



**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Judge Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: MONDAY
DATE: JANUARY 5, 2026
CALENDAR: 10:30 A.M. CHAPTER 7 CASES

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business** day prior to the hearing.

Information regarding how to sign up can be found on the **Court Appearances** page of our website at:

<https://www.caeb.uscourts.gov/Calendar/CourtAppearances>

Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by **ZoomGov** may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to the trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including screen shots or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

PRE-HEARING DISPOSITION INSTRUCTIONS

RULINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling.

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [25-26300](#)-A-7 **IN RE: PROGRESS RANCH TREATMENT SERVICES FOR CHILDREN**
[KMT-2](#)

MOTION TO EMPLOY WEST AUCTIONS, INC. AS AUCTIONEER,
AUTHORIZING SALE OF PROPERTY AT PUBLIC AUCTION AND
AUTHORIZING PAYMENT OF AUCTIONEER FEES AND EXPENSES
12-8-2025 [\[11\]](#)

PETER FEAR/ATTY. FOR DBT.
KIMBERLY HUSTED/ATTY. FOR MV.

Final Ruling

Motion: Sell Property; Employ and Compensate Auctioneer

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

Disposition: Granted

Order: Prepared by moving party

Property: 2017 Kia Optima LX; 2019 Kia Optima

Sale Type: Public auction

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55(c), *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).

SALES UNDER SECTION 363(b)

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

SECTION 328(a) EMPLOYMENT AND COMPENSATION

The Chapter 7 trustee may employ an auctioneer that does not hold or represent an interest adverse to the estate and that is disinterested. 11 U.S.C. §§ 101(14), 327(a). The auctioneer satisfies the requirements of § 327(a), and the court will approve the auctioneer's employment.

Federal Rule of Bankruptcy Procedure 6005, moreover, requires the court to "fix the amount or rate of compensation" whenever the court authorizes the employment of an auctioneer. Section 328(a) authorizes employment of a professional on any reasonable terms and conditions of employment. Such reasonable terms include a fixed or percentage fee basis. The movant is requesting commission of 15% to

be charged to the estate and deducted from the gross sale proceeds. Additionally, the auctioneer will be entitled to reimbursement of any expenses incurred in preparing for and conduction the auction not to exceed \$2,160.00. The court finds that the compensation sought is reasonable and will approve the application.

2. [25-26807](#)-A-7 **IN RE: HARPREET SINGH**
[HRH-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
12-15-2025 [\[11\]](#)

MARK SHMORGON/ATTY. FOR DBT.
RAFFI KHATCHADOURIAN/ATTY. FOR MV.
CROSSROADS EQUIPMENT LEASE AND FINANCE, LLC VS.

Tentative Ruling

Motion: Stay Relief

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

Disposition: Granted

Order: Civil minute order

Subject: 2020 Freightliner Tractor Truck

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).

STAY RELIEF

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

The debtor has missed 2 pre-petition payments totaling \$3,439.16 and 1 post-petition payments totaling \$1,719.58 due on the debt secured by the moving party's lien. Additionally, the debtor is not on the title to the truck and has no equity in the vehicle. This constitutes cause for stay relief.

The court does not address grounds for relief under § 362(d)(2) as relief is warranted 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.

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.

Crossroads Equipment Lease and Finance, LLC's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as a 2020 Freightliner Tractor Truck, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

3. [25-24712](#)-A-7 **IN RE: EVELYN VILLAREAL**
[SAD-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-19-2025 [\[16\]](#)

GEORGE BURKE/ATTY. FOR DBT.
SHANNON DOYLE/ATTY. FOR MV.
DEBTOR DISCHARGED: 12/16/25; LOANDEPOT.COM, LLC VS.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Stay Relief

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

Disposition: Granted

Order: Civil minute order

Subject: 2107 Lavendar Place, Rio Vista, California

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).

STAY RELIEF

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

The debtor has missed 3 post-petition payments totaling \$11,569.59 due on the debt secured by the moving party's lien. This constitutes cause for stay relief.

The court does not address grounds for relief under § 362(d)(2) as relief is warranted 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.

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.

Loandepot.com LLC's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 2107 Lavender Place, Rio Vista, California, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

4. [22-90415](#)-A-7 **IN RE: JOHN MENDOZA**
[KMT-11](#)

MOTION TO SELL FREE AND CLEAR OF LIENS AND/OR MOTION FOR
COMPENSATION FOR RE/MAX EXECUTIVE, BROKER(S)
12-12-2025 [[733](#)]

PETER MACALUSO/ATTY. FOR DBT.
LORIS BAKKEN/ATTY. FOR MV.

Tentative Ruling

Motion: Sell Real Property and Compensate Real Estate Broker

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

Disposition: Granted

Order: Prepared by moving party

Property: 22622 Twain Harte Drive, Twain Harte, California

Buyer: Brent Han-Kew Lew; Allison Diane Lew

Sale Price: \$230,000.00

Sale Type: Private sale subject to overbid opportunity

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55(c), *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).

SECTION 363(b) (1)

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

SALE FREE AND CLEAR UNDER § 363(f)

The court takes judicial notice of the voluntary petition, schedules, and statements filed in this case, as well as judicial notice of their contents. Fed. R. Evid. 201. The contents of the schedules and statements are non-hearsay admissions of the debtors to the extent they are offered against the debtors in this matter. Fed. R. Evid. 801(d)(2)(A), (D).

The movant has attached Exhibit D, ECF No. 737, to the instant motion to showing the courts order approving the motion for approval of the case administration settlement agreement between the trustee and WJVP 2021-4, LP. The court has taken judicial notice and

referred to the Case Administration Settlement Agreement, ECF No. 56. The agreement states as follows:

Estate Property: In the event that Trustee liquidates property in which Debtor or Debtor's trust had an interest as of the petition date ("Estate Property"), and such Estate Property is encumbered by a judgment lien in favor of WVJP, and if WVJP and Trustee mutually agree to the sale, WVJP agrees to carve out of WVJP's entitlement, on a sale by sale basis, the lesser of (i) 10% of WVJP's entitlement, or (ii) 10% of the total unsecured claims pool, up to a collective maximum of 10% of the unsecured claims pool. For the purposes of this subsection only, WVJP's entitlement means net proceeds after deducting costs of sale; satisfying senior liens, paying agreed additional disposition, or property preservation costs, reserving for estimated tax liabilities, and reserving agreed reasonable administrative expenses incurred by the Estate at the time of sale.

Case Administration Settlement Agreement, ECF No. 56.

The court believes that the creditors consent can be implied from the language above. Since the movant has submitted appropriate evidence of WJVP, LP's consent, the sale will be free and clear of creditor's security interest in the personal property described above, and such security interest shall attach to the proceeds of the sale with the same priority and validity as it had before the sale. 11 U.S.C. § 363(f)(2). If the creditor objects to this understanding of the settlement agreement, they may appear at the hearing and be heard on the matter.

Since § 363(f)(2) relief is granted, the order shall state that the sale is free and clear of only the lien identified in this ruling and that such lien shall attach to the proceeds of the sale with the same priority and validity as it had before the sale. The order shall also include the following statement verbatim: "If the filing fee for the motion was deferred and if such fee remains unpaid at the time the order is submitted, then the trustee shall pay the fee for filing this motion to the Clerk of the Bankruptcy Court from the sale proceeds immediately after closing."

SECTION 330(a)

Section 330(a) of Title 11 authorizes "reasonable compensation for actual, necessary services" rendered by a professional person employed under § 327 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3). The broker seeks to be paid 6% of the gross sale price which may be split with any buyer's broker. The court finds that the compensation sought is reasonable and will approve the application.

5. [21-90116](#)-A-7 **IN RE: MORRIS CLARK**
[NAR-1](#)

CONTINUED MOTION TO COMPEL ABANDONMENT
10-13-2025 [\[48\]](#)

NATALI RON/ATTY. FOR DBT.
DEBTOR DISCHARGED: 07/19/21

Final Ruling

Motion: Compel Abandonment of Property of the Estate
Notice: LBR 9014-1(f)(1); written opposition required
Disposition: Granted only as to the Boy Scout settlement claim
Order: Prepared by moving party pursuant to the instructions below

Description: Boy Scout Settlement Claim valued at approximately
\$783,000.00

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 movant bears the burden of proof. *In re Pilz Compact Disc., Inc.*, 229 B.R. 630 (Bankr. E.D. Pa. 1999) (Chapter 7 trustee). "[B]urdensome to the estate" means "consumes the resources and drains the income of the estate." *In re Smith-Douglass, Inc.*, 856 F.2d 12, 16 (4th Cir. 1988). "[O]f inconsequential value and benefit to the estate" refers to assets not likely to be liquidated for the benefit of creditors. 11 U.S.C. § 704(a)(1); *Matter of Taxman Clothing Co.*, 49 F3d 310, 315 (7th Cir. 1995) (Chapter 7 trustee has no duty to liquidate assets where costs of doing so likely to exceed asset's value). Of inconsequential value and benefit to the estate includes assets that (1) have no equity (including post-petition appreciation), *In re Viet Vu*, 245 B.R. 644 (9th Cir. BAP 2000); and (2) assets with equity, which has been wholly and properly exempted by the debtor. *In re Montanaro*, 307 B.R. 194 (Bankr. E.D. Cal. 2004).

Property of the estate may be abandoned under § 554 of the Bankruptcy Code if property of the estate is "burdensome to the estate or of inconsequential value and benefit to the estate." See 11 U.S.C. § 554(a)-(b); Fed. R. Bankr. P. 6007(b). Upon request of a party in interest, the court may issue an order that the trustee abandon property of the estate if the statutory standards for abandonment are fulfilled.

The claim described above is either burdensome to the estate or of inconsequential value to the estate. This claim has been exempted in debtor's amended Schedule C, ECF No. 47. As such, the claim is of inconsequential value to the estate. An order compelling abandonment of such business is warranted. The order will compel abandonment of only the settlement claim and assets that are described in the motion.

6. [25-90216](#)-A-7 **IN RE: MAI NHIAJ VANG**
[KMT-3](#)

MOTION TO EMPLOY TMC AUCTION, INC. AS AUCTIONEER,
AUTHORIZING SALE OF PROPERTY AT PUBLIC AUCTION AND
AUTHORIZING PAYMENT OF AUCTIONEER FEES AND EXPENSES
12-15-2025 [\[42\]](#)

GABRIEL HERRERA/ATTY. FOR MV.

Tentative Ruling

Motion: Sell Property and Employ and Compensate Auctioneer

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

Disposition: Granted

Order: Prepared by moving party

Property: 2017 Toyota Tacoma

Sale Type: Public auction

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55(c), *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).

SECTION 363(b) SALE

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

SECTION 328(a) EMPLOYMENT AND COMPENSATION

The Chapter 7 trustee may employ an auctioneer that does not hold or represent an interest adverse to the estate and that is disinterested. 11 U.S.C. §§ 101(14), 327(a). The auctioneer satisfies the requirements of § 327(a), and the court will approve the auctioneer's employment.

Federal Rule of Bankruptcy Procedure 6005, moreover, requires the court to "fix the amount or rate of compensation" whenever the court authorizes the employment of an auctioneer. Section 328(a) authorizes employment of a professional on any reasonable terms and conditions of employment. Such reasonable terms include a fixed or percentage fee basis. The movant is requesting a 10% commission and a 10% buyer's premium charged by the auctioneer. 10% will be charged to the estate and will be deducted from gross sale proceeds. The

auctioneer will also be entitled to reimbursement up to \$1,000.00 for expenses incurred in preparing for and conducting the auction. The court finds that the compensation sought is reasonable and will approve the application.

7. [25-26423](#)-A-7 **IN RE: MARK SELTERS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
12-2-2025 [[13](#)]

12/9/2025 FINAL INSTALLMENT PAYMENT \$3.00

Final Ruling

As the fee has been paid in full, the order to show cause is discharged. The case will remain pending.

8. [25-24924](#)-A-7 **IN RE: YVETTE ARDDS**

MOTION FOR SANCTIONS FOR VIOLATION OF THE AUTOMATIC STAY
11-26-2025 [[29](#)]

YVETTE ARDDS/ATTY. FOR MV.

No Ruling

9. [25-26024](#)-A-7 **IN RE: TIFFANY PELTON**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
12-8-2025 [[23](#)]

12/15/2025 FILING FEE PAID \$34

Final Ruling

As the fee has been paid in full, the order to show cause is discharged. The case will remain pending.

10. [25-25325](#)-A-7 **IN RE: JUAN ALVAREZ**

MOTION TO CONVERT CASE FROM CHAPTER 7 TO CHAPTER 13
12-4-2025 [\[25\]](#)

CHRISTIE LEE/ATTY. FOR DBT.

Final Ruling

Motion: Convert Case from Chapter 7 to Chapter 13

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 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).

CONVERSION UNDER § 706(a)

Section 706 of the Bankruptcy Code gives chapter 7 debtors a qualified conversion right. See 11 U.S.C. § 706(a), (d). A debtor's right to convert a case from Chapter 7 to Chapter 11, 12, or 13 is conditioned on (i) the debtor's eligibility for relief under the chapter to which the case will be converted and (ii) the case not having been previously converted under §§ 1112, 1208, or 1307. 11 U.S.C. § 706(a), (d); *see also Marrama v. Citizens Bank of Mass.*, 549 U.S. 365, 372-74 (2007) (affirming denial of debtor's conversion from Chapter 7 to Chapter 13 based on bad faith conduct sufficient to establish cause under § 1307(c)).

The secured and unsecured debt amounts shown in the debtor's schedules are below the debt limits provided in § 109(e). See 11 U.S.C. § 109(e). The case has not been previously converted under § 1112, 1208, or 1307 of the Bankruptcy Code. See *id.* § 706(a). No party in interest has questioned the debtor's eligibility for relief under Chapter 13.

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 convert this case from chapter 7 to chapter 13 has been presented to the court. Having considered the motion, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the motion is granted. The court converts this case from chapter 7 to chapter 13.

11. [25-25325](#)-A-7 **IN RE: JUAN ALVAREZ**
[NAR-1](#)

OBJECTION TO HOMESTEAD EXEMPTION
11-26-2025 [\[17\]](#)

CHRISTIE LEE/ATTY. FOR DBT.
NATALI RON/ATTY. FOR MV.
RESPONSIVE PLEADING

Final Ruling

The objection is continued to February 23, 2026, at 10:30 a.m. By separate ruling this court has granted the debtor's motion to convert the case. Mot. Convert, ECF No. 25. The court would like the Chapter 13 trustee an opportunity to review the case and take a position on the objection to exemption. The Chapter 13 trustee may, or may not, be in a position to interpose an objection to this objection. Fed. R. Bankr. P. 1019(b)(3) (Chapter 13 to Chapter 7); 9A *Collier on Bankruptcy* P 4003.03 (16th 2025) ("By implication, there is no new deadline in other conversions. It has also been held that if an objection to an exemption was filed by a chapter 13 trustee before conversion, a chapter 7 trustee may pursue that objection without filing a new objection," citing *In re Tobkin*, 2016 Bankr. LEXIS 3411 (Bankr. S.D. Fla. Sept. 19, 2016). Moreover, to preserve the Chapter 13 trustee's right to be heard, the court hereby makes Federal Rules of Bankruptcy Procedure 7019-7020 (joinder) applicable to these proceedings. Fed. R. Bankr. 9014(c) (authorizing the court make other rules applicable. Not later than February 9, 2026, the trustee shall file a joint status conference statement and/or motion to join existing objections. No other filings are authorized, and the court will treat the hearing on February 23, 2026, as a status conference. A civil minute order shall issue.

12. [25-25325](#)-A-7 **IN RE: JUAN ALVAREZ**
[NAR-2](#)

OBJECTION TO HOMESTEAD EXEMPTION
11-26-2025 [[20](#)]

CHRISTIE LEE/ATTY. FOR DBT.
NATALI RON/ATTY. FOR MV.
RESPONSIVE PLEADING

Final Ruling

The objection is continued to February 23, 2026, at 10:30 a.m. By separate ruling this court has granted the debtor's motion to convert the case. Mot. Convert, ECF No. 25. The court would like the Chapter 13 trustee an opportunity to review the case and take a position on the objection to exemption. The Chapter 13 trustee may, or may not, be in a position to interpose an objection to this objection. Fed. R. Bankr. P. 1019(b)(3) (Chapter 13 to Chapter 7); 9A *Collier on Bankruptcy* P 4003.03 (16th 2025) ("By implication, there is no new deadline in other conversions. It has also been held that if an objection to an exemption was filed by a chapter 13 trustee before conversion, a chapter 7 trustee may pursue that objection without filing a new objection," citing *In re Tobkin*, 2016 Bankr. LEXIS 3411 (Bankr. S.D. Fla. Sept. 19, 2016). Moreover, to preserve the Chapter 13 trustee's right to be heard, the court hereby makes Federal Rules of Bankruptcy Procedure 7019-7020 (joinder) applicable to these proceedings. Fed. R. Bankr. 9014(c) (authorizing the court make other rules applicable. Not later than February 9, 2026, the trustee shall file a joint status conference statement and/or motion to join existing objections. No other filings are authorized, and the court will treat the hearing on February 23, 2026, as a status conference. A civil minute order shall issue.

13. [25-23127](#)-A-7 **IN RE: DEAN/CARMEL LONG**
[BM-2](#)

MOTION TO EMPLOY WEST AUCTIONS, INC. AS AUCTIONEER,
AUTHORIZING SALE OF PROPERTY AT PUBLIC AUCTION AND
AUTHORIZING PAYMENT OF AUCTIONEER FEES AND EXPENSES
12-11-2025 [\[40\]](#)

MATTHEW DECAMINADA/ATTY. FOR DBT.
RENO FERNANDEZ/ATTY. FOR MV.
DEBTORS DISCHARGED: 09/30/25

Tentative Ruling

Motion: Sell Property and Employ and Compensate Auctioneer
Notice: LBR 9014-1(f)(2); no written opposition required
Disposition: Granted
Order: Prepared by moving party

Property: 2014 Freightliner Box Truck
Sale Type: Public auction

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).

SECTION 363(b) SALE

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

SECTION 328(a) EMPLOYMENT AND COMPENSATION

The Chapter 7 trustee may employ an auctioneer that does not hold or represent an interest adverse to the estate and that is disinterested. 11 U.S.C. §§ 101(14), 327(a). The auctioneer satisfies the requirements of § 327(a), and the court will approve the auctioneer's employment.

Federal Rule of Bankruptcy Procedure 6005, moreover, requires the court to "fix the amount or rate of compensation" whenever the court authorizes the employment of an auctioneer. Section 328(a) authorizes employment of a professional on any reasonable terms and conditions of employment. Such reasonable terms include a fixed or percentage fee basis. The movant is seeking 15% commission of the gross purchase price and reimbursement up to \$5,000.00 for necessary expenses. The court finds that the compensation sought is reasonable and will approve the application.

14. [22-20832](#)-A-7 **IN RE: DANIEL STEWART**
[GMR-2](#)

MOTION FOR ADMINISTRATIVE EXPENSES
12-3-2025 [\[140\]](#)

DANA SUNTAG/ATTY. FOR MV.
DEBTOR DISCHARGED: 06/02/23

Final Ruling

This motion was withdrawn by the moving party on December 9, 2025, ECF No. 144. Accordingly, the motion will be removed from the calendar as moot. No appearances are required.

15. [25-22436](#)-A-7 **IN RE: DYKSTRA ENTERPRISES, INC.**
[KMT-2](#)

MOTION TO SELL
12-11-2025 [\[25\]](#)

PETER MACALUSO/ATTY. FOR DBT.
GABRIEL HERRERA/ATTY. FOR MV.

Tentative Ruling

Motion: Sell Personal Property

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

Disposition: Granted

Order: Prepared by moving party

Property: a) 2020 Isuzu Truck and b) 2017 Diamond C Dump Trailer

Buyer: Foothill Forest Care, LLC

Sale Price: a) \$19,165 for the Isuzu Truck and b) \$4,500 for the Trailer

Sale Type: Private sale subject to overbid opportunity

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55(c), *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).

The buyer has agreed to a sale agreement which has been filed with the court. Exhibit A, ECF No. 28. The buyer is aware that the Isuzu Truck is subject to all liens and encumbrances and takes the Isuzu subject to a lien in the amount of \$15,835.00.

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); see also *In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. See 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

16. [25-24442](#)-A-7 **IN RE: SCOTT GABLE**
[FW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-25-2025 [\[21\]](#)

MICHAEL HAYS/ATTY. FOR DBT.
FANNY WAN/ATTY. FOR MV.
DEBTOR DISCHARGED: 12/16/25
FREEDOM MORTGAGE CORPORATION VS.

Final Ruling

Motion: Stay Relief

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

Disposition: Granted in part; denied in part as moot

Order: Civil minute order

Subject: 455 Kestrel Court, Lincoln, California

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).

AS TO THE DEBTOR

The motion is denied as moot. The stay that protects the debtor terminates at the entry of discharge. 11 U.S.C. § 362(c)(2). In this case, discharge has been entered. As a result, the motion is moot as to the debtor.

AS TO THE ESTATE

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

"[U]nder section 362(d)(1), the stay must be terminated for 'cause.' Lack of adequate protection is but one example of "cause" for relief from stay." *In re Ellis*, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985). The panel in the *Ellis* case rejected the argument that under §362(d)(1) "the stay can only be terminated if [the movant-creditors] show a lack of adequate protection." *Id.*

The debtor has missed 8 pre-petition payments totaling \$25,930.96 and 3 post-petition payments totaling \$9,706.74 due on the debt secured by the moving party's lien. This constitutes cause for stay relief.

The court does not address grounds for relief under § 362(d)(2) as relief is warranted 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.

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.

Freedom Mortgage Corporation's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted in part and denied as moot in part. The automatic stay is vacated with respect to the interest of the trustee in the property described in the motion, commonly known as 455 Kestrel Court, Lincoln, California. Relief from the automatic stay as to the interest of the debtor in such property is denied as moot given the entry of the discharge in this case. 11 U.S.C. §362(c)(2)(C).

IT IS FURTHER ORDERED that the 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

17. [24-25545](#)-A-7 **IN RE: ANGELLA BARR**
[NAR-2](#)

CONTINUED MOTION TO ABANDON
10-10-2025 [\[55\]](#)

ERIC SCHWAB/ATTY. FOR DBT.
NATALI RON/ATTY. FOR MV.
DEBTOR DISCHARGED: 05/28/25

Final Ruling

Motion: Authorized Trustee's Abandonment of Property of the Estate

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

Disposition: Granted only as to the primary residence, business assets, and vehicles described in the motion

Order: Prepared by moving party pursuant to the instructions below

Property Description: 1) real property located at 2600 Kadema Drive, Sacramento, California (the "Primary Residence"), and all personal property located at the primary residence, 2) the businesses "Chemical Dependency Treatment Associates" and "Angella Barr MD, Inc." and all personal property of the businesses, 3) all personal property that is subject of an agreement/lien with Celtic Bank OnDeck Capital (the "CB Equipment"), 4) all personal property that is subject of an agreement/lien with Falcon Equipment Finance (the "FF Equipment"), 5) all personal property that is subject of an agreement with Flagstar Financial LLC (the "FF Equipment"), 6) all personal property that is subject of an agreement/lien with MMP-Deutsch Bank MMP Capital-SPV (the "MMP Equipment"), 7) all personal property that is subject to an agreement/lien with NEC Financial (the "NEC Equipment"), 8) all personal property that is subject to an agreement/lien with North Mill Equipment Finance (the "NM Equipment"), 9) all personal property that is subject to an agreement/lien with Quality Leasing Equipment Finance (the "QL Equipment"), (The CB Equipment, FE Equipment, FF Equipment, MMP Equipment, NEC Equipment, NM Equipment, and QL Equipment are collectively the "Equipment", and 10) the 2009 Toyota Scion and 2021 Sienna

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).

The chapter 7 trustee moves for an order authorizing her abandonment of the bankruptcy estate's interest in the primary residence, businesses, business assets, equipment, and vehicles described in the motion, ECF No. 55.

The movant bears the burden of proof. *In re Pilz Compact Disc, Inc.*, 229 B.R. 630 (Bankr. E.D. Pa. 1999) (Chapter 7 trustee). "[B]urdensome to the estate" means "consumes the resources and drains the income of the estate." *In re Smith-Douglass, Inc.*, 856 F.2d 12, 16 (4th Cir. 1988). "[O]f inconsequential value and benefit to the estate" refers to assets not likely to be liquidated for the benefit of creditors. 11 U.S.C. § 704(a)(1); *Matter of Taxman Clothing Co.*, 49 F3d 310, 315 (7th Cir. 1995) (Chapter 7 trustee has no duty to liquidate assets where costs of doing so likely to exceed asset's value). Of inconsequential value and benefit to the estate includes assets that (1) have no equity (including post-petition appreciation), *In re Viet Vu*, 245 B.R. 644 (9th Cir. BAP 2000); and (2) assets with equity, which has been wholly and properly exempted by the debtor. *In re Montanaro*, 307 B.R. 194 (Bankr. E.D. Cal. 2004).

11 U.S.C. § 554(a)

"After notice and a hearing, the trustee may abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." 11 U.S.C. § 554(a).

The trustee believes that the businesses, business assets, vehicles, equipment and primary residence are all burdensome and of inconsequential value and benefit to the estate. The businesses, business assets, and equipment are collateral for the liens and the vehicles are collateral for liens and subject to debtor's exemptions. Additionally, the primary residence has little or no equity for the bankruptcy estate and would be burdensome if it remained property of the estate due to potential tax consequences of surrender or foreclosure.

The assets described above are either burdensome to the estate or of inconsequential value to the estate. An order authorizing the trustee's abandonment of such assets is warranted. The order will authorize abandonment of only the assets that are described in the motion.

18. [25-25646](#)-A-7 **IN RE: BENJAMIN CHAIDEZ AND MARLEN LOPEZ**
VALDEZ
[JCW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
12-8-2025 [\[19\]](#)

RABIN POURNAZARIAN/ATTY. FOR DBT.
KRISTIN SCHULER-HINTZ/ATTY. FOR MV.
FORD MOTOR CREDIT COMPANY LLC VS.

Final Ruling

Motion: Stay Relief

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

Disposition: Granted

Order: Civil minute order

Subject: Leased Vehicle; 2022 Ford F150 SuperCrew Cab Platinum

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).

STAY RELIEF

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

The debtor has missed 2.995 pre-petition payments totaling \$2,221.41 and 1 post-petition payment totaling \$741.63 due on the debt secured by the moving party's lien. This constitutes cause for stay relief. Additionally, the debtor has stated their intention to surrender this vehicle, ECF No. 1, and the movant repossessed the property on October 7, 2025. This vehicle is leased, and debtor has no equity in the vehicle. As such, the court will not address grounds for relief under § 362(d)(2) as relief is warranted 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.

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.

Ford Motor Credit Company, LLC's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 2022 Ford F150 Supercrew Cab Platinum, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

19. [25-24348](#)-A-7 **IN RE: GABRIELL MOLEX**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
12-2-2025 [\[71\]](#)

12/4/2025 FILING FEE PAID \$25

Final Ruling

As the fee has been paid in full, the order to show cause is discharged. The case will remain pending.

20. [25-25953](#)-A-7 **IN RE: TAMICIA HIGHTOWER**
[NF-1](#)

TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO APPEAR AT SEC.
341(A) MEETING OF CREDITORS
11-25-2025 [\[15\]](#)

Final Ruling

Motion: Dismiss Case and Extend Trustee's Deadlines

Notice: LBR 9014-1(f)(1); written opposition required or case dismissed without hearing

Disposition: Granted

Order: Civil minute order

DISMISSAL

Chapter 7 debtors shall attend the § 341(a) meeting of creditors. 11 U.S.C. § 343. A continuing failure to attend this meeting may be cause for dismissal of the case. See 11 U.S.C. §§ 105(a), 343, 707(a); *In re Witkowski*, 523 B.R. 300, 307 n.8 (B.A.P. 1st Cir. 2014) ("Some courts have ruled that the failure to attend the § 341 meeting of creditors constitutes 'cause' for dismissal.").

In this case, the debtor has failed to appear at a scheduled meeting of creditors required by 11 U.S.C. § 341. Due to the debtor's failure to oppose this motion, the court will grant the dismissal. As such, the court will not grant the extension of deadlines and the case will be dismissed.

CIVIL MINUTE ORDER

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

Findings of Fact and Conclusions of Law are stated in the Civil Minutes of the hearing.

IT IS ORDERED that the motion to dismiss is granted. The request to extend deadlines will be denied as the case has been dismissed.

21. [25-23454](#)-A-7 **IN RE: CHANCHAI VUE**
[PLC-5](#)

MOTION TO REDEEM
12-1-2025 [\[43\]](#)

PETER CIANCHETTA/ATTY. FOR DBT.
DEBTOR DISCHARGED: 10/27/25

Final Ruling

Motion: Authorize Redemption of Tangible Personal Property

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

Disposition: Granted

Order: Prepared by moving party

Subject: 2021 Toyota Corolla

Proposed Value: \$15,020.00

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).

Pursuant to § 722, an individual debtor in Chapter 7 may redeem tangible personal property from a lien on such property by paying the lienholder the amount of the allowed secured claim. 11 U.S.C. § 722. The tangible personal property must be "intended primarily for personal, family, or household use." *Id.*

Additionally, the property must have been exempted under § 522 or abandoned under § 554. *Id.* And the lien on the property must "secur[e] a "dischargeable consumer debt." *Id.*

The redemption price is the amount of the allowed secured claim, which amount is "determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing." *Id.* § 506(a)(2).

The debtor requests authority to redeem tangible personal property, described in the motion, from the lien on such property. See Fed. R. Bankr. P. 6008. The property has been claimed exempt. Schedule C, ECF No. 1. The court values the property at the amount set forth in the motion, \$15,020.00. No party in interest has disputed whether the debt is dischargeable. The court will grant the motion and authorize the proposed redemption.

22. [25-26555](#)-A-7 **IN RE: LINDEN COMMUNITY FIRST LLC**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
12-10-2025 [\[16\]](#)

NANCY KOROMPIS/ATTY. FOR DBT.
DEBTOR DISMISSED: 12/09/25

No Ruling

23. [24-21966](#)-A-7 **IN RE: VILLA MARCHE STOCKTON ACQUISITIONS,**
LP
[DNL-7](#)

MOTION TO SELL FREE AND CLEAR OF LIENS
12-5-2025 [\[94\]](#)

KYRA ANDRASSY/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.
RESPONSIVE PLEADING

Final Ruling

Motion: Sell Property

Disposition: Denied without prejudice

Order: Civil minute order

11 U.S.C. § 363(f)

A motion to sell property free and clear of liens or interests is a contested matter. Fed. R. Bankr. P. 6004(c). As a contested matter, the motion must be served according to Rule 7004. Fed. R. Bankr. P. 9014(b); *see also Citicorp Mortgage, Inc. v. Brooks (In re Ex-Cel Concrete Company, Inc.)*, 178 B.R. 198, 202 (B.A.P. 9th Cir. 1995) (vacating order authorizing sale free and clear as void because of insufficient service under Rule 7004).

This is a motion seeking to sell property free and clear of liens held by Gianandrea Family Trust, Sunwest Bank, and Navitas Credit Corporation. The motion has not been served according to Rule 7004 on all relevant parties holding a lien or interest in the property to be sold. Fed. R. Bankr. P. 6004(c), 7004. The movant has checked 7004 service; however, Rule 5 service has also been checked and indicated parties on the clerk's matrix of creditors will be served under Rule 5 service. Certificate of Service, ECF No. 98. While it is true that Gianandrea Family Trust has responded to the motion, the other two parties have not responded. It has not been made clear that proper Rule 7004 service has been provided for Sunwest Bank and Navitas Credit Corporation. As such, the motion will be denied without prejudice.

DOCKET CONTROL NUMBER

The court will remind counsel to utilize docket control numbers. The creditor's response, ECF No. 99, was missing a docket control number. This is against local rules. LBR 9004-2(a)(6), 9004-2(b)(6), and 9014-1(c)(1). Please include the docket control number on filings moving forward.

CIVIL MINUTE ORDER

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

Trustee's motion to sell free and clear of liens has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

24. [24-24267](#)-A-7 **IN RE: RIKI TROWE**
[DNL-14](#)

STATUS CONFERENCE RE: MOTION FOR BAD FAITH DETERMINATION
10-20-2025 [[193](#)]

OMERO BANUELOS/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

No Ruling

25. [24-24267](#)-A-7 **IN RE: RIKI TROWE**
[DNL-15](#)

CONTINUED MOTION FOR EXAMINATION
10-27-2025 [[203](#)]

OMERO BANUELOS/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

No Ruling

26. [24-24267](#)-A-7 **IN RE: RIKI TROWE**
[DNL-16](#)

MOTION FOR WAIVER OF DISCHARGE
11-20-2025 [\[228\]](#)

OMERO BANUELOS/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

Final Ruling

Motion: Waiver of Discharge

Disposition: Continued to February 3, 2026, at 9:00 a.m.

Order: Civil minute order

The Chapter 7 trustee has filed a motion for waiver of discharge. 11 U.S.C. § 523(a)(10). The motion is based on a stipulation with the debtor and that stipulation has been filed with the court. Exhibit A, ECF No. 231.

When seeking to waive discharge, courts generally require that the debtor exhibit a "'conscious and informed judgement by the debtor as to the consequences thereof'..." See, *In re Rul-Lan*, 186 BR 938, 943 (citing *In re Mapother*, 53 BR 433, 435). See also, *In re Martin*, 211 BR 23, 24. Among the consequences that the debtor must understand are: (1) that a waiver of discharge will preclude the debtor from discharging all of the debts listed in the petition and schedules or that could have been listed cannot be discharged in a future bankruptcy; (2) that the stipulation will not end hostilities with the Chapter 7 trustee and that the Chapter 7 trustee will continue to liquidate the debtor's assets; and (3) that the stipulation will not release the trustee from his duties.

The court is not satisfied that the debtor has, in fact, given his informed consent as to the waiver of the discharge. The debtor states, "The Debtor hereby represents that, after consulting with and on the advice of counsel, he has agreed to waive discharge as set forth below". Exhibit A, ECF No. 231. This does not demonstrate that the debtor is informed about the consequences of waiving the discharge. As such, the court will continue the motion to February 3, 2026, at 9:00 a.m. No later than 14 days leading up to the hearing, the parties may file supplemental documentation showing the court that the debtor has "conscious and informed judgement" of the consequences of waiving discharge.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the motion is continued to February 3, 2026, at 9:00 a.m. No later than 14 days leading up to the hearing, the parties may file supplemental documentation showing the court that the debtor has "conscious and informed judgement" of the consequences of waiving discharge.

27. [25-25873](#)-A-7 **IN RE: CHRISTINA JUAREZ**
[FAT-1](#)

MOTION TO REDEEM
12-4-2025 [\[20\]](#)

FLOR DE MARIA TATAJE/ATTY. FOR DBT.

Final Ruling

Motion: Redeem Personal Property

Disposition: Denied without prejudice

Order: Civil minute order

The court will deny the motion without prejudice on grounds of insufficient service of process on the responding party. A motion to redeem personal property under § 722 is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. See Fed. R. Bankr. P. 6008 advisory committee's note; Fed. R. Bankr. P. 9014(b). Under Rule 7004, service on corporations must be made "to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process." Fed. R. Bankr. P. 7004(b)(3).

Service of the motion was insufficient. While the motion was mailed to the attention of an officer, managing or general agent, or other agent authorized to accept service, it was served on Ally Financial, not Ally Servicing. The movant has stated that Ally Servicing is the interested party. It is not clear if Ally Servicing is affiliated with Ally Financial or that service is proper. As such, the motion will be denied without prejudice.

CIVIL MINUTE ORDER

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

Debtor's motion to redeem has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

28. [25-25873](#)-A-7 **IN RE: CHRISTINA JUAREZ**
[JCW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-20-2025 [\[13\]](#)

FLOR DE MARIA TATAJE/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.
ALLY BANK VS.

Final Ruling

Motion: Stay Relief

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

Disposition: Granted

Order: Civil minute order

Subject: 2016 Hyundai Sonata Sport

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).

STAY RELIEF

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

The debtor has missed 3.955 pre-petition payments totaling \$1,699.03 and 1 post-petition payments totaling \$429.56 due on the debt secured by the moving party's lien. This constitutes cause for stay relief.

The court does not address grounds for relief under § 362(d)(2) as relief is warranted 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.

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.

Movant's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 2016 Hyundai Sonata Sport, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

29. [24-25385](#)-A-7 **IN RE: JOHN/JULIE CALLISON**
[PGM-5](#)

MOTION TO AVOID LIEN OF JPMORGAN CHASE BANK, N.A.
11-24-2025 [\[65\]](#)

PETER MACALUSO/ATTY. FOR DBT.
DEBTORS DISCHARGED: 02/24/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

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

Disposition: Granted

Order: Prepared by moving party

Judicial Lien Avoided: \$9,259.06 (JP Morgan Chase Bank, N.A.)

All Other Liens:

-[Deed of Trust] \$628,027.32 (Freedom Mortgage)

Exemption: \$625,000.00

Value of Property: \$1,080,000.00

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).

The debtor seeks an order avoiding the judicial lien of creditor JP Morgan Chase Bank, N.A. under 11 U.S.C. § 522(f).

LIEN AVOIDANCE

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The responding party's judicial lien, all other liens, and the exemption amount totals \$1,262,286.38 which exceeds the property's value of \$1,080,000.00 by an amount greater than or equal to the judicial lien of \$9,259.06. As a result, the responding party's judicial lien will be avoided entirely.

30. [25-25287](#)-A-7 **IN RE: CONNIE ORTANEZ**
[JCW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-20-2025 [\[22\]](#)

RICHARD JARE/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.
BMW BANK OF NORTH AMERICA VS.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Stay Relief

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

Disposition: Granted

Order: Civil minute order

Subject: 2023 BMW 3 Series

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).

STAY RELIEF

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

The debtor has missed 2 pre-petition payments totaling \$2,067.62 and 1 post-petition payment totaling \$1,033.81 due on the debt secured by the moving party's lien. This constitutes cause for stay relief.

The court does not address grounds for relief under § 362(d)(2) as relief is warranted 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.

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.

Movant's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 2023 BMW 3 Series, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.