



**UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable Jennifer E. Niemann  
Hearing Date: Thursday, January 5, 2023  
Department A - 510 19<sup>th</sup> Street  
Bakersfield, California**

***At this time, when in-person hearings in Bakersfield will resume is to be determined. No persons are permitted to appear in court for the time being. All appearances of parties and attorneys shall be as instructed below.***

Unless otherwise ordered, all hearings before Judge Niemann are simultaneously: (1) via **ZOOM.GOV VIDEO**, (2) via **ZOOM.GOV TELEPHONE**, and (3) via **COURTCALL**. You may choose any of these options unless otherwise ordered.

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## INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

**No Ruling:** All parties will need to appear at the hearing unless otherwise ordered.

**Tentative Ruling:** If a matter has been designated as a tentative ruling it will be called, and all parties will need to appear at the hearing unless otherwise ordered. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

**Final Ruling:** Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

**Orders:** Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

**THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.**

1. [22-10512](#)-A-13     **IN RE: JESS CHACON**  
[MHM-1](#)

MOTION TO DISMISS CASE  
11-17-2022    [\[27\]](#)

MICHAEL MEYER/MV  
GREGORY SHANFELD/ATTY. FOR DBT.  
RESPONSIVE PLEADING

FINAL RULING:                    There will be no hearing on this matter.

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on January 4, 2023. Doc. #35.

2. [22-11714](#)-A-13     **IN RE: FERNANDO/MARIA GARIBAY**

OBJECTION TO CONFIRMATION OF PLAN BY SOLAR MOSAIC LLC  
11-28-2022    [\[14\]](#)

SOLAR MOSAIC, INC./MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
GARRY MASTERSON/ATTY. FOR MV.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Sustained.

ORDER:                            The minutes of the hearing will be the court's findings  
and conclusions. The court will issue an order.

This objection was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and sustain the objection. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

As a procedural matter, the objection to confirmation and supporting papers do not comply with LBR 3015-1(c)(4), which requires an objection to confirmation to "comply with LBR 9014-1(a)-(e), (f)(2), and (g)(1), including the requirement for a Docket Control Number on all documents relating to the objection." LBR 3015-1(c)(4). Counsel for the objecting party did not include a DCN on any of the papers filed with respect to the objection. Additionally, the Notice of Hearing filed in connection with this objection does not comply with LBR 9014-1(d)(3)(B)(iii), which requires the notice to advise respondents that they can determine whether the matter has been resolved without oral argument or whether the court has issued a tentative ruling by viewing the court's website at [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov) after 4:00 p.m. the day before the hearing,

and that parties appearing telephonically must view the pre-hearing dispositions prior to the hearing. Further, the exhibits filed in connection with this objection do not comply with LBR 9004-2(c)(1) and (d)(1), which require declarations and exhibits to be filed as separate documents. The declaration was filed as a single document that included the objecting party's exhibits. E.g., Doc. #16. The court encourages counsel for the objecting party to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules.

The debtors filed their chapter 13 plan ("Plan") on October 5, 2022. Doc. #3. Solar Mosaic, LLC ("Creditor") objects to confirmation of the Plan on the grounds that the Plan does not provide for full value of Creditor's secured claim. Doc. #14. Specifically, the Plan asserts a value of Creditor's collateral at \$5,000.00 while Creditor values its collateral at \$41,176.12 in its proof of claim. Doc. #14; Claim 3.

Federal Rule of Bankruptcy Procedure 3001(f) provides that "[a] proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim." 11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof of claim filed under section 501, is deemed allowed unless a party in interest objects. Creditor filed its proof of claim on October 26, 2022. Claim 3.

Section 3.02 of the Plan provides that the proof of claim determines the amount and classification of a claim. The Plan fails to account properly for Creditor's claim because the Plan values Creditor's collateral at \$5,000.00 while Creditor values the collateral at \$41,176.12, and no motion to value Creditor's collateral has been filed. Claim 3; Doc. #3.

Accordingly, pending any opposition at hearing, the objection will be SUSTAINED.

3. [22-11116-A-13](#)      **IN RE: THEDFORD JONES**  
[MJB-4](#)

MOTION BY MICHAEL JAY BERGER TO WITHDRAW AS ATTORNEY  
12-19-2022    [\[116\]](#)

MICHAEL BERGER/ATTY. FOR DBT.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                Granted.

ORDER:                        The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

As a procedural matter, the certificate of service filed in connection with this motion does not comply with LBR 7005-1 and General Order 22-03, which require attorneys and trustees to use the court's Official Certificate of Service Form as of November 1, 2022. The court encourages counsel to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRules.aspx>.

Michael Jay Berger ("Movant"), counsel for Thedford Lewis Jones ("Debtor"), the debtor in this chapter 13 case, moves to withdraw as Debtor's attorney of record in Debtor's bankruptcy case pending before this court as Case No. 22-11116. Doc. #116. Movant's withdrawal will leave Debtor unrepresented by counsel.

LBR 2017-1(e) states that "an attorney who has appeared may not withdraw leaving the client *in propria persona* without leave of court upon noticed motion and notice to the client and all other parties who have appeared." The local rule goes on to require the attorney seeking withdrawal to "provide an affidavit stating the current or last known address" of the client and "the efforts made to notify the client of the motion to withdraw." LBR 2017-1(e). Withdrawal is governed by the California Rules of Professional Conduct. Id.

Movant has conformed with LBR 2017-1(e). Movant testifies as to Debtor's current or last known address and explains that Movant has taken reasonable steps to avoid reasonably foreseeable prejudice to the rights of Debtor, including giving due notice to Debtor, allowing employment of other counsel, advising Debtor of upcoming dates and deadlines in his case, and providing Debtor with all of Debtor's papers and property. Decl. of Michael Jay Berger, Doc. #119. The certificate of service filed with this motion shows that Debtor received notice via U.S. mail. Doc. #120.

Pursuant to California Rules of Professional Conduct Rule 1.16, a lawyer may withdraw from representing a client if the client breaches a material term of an agreement with the lawyer and the lawyer has given the client reasonable warning of withdrawal, if a continuation of the representation is likely to result in a violation of the rules, if the client renders it unreasonably difficult for the lawyer to carry out the representation effectively, or if other good cause for withdrawal exists. Cal. Rule Prof. Conduct 1.16(b).

Movant submits that Movant has represented Debtor to the best of Movant's abilities, but Movant must withdraw from representation of Debtor in this bankruptcy case because Debtor is not cooperating with Movant and has breached Movant's fee agreement. Doc. #116. Further, Movant submits that Debtor has threatened Movant creating a conflict between Debtor and Movant. Decl. of Movant, Doc. #119. Movant also testifies that Debtor has failed to cooperate in the prosecution of his bankruptcy case and failed to follow Movant's advice. Id. Movant further testifies there has been a fundamental breakdown in the attorney-client relationship that makes it unreasonably difficult for Movant to continue with Movant's representation of Debtor. Id. It appears that Movant's withdrawal will cause no undue prejudice to Debtor, and Movant has demonstrated cause for withdrawal.

Accordingly, this motion will be GRANTED.

4. [18-14853](#)-A-13     **IN RE: JERRICK/SANDRA BLOCK**  
[RSW-6](#)

CONTINUED MOTION TO MODIFY PLAN  
10-18-2022    [[106](#)]

SANDRA BLOCK/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

5. [20-10861](#)-A-13     **IN RE: DUSTIN ADAMS**  
[JCW-1](#)

MOTION FOR CONSENT TO ENTER INTO LOAN MODIFICATION AGREEMENT  
11-15-2022    [[39](#)]

BANK OF AMERICA, N.A./MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
JENNIFER WONG/ATTY. FOR MV.

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Granted.

ORDER:             The Moving Party shall submit a proposed order in conformance  
with the ruling below.

This motion was set for hearing on at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

As a procedural matter, the certificate of service filed in connection with this motion does not comply with LBR 7005-1 and General Order 22-03, which require attorneys and trustees to use the court's Official Certificate of Service Form as of November 1, 2022. The certificate of service filed in connection with this motion is formatted similarly to a prior version of the court's Official Certificate of Service Form but is not the court's actual form. LBR 7005-1 does not permit counsel to use an alternate form. The correct form to be used can be accessed on the court's website at <http://www.caeb.uscourts.gov/Forms/FormsAndPublications>.

Bank of America, N.A. ("Movant") seeks authorization from this court to enter into a loan modification ("Agreement") with Dustin Paul Adams ("Debtor"), the

debtor in this chapter 13 case, regarding Debtor's residential real property commonly referred to as 3013 Spruce Street, Bakersfield, CA 93301 (the "Property"). Doc. #39.

Movant holds a promissory note ("Note") secured by a first position deed of trust in the Property. Schedule D, Doc. #1. Debtor is in default under the current loan terms and is unable to cure and maintain the required monthly payments required by the Note. Doc. #39. To resolve the delinquency, the Agreement will reduce the principal balance due under the Note from \$118,907.00 to \$95,565.52. Doc. #39. A partial claim of \$25,128.59 will be held by the Secretary of Housing and Urban Development, which will bear no interest and will be subordinate to Movant's first position deed of trust. Doc. #39. No other Note terms were changed as part of the Agreement. Doc. #39.

This motion is GRANTED. Debtor is authorized, but not required, to complete the Agreement with Movant. Debtor and Movant are authorized to enter into any agreement and execute any documents as may be necessary to carry out the Agreement in accordance with the motion.

6. [22-11963](#)-A-13     **IN RE: JACK JOHNSON**  
[PK-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-22-2022    [\[26\]](#)

ONE MARK, LLC./MV  
PATRICK KAVANAGH/ATTY. FOR MV.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Granted.

ORDER:                            The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

As an informative matter, the certificate of service filed in connection with this motion (EDC Form 7-005, New 06/2022) uses an older version of the court's Official Certificate of Service Form instead of the most updated version of the court's Official Certificate of Service Form (EDC Form 7-005, Rev 10/22). The correct form can be accessed on the court's website at <http://www.caeb.uscourts.gov/Forms/FormsAndPublications>.

The movant, One Mark, LLC ("Movant"), seeks relief from stay under 11 U.S.C. § 362(d) and retroactive relief from the automatic stay with respect to residential real property located at 28151 Cosworth Avenue, Taft, CA 93268 (the "Property"). Doc. #26.

Movant is the owner of the Property based on a foreclosure sale of the Property conducted on August 30, 2021. Decl. of Scott Hanson, Doc. #29; Exs. X and Y, Doc. #31. On January 4, 2022, Movant sued Jack Johnson ("Debtor") and others in California Superior Court, Kern County, Case No. BCL-22-010038, for unlawful detainer. Ex. A, Doc. #30. On June 2, 2022, the state court issued a judgment against Debtor, Myke Duncan, Douglas Melillo, Sam Bauer and Raymond White for possession of the Property as well as a money judgment in the amount of \$8,620.00. Ex. B, Doc. #30.

Debtor's bankruptcy case is the eighth bankruptcy case filed with respect to the Property:

- (1) On May 6, 2022, defendant Douglas Melillo filed a chapter 13 bankruptcy petition that was dismissed on May 17, 2022 for failure to file documents timely. Exs. C and D, Doc. #30.
- (2) On May 20, 2022, defendant Douglas Melillo filed a second chapter 13 bankruptcy case that was dismissed on June 7, 2022 for failure to file documents timely. Exs. E and F, Doc. #30.
- (3) On July 7, 2022, defendant Raymond White filed a chapter 13 bankruptcy petition that was dismissed on August 24, 2022 for case deficiencies. Exs. G and H, Doc. #30.
- (4) On August 25, 2022, defendant Sam Bauer filed a chapter 13 bankruptcy petition that was dismissed on October 3, 2022 for case deficiencies. Exs. I and J, Doc. #30.
- (5) On October 4, 2022, defendant Myke Duncan filed a chapter 13 bankruptcy petition that was dismissed on November 25, 2022 for failure to file documents timely. Exs. L and M, Doc. #30. On October 20, 2022, Movant obtained relief from the automatic stay in that bankruptcy case. Ex. O, Doc. #31.
- (6) On October 18, 2022, defendant Sam Bauer filed a second chapter 13 bankruptcy petition that was dismissed on November 2, 2022 for case deficiencies. Exs. Q and R, Doc. #31.
- (7) On November 3, 2022, defendant Myke Duncan filed a second chapter 13 bankruptcy petition. Ex. T, Doc. #31. On December 19, 2022, the bankruptcy court in defendant Myke Duncan's second chapter 13 case granted preliminary injunctive relief that precludes Debtor, Douglas Melillo, Myke Duncan, Sam Bauer and Raymond White from filing any single or joint voluntary bankruptcy case in any federal district absent further order of the United States Bankruptcy Court for the Northern District of California based on the numerous bankruptcy cases filed by Douglas Melillo, Myke Duncan, Sam Bauer and Raymond White with respect to the Property. Ex. W, Doc. #31.
- (8) On November 17, 2022, Debtor filed this bankruptcy case. Doc. #1.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985). As the party seeking relief, Movant must first establish that cause exists for relief under section 362(d)(1). United States of America v. Gould (In re Gould), 401 B.R. 415, 426 (B.A.P. 9th Cir. 2009) (citing Duvar Apt., Inc. v. FDIC (In re Duvar Apt., Inc.), 206 B.R. 196, 200 (B.A.P. 9th Cir. 1996)). "[S]ection 362(d) gives the



bankruptcy court wide latitude in crafting relief from the automatic stay, including the power to grant retroactive relief from the stay." Schwartz v. United States (In re Schwartz), 954 F.2d 569, 572 (9th Cir. 1992).

After review of the included evidence, the court finds that "cause" exists to lift the stay. Movant obtained an unlawful detainer judgment against Debtor on June 2, 2022. Ex. B, Doc. #30. While the unlawful detainer action was entered when Douglas Melillo's second bankruptcy case was pending, under Ninth Circuit authority, the unlawful detainer judgment is void only as to Douglas Melillo and is not void as to Debtor. See Schwartz, 954 F.2d at 571; see also Chugach Timber Corp. v. Northern Stevedoring & Handling Corp. (In re Chugach Forest Prods.), 23 F.3d 241, 246 (9th Cir. 1994) ("[T]he automatic stay of section 362(a) protects only the debtor, property of the debtor or property of the estate. It does not protect non-debtor parties or their property."). Based on the unlawful detainer judgment entered by the state court on June 2, 2022, Debtor has no right to possession of the Property. Moreover, there is a preliminary injunction against Debtor and others from filing any bankruptcy case absent further order of the United States Bankruptcy Court for the Northern District of California based on the numerous bankruptcy cases filed since May 6, 2022 to prevent Movant from obtaining possession of the Property.

Movant also requests annulment of the stay to conclude Debtor's eviction from the Property. Annulment is retroactive relief by which the court may validate actions taken in violation of the stay that would otherwise be void. See Schwartz, 954 F.2d at 573 ("[i]f a creditor obtains retroactive relief under section 362(d), there is no violation of the automatic stay"). Whether to annul the automatic stay is within the court's sound discretion. Mataya v. Kissinger (In re Kissinger), 72 F.3d 107, 108 (9th Cir. 1995).

Movant has not provided the court with any actions taken by Movant since Debtor's bankruptcy case was filed on November 17, 2022 with respect to the unlawful detainer action or eviction of Debtor from the Property that warrant retroactive annulment of the automatic stay. To the extent Movant asks this court to annul actions taken by Movant prior to Debtor filing this bankruptcy case, that request is denied.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to proceed under applicable non-bankruptcy law to enforce Movant's remedies to gain possession of the Property consistent with the unlawful detainer judgment obtained by Movant pre-petition against Debtor in California Superior Court, Kern County.

Because this is the eighth bankruptcy case that has been filed to prevent Movant from obtaining possession of the Property since Movant became the owner of the Property in December 2021, the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be ordered waived.

7. [22-11281](#)-A-13     **IN RE: DWAYNE HAUGHTON**  
[EAT-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY  
10-25-2022    [[49](#)]

LAKEVIEW LOAN SERVICING, LLC/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
DARLENE VIGIL/ATTY. FOR MV.  
RESPONSIVE PLEADING

NO RULING.

8. [22-11281](#)-A-13     **IN RE: DWAYNE HAUGHTON**  
[MHM-1](#)

CONTINUED MOTION TO DISMISS CASE  
9-19-2022    [[31](#)]

MICHAEL MEYER/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

9. [22-11281](#)-A-13     **IN RE: DWAYNE HAUGHTON**  
[RSW-1](#)

MOTION TO CONFIRM PLAN  
11-17-2022    [[71](#)]

DWAYNE HAUGHTON/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
RESPONSIVE PLEADINGS

NO RULING.

10. [22-11281](#)-A-13     **IN RE: DWAYNE HAUGHTON**  
[RSW-2](#)

MOTION TO VALUE COLLATERAL OF GREAT LAKES CREDIT UNION  
12-8-2022    [[101](#)]

DWAYNE HAUGHTON/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     Granted.

ORDER:             The Moving Party shall submit a proposed order in conformance  
with the ruling below.

This motion was set for hearing on at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Dwayne Haughton ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing Debtor's 2013 Chevrolet Corvette ("Vehicle"), which is the collateral of Great Lakes Credit Union ("Creditor"). Doc. #101.

11 U.S.C. § 1325(a)(\*) (the hanging paragraph) permits the debtor to value a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within the 910-day period preceding the date of filing.

11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." Section 506(a)(2) of the Bankruptcy Code states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

According to Debtor's motion, the Vehicle secures a purchase money loan and the debt was incurred more than 910 days before the filing of this case. Doc. #101. Debtor asserts a replacement value of the Vehicle of no more than \$5,000.00 and asks the court for an order valuing the Vehicle at \$5,000.00. Decl. of Debtor, Doc. #103. Debtor is competent to testify as to the value of the Vehicle. Creditor has not filed a proof of claim. Doc. #101. Given the absence of contrary evidence, Debtor's opinion of value may be conclusive. Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004). When the bankruptcy case was filed, Debtor owed \$15,529.00 on the Vehicle. Doc. #101.

The motion is GRANTED. Creditor's secured claim will be fixed at \$5,000.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

11. [19-12898](#)-A-13     **IN RE: JEFFREY VANDERNOOR**  
[RSW-6](#)

CONTINUED MOTION TO MODIFY PLAN  
11-2-2022    [[152](#)]

JEFFREY VANDERNOOR/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

10:30 AM

1. [21-12348](#)-A-11     **IN RE: JUAREZ BROTHERS INVESTMENTS, LLC**  
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION  
10-5-2021    [[1](#)]

IGNACIO LAZO/ATTY. FOR DBT.

NO RULING.

At the status conference, counsel for the debtor should be prepared to explain to the court: (1) why a status report was not filed and served not later than December 29, 2022, as set forth in the order continuing the status conference filed on July 8, 2022, Doc. #123; and (2) why the debtor's monthly operating reports are not current.

11:00 AM

1. [22-10825](#)-A-7     **IN RE: JAMIE/MARIA GARCIA**  
[22-1018](#)     [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
8-19-2022     [[1](#)]

AGRO LABOR SERVICES, INC. ET AL V. GARCIA ET AL  
VIVIANO AGUILAR/ATTY. FOR PL.  
RESPONSIVE PLEADING

NO RULING.

2. [20-13451](#)-A-7     **IN RE: AMANDEEP SINGH**  
[21-1004](#)     [CAE-2](#)

ORDER TO SHOW CAUSE FOR FAILURE TO FILE CORPORATE DISCLOSURE STATEMENT  
11-2-2022     [[29](#)]

BMO HARRIS BANK, N.A. V. SINGH  
RESPONSIVE PLEADING

FINAL RULING:     There will be no hearing on this matter.

DISPOSITION:     The order to show cause will be vacated.

ORDER:     The court will issue an order.

The record shows that the missing corporate disclosure statement was filed on November 4, 2022. Doc. #30. Therefore, this order to show cause will be VACATED.

3. [19-13783](#)-A-7     **IN RE: MARK/SUSAN CHAGOYA**  
[19-1129](#)     [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT  
7-6-2020     [[40](#)]

BROWN V. CHAGOYA ET AL  
JEFF BEAN/ATTY. FOR PL.  
RESPONSIVE PLEADING

NO RULING.