690-E-7](#) [12-2644](#) FAUSTO VILLALOBOS
ACEITUNO V. TOWN & COUNTRY
AUTO TECH ET AL

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
11-7-12 [[1](#)]

Plaintiff's Atty: J. Russell Cunningham
Defendant's Atty: unknown

Adv. Filed: 11/7/12
Amd. Cmplt. Filed: 11/9/12

Answer: none

Nature of Action:

Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

Recovery of money/property - turnover of property

Injunctive relief - other

Final Ruling: Judgement having been entered by the court, **the Status Conference is removed from the calendar.** No appearance at the October 3, 2013 Status Conference is required.

Notes:

Continued from 6/26/13

[DNL-3] Order granting Motion for Entry of Default filed 9/5/13 [Dckt 79]

Judgment filed 9/17/13 [Dckt 83]

14. [10-20297-E-7](#) [13-2224](#) MIGUEL/ISOLINA SAN JUAN
U.S. TRUSTEE V. SAN JUAN ET AL

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

Plaintiff's Atty: Edmund Gee
Defendant's Atty: unknown

Adv. Filed: 7/11/13

Answer: none

Nature of Action:

Objection/revocation of discharge

Final Ruling: The Parties having Stipulated to the waiver of the discharge and orders entered thereon, **the Status Conference is removed from the calendar.** No appearance at the October 3, 2013 Status Conference is required.