

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

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: JANUARY 7, 2025

CALENDAR: 1:00 P.M. CHAPTER 13

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. 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 and no appearance is necessary. 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 seven (7) days of the final hearing on the matter.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Modesto, California

January 7, 2025 at 1:00 p.m.

1. [24-90603](#)-B-13 GEORGE JACOB OBJECTION TO CONFIRMATION OF
 [AP-1](#) David C. Johnston PLAN BY CREDITOR WILMINGTON
 Thru #2 SAVINGS FUND SOCIETY, FSB
 12-11-24 [[29](#)]

CONTINUED TO 1/21/25 AT 1:00 P.M. AT MODESTO COURTROOM TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 1/15/25.

Final Ruling

No appearance at the January 7, 2025, hearing is required. The court will issue an order.

2. [24-90603](#)-B-13 GEORGE JACOB OBJECTION TO CONFIRMATION OF
 [LGT-1](#) David C. Johnston PLAN BY LILIAN G. TSANG
 12-5-24 [[26](#)]

CONTINUED TO 1/21/25 AT 1:00 P.M. AT MODESTO COURTROOM TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 1/15/25.

Final Ruling

No appearance at the January 7, 2025, hearing is required. The court will issue an order.

January 7, 2025 at 1:00 p.m.

3. [23-90112](#)-B-13 JOSEPH/NICOLE HEMINGWAY MOTION TO MODIFY PLAN
[CDL](#)-1 Colby D. LaVelle 11-3-24 [[38](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not permit the requested modification and not confirm the modified plan.

First, The plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). Nonstandard Provision 7.01 of Debtor's plan provides for a monthly plan payment of \$1,585.91 per month starting in November 2024. Dkt. 40. The debtor has failed to provide admissible evidence that his plan is mathematically feasible. The Chapter 13 Trustee's calculations indicate that Debtors' plan payment will need to be at least \$1,622.00 per month starting in November 2024 in order for Debtors' plan to be feasible.

Second, Debtors' motion to confirm, notice, declaration, and modified plan were filed on November 3, 2024. The certificate of service for these documents was not filed until November 10, 2024. Pursuant to Local Rule 9014-1(e)(2), "A proof of service, in the form of a certificate of service, shall be filed with the Clerk concurrently with the pleadings or documents served, or not more than three (3) days after they are filed." Debtors' certificate of service was not filed until seven days later.

The modified plan does not comply with 11 U.S.C. §§ 1322 and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

4. [24-90417](#)-B-13 JAYME PUTHOFF
[LGT](#)-2 Matthew G. Grech

CONTINUED MOTION TO DISMISS
CASE
11-21-24 [[26](#)]

Final Ruling

This matter was continued from December 17, 2024, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, December 20, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 30, granting the motion to dismiss case, shall become the court's final decision. The continued hearing on January 7, 2025, at 1:00 p.m. is vacated.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

5. [24-90460](#)-B-13 CARLOS SANDOVAL
[LGT](#)-1 David C. Johnston

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
9-19-24 [[19](#)]

WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed August 24, 2024, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

6. 24-90461-B-13 JOSEPH SISEMORE
LGT-1 David C. Johnston

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
9-19-24 [[19](#)]

CONTINUED TO 1/28/25 AT 1:00 P.M. AT MODESTO COURTROOM TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 1/22/25.

Final Ruling

No appearance at the January 7, 2025, hearing is required. The court will issue an order.

7. [24-90467](#)-B-13 MICHELLE/GABRIEL TERRY MOTION TO CONFIRM PLAN
[SLH](#)-1 Seth L. Hanson 11-20-24 [[35](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtors have provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

8. [24-90568](#)-B-13 MAGALI MOLINA
[LGT](#)-1 Simran Singh Hundal

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
11-20-24 [[18](#)]

Final Ruling

This matter was continued from December 17, 2024, to allow any party in interest to file a response by 5:00 p.m. Friday, December 20, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 27, sustaining the objection, shall become the court's final decision. The continued hearing on January 7, 2025, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

9. [24-90384](#)-B-13 STEPHEN/MASHELL GUGEL MOTION TO VALUE COLLATERAL OF
[CJY](#)-3 Christian J. Younger FIRST TECH FEDERAL CREDIT UNION
Thru #10 11-18-24 [[40](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to value the secured claim of First Tech Federal Credit Union at \$24,606.00.

Debtor moves to value the secured claim of First Tech Federal Credit Union ("Creditor"). Debtors are the owners of a 2020 Ford Edge ST ("Vehicle"). The Debtors seek to value the Vehicle at a replacement value of \$24,606.00 as of the petition filing date. As the owners, Debtors' opinion of value is evidence of the asset's value. See Fed. R. Evid. 701; see also *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

Proof of Claim Filed

The court has reviewed the Claims Registry for this bankruptcy case. Claim No. 3-1 filed by First Tech Federal Credit Union is the claim which may be the subject of the present motion.

Discussion

The lien on the Vehicle's title does not secure a purchase-money loan and instead was a lien against the Vehicle in exchange for a loan of \$53,561.56. Because of this, the requirement that the loan be incurred more than 910 days prior to filing of the petition is not applicable. The Creditor's claim secured by a lien on the asset's title is under-collateralized. The Creditor's secured claim is determined to be in the amount of \$24,606.00. See 11 U.S.C. § 506(a). The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is granted.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

10. [24-90384](#)-B-13 STEPHEN/MASHELL GUGEL MOTION TO CONFIRM PLAN
[CJY](#)-4 Christian J. Younger 11-19-24 [[44](#)]

Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to confirm the plan.

Feasibility of the plan depends on the granting of a motion to value collateral of First Tech Federal Credit Union. That motion was heard at Item #9, CJY-3, and granted. This resolves the issue of feasibility.

The plan complies with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.