



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

January 7, 2025 at 1:30 p.m.

Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (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 **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/RemoteAppearances>. 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 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:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. 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 medical 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.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein

Bankruptcy Judge

Sacramento, California

January 7, 2025 at 1:30 p.m.

1. [24-22129](#)-C-13 ALICIA HOWARD MOTION TO MODIFY PLAN
[TLA](#)-1 Thomas Amberg 11-5-24 [[28](#)]

Final Ruling: No appearance at the January 7, 2025 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 63 days' notice was provided. Dkt. 33.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Modify is granted.

The debtors filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

No opposition to the Motion has been filed.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

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

The Motion to Modify Plan filed by the debtor, Alicia Howard, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, the Modified Chapter 13 Plan (Dkt. 32) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is

January 7, 2025 at 1:30 p.m.

confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

2. [24-22054](#)-C-13 WILSON PHAM AND HANG DINH MOTION FOR RELIEF FROM
[DS-1](#) Mark Wolff AUTOMATIC STAY
11-25-24 [[46](#)]
LAKEVIEW LOAN SERVICING, LLC
VS.

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 43 days' notice was provided. Dkt. 51.

The Motion for Relief from the Automatic Stay is xxxxxx.

Lakeview Loan Servicing, LLC ("Movant") filed this Motion seeking relief from the automatic stay as to the debtors' property commonly known as 7855 Messara Way, Sacramento, CA (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtors are delinquent three postpetition payments. Declaration, Dkt. 49.

DEBTORS' OPPOSITION

Debtors filed an Opposition on December 23, 2024. Dkt. 56. Debtors assert that they have initiated a loan modification with the Movant and they have made the initial payments pursuant to the trial period plan. Additionally, debtors represent they have filed a motion to enter into a loan modification, an amended plan and motion to confirm amended plan.

DISCUSSION

At the hearing xxxxxxxxxx

The court shall issue a minute order substantially in the following form holding that:

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

The Motion for Relief from the Automatic Stay filed by Lakeview Loan Servicing, LLC ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the automatic stay provisions of 11 U.S.C. § 362(a) are xxxxxxxxxx

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 62 days' notice was provided. Dkt. 41.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 39) filed on November 6, 2024.

The Chapter 13 Trustee filed an Opposition (Dkt. 48) on December 16, 2024, opposing confirmation.

The debtor filed a reply to the opposition on December 18, 2024. Dkt. 50.

In response to the debtor's reply, the Trustee filed a response (dkt. 53) indicating that she continues to object to confirmation on the following grounds:

1. The plan requires plan payments of at least \$2,601.89 per month in months 1-7 to resolve the monthly shortage, and a delinquency of \$3,841.20 would be created in months 1-7.

DISCUSSION

The plan mathematically requires a payment of \$2,601.98 per month in months 1-7, which is greater than the proposed payments.

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

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

The Motion to Confirm filed by the debtor, Guillermo Miralrio, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and

good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

4. [24-25073](#)-C-13 SHELLEY
[PGM](#)-1 BETTENCOURT-TILLMAN
Peter Macaluso

MOTION FOR JOINT ADMINISTRATION
11-19-24 [[10](#)]

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 49 days' notice was provided. Dkt. 13.

The Motion for Joint Administration is xxxxxx.

Debtor, Shelley Bettencourt-Tillman, seeks joint administration of her case with her husband's, Leon Moses Tillman, case (No. 24-24505-E-13), which was filed on October 7, 2024.

Debtor's counsel asserts that both cases should have been filed jointly. Debtor, Leon Moses Tillman, asserts that he and the debtor have listed all of their property in their schedules, claimed the same exemptions, and each creditor are intended to be treated the same. Declaration, dkt. 12.

DISCUSSION

At the hearing xxxxxxxxxx

The court shall issue a minute order substantially in the following form holding that:

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

The Motion for Joint Administration filed by Shelley Bettencourt-Tillman having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion for Joint Administration is xxxxxxxxxx

5. [24-21883](#)-C-13 SANDRA GIL
WW-2 Mark Wolff

MOTION TO CONFIRM PLAN
11-4-24 [[46](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 64 days' notice was provided. Dkt. 50.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 48) filed on November 4, 2024.

The Chapter 13 Trustee filed an Opposition (Dkt. 51) on December 16, 2024, opposing confirmation on the following grounds:

1. The plan provides for payments for a period longer than 5 years; and
2. The plan fails to comply with Local Rule 2016-1(c) and does not provide for equal payment of attorney's fees over the life of the plan.

DISCUSSION

Because priority claims are greater than scheduled, the plan will will not be completed within 60 months. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

Local Rule 2016-1(c)(4)(B) states that the Chapter 13 trustee shall pay debtor's counsel equal monthly installments over the term of the plan. The plan's provision to pay in monthly dividend of \$123.00 does not follow the local rule on payment of counsel's fees, this is reason to deny confirmation.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

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

The Motion to Confirm filed by the debtor, Sandra Gil, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.