



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Department B – 510 19th Street
Bakersfield, California**

Hearing Date: Wednesday, January 8, 2025

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 matters before the Honorable René Lastreto II shall be simultaneously: (1) via **ZoomGov Video**, (2) via **ZoomGov Telephone**, and (3) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties or their attorneys 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/CourtAppearances>. Each party/attorney 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 and their attorneys who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest and/or their attorneys 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 who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

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 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.

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.

Post-Publication Changes: 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 any possible updates.

9:00 AM

1. [24-10403](#)-B-13 **IN RE: VICKI/ANGELA VALENTYN**
[WEE-1](#)

AMENDED MOTION TO CONFIRM PLAN
12-3-2024 [\[50\]](#)

ANGELA VALENTYN/MV
WILLIAM EDWARDS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to February 5, 2025, at 9:00 a.m.

ORDER: The court will issue an order.

Vicki and Angela Valentyn ("Debtors") move for an order confirming the *First Modified Chapter 13 Plan* dated April 23, 2024. Doc. #24, 46. No plan has been confirmed so far. Chapter 13 trustee Lilian G. Tsang ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. The plan lists two creditors in Class 2 from whom no valuations, interest rates, or dividends are listed.
2. The Trustee requests clarification on whether Debtors intend to pay Wells Fargo Home Mortgage interest on prepetition arrears.
3. Section 3.05 of the plan says that Debtors have paid their attorney \$6,000.00 prepetition, with \$0.00 in attorneys' fees due to be paid through the plan. Debtor's counsel did not check any of the boxes under § 3.05. Therefore, pursuant to LBR 2016-1(c), Debtors' counsel can only be paid through a fee application.
4. Debtor has not filed a declaration in support of the Motion to Confirm.

Doc. #57.

This motion to confirm plan will be CONTINUED to **February 5, 2025, at 9:00 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or all objections to confirmation are withdrawn, the Debtor shall file and serve a written response to the objections no later than fourteen (14) days before the continued hearing date. The response shall specifically address each issue raised in the objection(s) to confirmation, state whether each issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Any replies shall be filed and served no later than seven (7) days prior to the hearing date.

If the Debtor elects to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than seven (7) days before the continued hearing date. If the Debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated, and the motion will be denied without further hearing.

2. [24-13003](#)-B-13 **IN RE: GUILLERMO MATUS SALINAS**
[LGT-1](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
12-5-2024 [\[12\]](#)

LILIAN TSANG/MV
STEVEN ALPERT/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Withdrawn

No order is necessary.

On January 2, 2025, the Trustee withdrew the *Objection to Debtor's Claim of Exemptions*. Doc. #19. Accordingly, this Objection is WITHDRAWN.

3. [24-12205](#)-B-13 **IN RE: CESAR RODRIGUEZ HERNANDEZ AND**
 MILAGROS RODRIGUEZ
[DHC-1](#)

MOTION TO CONFIRM PLAN
11-5-2024 [\[27\]](#)

MILAGROS RODRIGUEZ/MV
DAVID CHUNG/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to February 5, 2025, at 9:00 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Cesar Rodriguez Hernandez and Milagros Migdalia Rodriguez (collectively "Debtors") on October 22, 2024, on the following basis:

1. Debtors have failed to provide Trustee with Business Documents including: 6 months of detailed profit and loss statements, Business Case Questionnaire, and copies of Debtor's liability riders and workers' compensation riders, if applicable, for Debtor's business.
2. Debtors have not provided Trustee with any proof of income since Mr. Hernandez has returned to work.
3. Debtors have filed an Amended Form 122C which moved, without explanation, business income from operating a business, profession, or farm from line #5 "gross receipts" to line #2 "gross wages." Trustee requests clarification of the reason for this change.
4. The plan proposes to pay Debtors' attorney a monthly dividend of \$200.00, in contravention of LBR 2016-1(c)(4)(B) which requires that payments for flat fees must be paid in equal installments over the life of the plan. The dividend should be reduced to \$125.00.

Doc. #36. On December 26, 2024, Trustee filed a Supplemental Objection stating:

1. Debtors have provided a Business Case Questionnaire and P/L statements covering January 2024 through June 2024, but the documents are incomplete and must be supplemented with a breakdown of business expenses.
2. The remaining objections are unresolved.

Doc. #38.

This objection will be CONTINUED to February 5, 2025. at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

4. [24-12620](#)-B-13 **IN RE: LAKEYSHIA MCGILL**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN TSANG
10-28-2024 [[18](#)]

ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to February 5, 2025, at 9:00 a.m.

ORDER: The court will issue an order.

This matter was originally set for hearing on December 4, 2024. Doc. #25.

Chapter 13 Trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Lakeyshia McGill ("Debtor") on September 24, 2024, on the following basis:

1. The Trustee has not concluded the 341 meeting because Debtor failed to timely provide her 2023 tax returns and certain required business documents as outlined in the objection. The continued meeting was set for November 19, 2024, and continued to December 3, 2024.
2. Schedule I says that Debtor's trucking business would be closed immediately, but it remains open and is apparently producing income for Debtor. Debtor has also failed to provide pay advices.
3. Debtor's Form 122C-1 has been prepared incorrectly.
4. Debtor has failed to file, serve, and set a motion to value collateral as to the Class 2 AltaOne Federal Credit Union claim.
5. Amended Schedules A/B are required based on representations at the 341 meeting.
6. Form 2030 must be amended based on discrepancies between Form 2030 and the proposed attorney fee distribution through the plan.

Doc. #18.

On November 27, 2024, the Trustee supplemented the Objection, stating that Item #4 (the motion to value collateral) had been resolved by stipulation between Debtor and the affected creditor, but the remaining issues were unresolved. Doc. #23. On December 3, 2024, the 341 meeting was again continued to December 17, 2024, and was concluded after that hearing. *Docket generally.*

On December 18, 2024, the Trustee again supplemented the Objection, stating as follows:

1. The 341 meeting has been concluded, resolving Objection #1.
2. Objection #2 remains unresolved, as Debtors' profit and loss statement does not match with Form 122C-1. Debtor's Schedule I has not been updated to reflect Debtor's new employer. Finally, if Hinds Hospice is Debtor's only employer, then the plan is not feasible.
3. Objections #3 is unresolved due to errors in Form 122C-1.
4. Objection #4, as noted, is resolved.
5. Objection #5 is unresolved. Schedule A/B must be amended to include a bank account Debtor shares with her daughter.
6. Objection #6 remains unresolved as there remain inconsistencies between the Form 2030 Attorney Fee Disclosure Statement and the attorney's fees provided for in the plan. A new plan will be required before the higher attorney fee amount called for in the plan is permissible.

Doc. #31.

On December 22, 2024, Debtor filed a Response stating, inter alia, that on that same day, she filed Amended Schedules I and J, an Amended Form 122C-1, Amended Schedules A/B, and an Amended Form 2030, which Debtor asserts will resolve Trustee's Objections. Doc. #36

On December 27, 2024, Trustee filed a second Supplemental, stating as follows:

1. Objection #1 is resolved.
2. Objection #2 is resolved in part, but Debtor must file an Amended Schedule J to show the plan is feasible.
3. Debtor has filed an Amended Form 122C, but it is inconsistent with Debtor's Amended Schedule I, and more information and/or documentation is required.
4. Objection #4 is resolved.
5. Debtor's Amended Attorney Fee Disclosure is incomplete.

Doc. #37.

To give Debtor opportunity to respond to Trustee's second Supplemental, this objection will be CONTINUED to February 5, 2025. at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the remaining Objections as outlined in the Supplemental at Doc. #37 not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days**

before the hearing. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

5. [24-13220](#)-B-13 **IN RE: RAMON/ANGELICA MEJIA**
[JCW-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY ALLY BANK
12-9-2024 [\[17\]](#)

ALLY BANK/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.

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

DISPOSITION: Continued to February 5, 2025, at 9:00 a.m.

ORDER: The court will issue an order.

Ally Bank ("Creditor") objects to confirmation of the *Chapter 13 Plan* filed by Ramon and Angelica Mejia (collectively "Debtors") on November 1, 2024, on the following basis:

1. Debtor proposes to pay the value of the collateral instead of the contract amount even though it is a vehicle purchased within 910 days of the petition date.
2. The plan does not propose to pay the proper *Till* rate for the collateral.

Doc. #17.

On December 27, 2024, Debtors filed a Response stating that they would be filing an Amended Chapter 13 Plan "shortly."
Doc. #23.

This objection will be CONTINUED to February 5, 2025. at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

6. [24-13220](#)-B-13 **IN RE: RAMON/ANGELICA MEJIA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
12-9-2024 [\[14\]](#)

LILIAN TSANG/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.

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

DISPOSITION: Continued to February 5, 2025, at 9:00 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Ramon and Angelica Mejia (collectively "Debtors") on November 1, 2024, on the following basis:

1. Debtors' Schedule I indicates that Mrs. Mejia has been self-employed for three months, but Debtors have failed to provide Trustee with the required 6 months of bank statements to which Debtors are signatories.
2. Debtors must amend their Statement of Financial Affairs to reflect a personal injury lawsuit listed on Schedule A/B.

Doc. #14.

On December 27, 2024, Debtors filed a response stating:

1. Debtors have uploaded 6 months of bank statements to the portal.
2. Debtors disclosed their personal injury lawsuit on Schedule A/B but did not disclose it in the Statement of Financial Affairs because no lawsuit has been filed thus far.

Doc. #21. Debtors also state that they will be filing an Amended Plan "shortly." *Id.*

This objection will be CONTINUED to February 5, 2025. at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

7. [24-11525](#)-B-13 **IN RE: BARBARA CHRISMAN**
[NES-1](#)

MOTION TO INCUR DEBT
12-9-2024 [\[35\]](#)

BARBARA CHRISMAN/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted or denied.

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

Barbara Chrisman ("Debtor") seeks authorization to incur debt in an amount not to exceed \$43,000.00 to be paid over 60 months at an interest rate of 14.99% to buyout the lease on her 2021 Ford Explorer. Doc. #35.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, 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 Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Debtor declares that she has received an offer of financing in the amount of \$42,390.00 for 60 months at 14.99% interest with \$3,000.00 down and that her prior lease payment of \$529.90 per month will be replaced by a loan payment of \$706.50 per month, an increase of \$176.60 per month in Debtor's expenses. *Id.* Debtor's Amended Schedule J dated December 9, 2024, indicates that her monthly net income is \$2,296.50, which is sufficient to pay both the proposed vehicle note and ongoing plan payments. Doc. 33. Both the lease payment and the proposed ongoing vehicle note are outside the plan, so there will be no effect on plan payments going forward (and, in

any event, Debtor has filed a motion for plan modification which is not yet ripe for review). Doc. #35 *et seq*; Doc. #39.

The only party in interest to respond was the Trustee, and the defaults of all nonresponding parties are entered. The Trustee states that she does not oppose the motion but notes that Debtor is delinquent in plan payments in the amount of \$2,265.00 through November 2024, with an additional payment coming due at the end of December 2024. Doc. #46.

LBR 3015-1(h) (A) allows the debtor, with court approval, to finance the purchase of a motor vehicle if written consent of the chapter 13 trustee is filed with or as part of the motion. The trustee's approval is a certification to the court that: (i) all chapter 13 plan payments are current; (ii) the chapter 13 plan is not in default; (iii) the debtor has demonstrated an ability to pay all future plan payments, projected living expenses, and the new debt; (iv) the new debt is a single loan incurred to purchase a vehicle that is reasonably necessary for the maintenance or support of the debtor, or necessary for the continuation, preservation, and operation of the debtor's business; (v) the only security for the new debt will be the vehicle purchased by debtor; and (vi) the new debt does not exceed \$20,000.00. If the trustee will not give consent or, as here, the new debt exceeds \$20,000.00, the debtors may still seek court approval under LBR 3015-1(h) (E) by filing and serving a motion on the notice required by Fed. R. Bankr. P. 2002 and LBR 9014-1.

The motion is accompanied by a brief declaration by the Debtor which merely recapitulates the information in the motion. Doc. #37. No documentation of the proposed loan or its terms is included as an exhibit.

This matter will proceed as scheduled to determine whether Debtor has brought her plan payments current. If she has not, this motion will be DENIED. If she has, the court is inclined to GRANT this motion.

8. [24-13331](#)-B-13 **IN RE: LUCIA SILVA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
12-17-2024 [[12](#)]

ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Continued to February 5, 2025, at 9:00 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Lucia Silva ("Debtors") on September 10, 2025, on the following basis:

1. The creditor has not yet concluded the Meeting of Creditors as Debtor failed to appear at the December 17, 2024, meeting. The continued meeting will be held on January 21, 2025. Debtor has also failed to provide certain documents, including the Class 1 Checklist, the Retirement Loan Statement, and proof of third-party contributions from Debtor's mother and boyfriend.

Doc. #12.

This objection will be CONTINUED to February 5, 2025, at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtor elects to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days before the hearing**. If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

9. [24-12335](#)-B-13 **IN RE: MAREBEL RANGEL**
[LGT-1](#)

MOTION TO DISMISS CASE
11-25-2024 [\[22\]](#)

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will be called as scheduled.

DISPOSITION: Unless the trustee's motion is withdrawn at the hearing the court intends to grant the motion to dismiss on the grounds stated in the motion.

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

The chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors and 11 U.S.C. § 1307(c)(4) debtor's failure to commence making plan payments. Doc. #22.

Marebel Rangel ("Debtor") filed an opposition on December 24, 2024, requesting a continuance of this motion for additional time to confer with Debtor. This matter will be called and proceed as scheduled to inquire if Debtor has contacted her counsel.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, 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). Therefore, the defaults of the above-mentioned parties in interest except the Debtor are entered.

The record shows that there has been unreasonable delay by the Debtor that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)) and 11 U.S.C. § 1307(c)(4) for failure to:

- Appear at the initial 341 Meeting of Creditors on September 24, 2024 and the continued 341 Meeting of Creditors on November 19, 2024.
- Debtor failed to set a plan as required by the Order Extending Time to File Missing Documents.
- The Debtor failed to provide required and requested documentation to the trustee and failed to provide proof of

income for the last 6 months as required by 11 U.S.C. § 521(a)(3) and (4)).

- Debtor has failed to commence making plan payments.

Debtor has failed to make payments due under the plan. As of November 25, 2024, payments are delinquent in the amount of \$22,257.00. Debtor must also make the monthly plan payment of \$7,419.00 for November 25, 2024, and the plan payment of \$7,419.00 for December 25, 2024.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay.

Debtor has not provided the Trustee with any documentation or proof that Debtor has no interest in the 2016 Harley Davidson, 2019 Toyota Sequoia, 2019 Dodge Ram, 2017 GMC Denali and 2006 Harley Davidson. Accordingly, Trustee has not been able determine liquidation value for this case. Doc. #22.

This matter will be called and proceed as scheduled to inquire as to Debtor's status in this Chapter 13 case. The court may DISMISS this case if there appears to be no progress.

10. [24-12741](#)-B-13 **IN RE: CRISTIAN ZAVALA**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY
TRUSTEE LILIAN G. TSANG
10-28-2024 [\[15\]](#)

RAJ WADHWANI/ATTY. FOR DBT.

After posting the original pre-hearing dispositions, the court has supplemented its intended ruling on this matter.

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

DISPOSITION: Overruled as moot.

No order is required.

On January 2, 2025, the Debtor withdrew the plan which is the subject of this Objection and filed an Amended Plan. Doc. ##27,31. Accordingly, this Objection is OVERRULED AS MOOT.

11. [24-12750](#)-B-13 **IN RE: IRENE MEDINA**
[DJP-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY
EDUCATIONAL EMPLOYEE CREDIT UNION
10-29-2024 [\[15\]](#)

EDUCATIONAL EMPLOYEES CREDIT UNION/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
DON POOL/ATTY. FOR MV.
OBJECTION WITHDRAWN;

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

DISPOSITION: Withdrawn.

No order is required.

On December 16, 2024, Creditor Educational Employees Credit Union withdrew its Objection to Confirmation. Accordingly, this Objection is WITHDRAWN.

12. [24-12750](#)-B-13 **IN RE: IRENE MEDINA**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN TSANG
10-28-2024 [\[12\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as schedule.

DISPOSITION: Sustained or Overruled.

ORDER: The minutes of the hearing will be the court's findings and conclusions. Order preparation determined at the hearing.

This matter was originally heard on December 4, 2024. Doc. #27.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Irene Medina ("Debtor") on September 17, 2024, on the following basis:

1. The Trustee has not yet concluded the Meeting of the Creditors as Debtor failed to provide the Trustee with Business Documents including: Business Case Questionnaire, copies of Debtor's liability insurance and workers' compensation

insurance if applicable, for Debtor's business. The continued meeting will be held on November 12, 2024.

Doc. #12.

On November 22, 2024, the Trustee supplemented her Objection, noting that the Debtor attended the continued meeting on November 12, 2024, but also raising additional grounds for objection:

2. Debtor makes voluntary contributions for retirement plans in addition to \$1,474.42 listed in Schedule I for mandatory retirement contributions. Trustee states that the voluntary contributions should cease and those funds be made available to unsecured creditors. Trustee also requests further documentation of the mandatory retirement contributions, as the figure given by Debtor is not supported by her pay advices.
3. Trustee requests further information to explain certain statements on the Form 122C-2.
4. Trustee requests further information to resolve questions about the attachment to Schedule I.

Doc. #12.

The court continued the hearing to January 8, 2024, at 9:00 a.m. and gave a deadline of 14 days before the continued hearing date in which to file a response or 7 days before the continued hearing date in which to file a new plan. Doc. 27.

On December 27, 2024, the Debtor responded, stating:

1. Voluntary retirement contributions are excluded from disposable income pursuant to the Ninth Circuit's recent ruling in *Saldana v. Bronitsky (In re Saldana)*, No. 23-15860, 2024 U.S. App. LEXIS 29760 (9th Cir. Nov. 22, 2024).
2. Debtor has filed an Amended Form 122C to resolve Trustee's Objection #3. Debtor has provided records for the Business Expenses alluded to, but the matter is moot as the business is shut down.
3. Debtor has provided verification for some of the expenses to which Trustee objects. The rest are moot because of the business closing.

Doc. #39.

Unless the Trustee withdraws this Objection, this matter will proceed as scheduled to determine on the record whether the Objections are resolved.

13. [24-12864](#)-B-13 **IN RE: ALLAN/MADELINE WINANS**
[JCW-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY ALLY BANK
11-6-2024 [[15](#)]

ALLY BANK/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

On December 12, 2024, Debtors Allan and Madeline Winans filed their *First Amended Chapter 13 Plan*. Doc. #30. Accordingly, this Objection to the original Plan will be OVERRULED AS MOOT.

14. [24-12864](#)-B-13 **IN RE: ALLAN/MADELINE WINANS**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY
TRUSTEE LILIAN G. TSANG
11-5-2024 [[12](#)]

ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

On December 12, 2024, Debtors Allan and Madeline Winans filed their *First Amended Chapter 13 Plan*. Doc. #30. Accordingly, this Objection to the original Plan will be OVERRULED AS MOOT.

15. [23-11766](#)-B-13 **IN RE: HENRY/REBECCA COVARRUBIAS**
[RSW-1](#)

MOTION TO MODIFY PLAN
11-12-2024 [\[34\]](#)

REBECCA COVARRUBIAS/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Granted.

ORDER: The movant will prepare the order.

Henry and Rebecca Covarrubias ("Debtors") move for an order confirming the *First Modified Chapter 13 Plan* dated November 12, 2024. Docs. #34, #38. Debtor's current plan was confirmed on October 3, 2023. Doc. #14.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of any party in interest, including but not limited to creditors, the U.S. Trustee, and the case Trustee, 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). Therefore, the defaults of the above-mentioned parties in interest are entered. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987).

The motion requests that the confirmed plan be modified as follows:

1. Debtors shall pay an aggregate amount of \$8,862.00 in plan payments through October 2024. Debtors shall pay \$415.00 beginning in November 2024 and continuing through the life of the plan.
2. Section 3.06 is modified to provide that Debtors' counsel shall be paid a total of \$1,700.02 in attorney fees through October 2024. Monthly payments of \$387.55 shall resume in January 2024.
3. Section 3.08 is modified to provide that Class 2 secured creditor American Credit Acceptance shall be paid an aggregate principal total of \$2,834.60 through October 2024 on the 2016 Ford Explorer. Beginning in November 2024, the monthly payment will be \$387.55.
4. Section 3.09 is modified to provide that secured creditor Exeter Finance LLC / Jefferson Capital Systems LLC on the 2016 Ford F150 shall be paid a principal total of \$2,239.02 through October 2024. Then pursuant to this modified plan, the vehicle will be surrendered as a Class 3 creditor.
5. The plan is otherwise unchanged.

Doc. #38.

Debtors aver that this modification is necessary because of work changes by Co-Debtor Mr. Covarrubias, who now commutes for work to and from Fort Worth, Texas, where he makes about \$8,000.00 less than in his prior position. Doc. #36. This is reflected in Debtors' Amended Schedule I/J which reflects a reduction in Combined Monthly Income from \$7,548.88 down to \$6,947.44 per month and a reduction in Monthly Net Income from \$808.88 down to \$432.44 per month. Compare Doc. #1 (Sched. I&J) with Doc. #40 (Amended Sched. I&J).

No party in interest has objected, and the defaults of all non-responding parties in interest are entered. This motion is GRANTED. The order shall include the docket control number of the motion, shall reference the plan by the date it was filed, and shall be approved as to form by Trustee.

16. [17-13481](#)-B-13 **IN RE: EDUARDO ESCOBAR AND JOAQUINA MIRANDA**

MOTION FOR PAYMENT OF UNCLAIMED FUNDS IN THE
AMOUNT OF \$1,915.57 WITH CITIMORTGAGE INC.
12-11-2024 [\[130\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.
CLOSED 08/14/2023

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The movant will prepare the order.

CitiMortgage Inc. ("Movant") has filed the instant *Motion for Payment of Unclaimed Funds* and seeks to recoup the sum of \$1,915.57 from the unclaimed dividends paid into the court in the underlying Chapter 13 proceeding ("the Proceeding"). Doc. #130. The Proceeding was commenced on September 11, 2017. Doc. #1. Eduardo Escobar and Joaquina Isabel Miranda (collectively "Debtors") received a discharge on July 31, 2023. Doc. #126. The case was closed on August 14, 2023. Doc. #128. On May 1, 2023, during the pendency of the Proceeding, the Trustee filed a notice of the turnover of unclaimed funds in the amount of \$1,915.57 to the Treasury Registry in connection with a claim for that amount by Movant. Doc. #115; see POC #6 (Proof of Claim for CitiMortgage, Inc.).

On December 11, 2024, Movant filed the instant motion, which was accompanied by an Exhibit in the form of a print-out of the Registry confirming that the amount in question was owed but not paid to Movant. Doc. #133. Additional exhibits verifying the identity of Angelo Valletta, Movant's Vice President for Abandoned Property and

the individual who filed the instant motion, were attached to the motion. Doc. #130.

The court is satisfied that Movant has demonstrated that entitlement to the unclaimed funds. A review of the California Secretary of State's website reflects that Movant is a corporation in good standing in this state.

The motion was filed on December 11, 2024, and, consistent with its internal procedures, the Clerk's Office generated a *Notice of Hearing on Application for Payment of Unclaimed Funds* on December 12, 2024. Docs. #130, #132.

Although this matter was set on 28 days' notice, the certificate of service was one generated by the clerk's office which contains none of the language pertaining to the requirement of a written response when a matter is set for hearing under LBR 9014-1(f)(1). In light of the Movant's reliance on court-generated documents in its filing, the court is inclined to overlook any procedural defects. The moving papers include a court-generated certificate of service which indicates that Movant properly served the U.S. Attorney's Office as required by 28 U.S.C. § 2042. Accordingly, this matter will proceed as scheduled, and any opposition may be presented at the hearing. In the absence of any such opposition, this motion will be GRANTED.

17. [24-11688](#)-B-13 **IN RE: LAUTALA TUPOU**
[RHM-1](#)

MOTION TO CONFIRM PLAN
12-2-2024 [\[57\]](#)

LAUTALA TUPOU/MV
MATTHEW RESNIK/ATTY. FOR DBT.

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

DISPOSITION: Granted.

ORDER: The movant will prepare the order.

Lautala Tupou ("Debtor") moves for an order confirming the *First Modified Chapter 13 Plan* dated September 3, 2024. Docs. #39, #57. No plan has been confirmed so far.

The 60-month plan proposes the following terms:

1. Plan payments of \$3,243.00 per month for months 1-2 and \$3,552.28 per month for months 3-60.
2. The unpaid attorney's fees in the amount of \$5,000.00 to be paid through the plan pursuant to LBR 2016-1(c).
3. Secured claims to be paid as follows:

- a. Internal Revenue Service/21206 Victor Way, California City, CA. (Class 2(A), non-PMSI). \$100,634.90 at 8.00% to be paid at \$3,103.07 per month.
 - b. Exeter Finance LLC/2012 Kia Optima. (Class 3, surrendered). Estimated deficiency of \$3,579.87.
 - c. BSI Financial Services/21206 Victor Way, California City, CA. (Class 4, mortgage). \$1,800.89 per month paid direct.
 - d. Kinecta Federal Credit Union/2022 Hyundai Ioniq5 (Class 4). \$891.67 per month paid direct.
 - e. Mazda Financial Services/2024 Mazda CX50 (Class 4). \$655.62 per month paid direct.
 - f. Technology Credit Union/Solar Panels (Class 4). \$265.95 per month paid direct.
4. 100% dividend to unsecured creditors.

Doc. #39.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of any party in interest, including but not limited to creditors, the U.S. Trustee, and the case Trustee, 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). Therefore, the defaults of the above-mentioned parties in interest are entered. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987).

No party in interest has objected, and the defaults of all non-responding parties in interest are entered. This motion is GRANTED. The order shall include the docket control number of the motion, shall reference the plan by the date it was filed, and shall be approved as to form by Trustee.

18. [24-12495](#)-B-13 **IN RE: SHANNON SIMPSON**
[LGT-1](#)

MOTION TO DISMISS CASE
11-26-2024 [\[27\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to February 5, 2025, at 9:00 a.m.

ORDER: The court will prepare the order.

This matter is hereby CONTINUED to February 5, 2025, at 9:00 a.m.

To be heard in conjunction with Debtor's *Motion to Modify Plan* and *Motion for Valuation*.

19. [24-12397](#)-B-13 **IN RE: WENDY MONTANIO**
[RSW-1](#)

MOTION TO CONFIRM PLAN
11-20-2024 [[32](#)]

WENDY MONTANIO/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Granted.

ORDER: The movant will prepare the order.

Wendy Montanio ("Debtor") moves for an order confirming the *First Modified Chapter 13 Plan* dated November 12, 2024. Docs. #32, #34. Debtor's current plan was confirmed on October 3, 2023. Doc. #14.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of any party in interest, including but not limited to creditors, the U.S. Trustee, and the case Trustee, 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). Therefore, the defaults of the above-mentioned parties in interest are entered. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987).

The motion requests that the confirmed plan be modified as follows:

1. Debtor shall pay \$2,940.00 per month from future earnings.
2. Attorney was paid \$2,000.00 prepetition, with an additional \$6,000.00 to be paid through the plan pursuant to LBR 2016-1(c).
3. Secured Creditors to be treated as follows:
 - a. Specialized Loan Servicing LLC (Class 1, 14822 Redwood Springs Drive, Bakersfield). \$22,914.19 in arrears to be paid at 0.00% and \$381.91 per month. Ongoing mortgage payments of \$1,762.91 to be paid through the plan.
4. A 100% distribution to unsecured creditors.

Doc. #34.

Debtor declares that she can afford the monthly plan payment as she has obtained new employment which is reflected in her Amended Schedules I & J. Doc. #35.

No party in interest has objected, and the defaults of all non-responding parties in interest are entered. This motion is GRANTED. The order shall include the docket control number of the motion, shall reference the plan by the date it was filed, and shall be approved as to form by Trustee.

10:00 AM

1. [23-11228](#)-B-7 **IN RE: BELLA VINEYARD AG SERVICES, INC.**
[JMV-1](#)

MOTION FOR COMPENSATION FOR JEFFREY M. VETTER,
CHAPTER 7 TRUSTEE(S)
12-10-2024 [\[95\]](#)

JEFFREY VETTER/MV
LEONARD WELSH/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.

Jeffrey M. Vetter ("Trustee"), Chapter 7 Trustee in this case,
requests fees of **\$14,828.69** and costs of **\$148.57** for a total award
of \$14,997.26 as statutory compensation and actual and necessary
expenses. Doc. #95.

No party in interest timely filed written opposition. This motion
will be GRANTED.

This motion was set for hearing on 28 days' notice as required by
Local Rule of Practice ("LBR") 9014-1(f)(1) and Fed. R. Bankr. P.
("Rule") 2002(a)(6). The failure of the creditors, the chapter 13
trustee, 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 amounts of damages). *Televideo Sys. Inc.*
v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due
process requires that a plaintiff make a *prima facie* showing that
they are entitled to the relief sought, which the movant has done
here.

Bella Vineyard AG Services, Inc. ("Debtor") filed chapter 7
bankruptcy on June 8, 2023. Doc. #1. Trustee was appointed as
interim trustee on that same date and became permanent trustee on
June 9, 2017. Doc. #4; Docket generally.

11 U.S.C. § 326 permits the court to allow reasonable compensation to the chapter 7 trustee under § 330 for the trustee's services. Section 326(a) states:

In a case under chapter 7 or 11, other than a case under subchapter V of chapter 11, the court may allow reasonable compensation under section 330 of this title of the trustee for the trustee's services, payable after the trustee renders such services, not to exceed 25 percent on the first \$5,000 or less, 10 percent on any amount in excess of \$5,000 but not in excess of \$50,000, 5 percent on any amount in excess of \$50,000 but not in excess of \$1,000,000, and reasonable compensation not to exceed 3 percent of such moneys in excess of \$1,000,000, upon all moneys disbursed or turned over in the case by the trustee to parties in interest, excluding the debtor, but including all holders of secured claims.

11 U.S.C. § 326(a). To restate these percentages, a Chapter 7 Trustee is entitled a maximum reimbursement of:

1. \$25% of the first \$5,000.00 in disbursements;
2. \$10% of the next \$45,000.00 in disbursements, if any;
3. 5% of the next \$95,000.00 in disbursements, if any;
4. 3% of any further disbursements exceeding \$1,000,000.00.

11 U.S.C. § 330 requires the court to find that the fees requested are reasonable and for actual and necessary services to the estate, as well as reimbursement for actual and necessary expenses. 11 U.S.C. § 330(a)(1)(A) & (B).

Trustee states that the total disbursements (other than to Debtor) amounted to \$231,573.85. Doc. #97. Trustee seeks statutory reimbursement as follows:

25% of first \$5,000.00	\$1,250.00
10% of next \$45,000.00	\$4,500.00
5% of the remaining \$181,573.85	\$9,078.69
TOTAL	\$14,828.69

Doc. #97. These percentages comply with the percentage restrictions imposed by § 326(a). The services performed by Trustee included, but were not limited to:

1. The administration of an estate asset a debt owed to Debtor by Chloe Equipment Rentals for which Trustee obtained a settlement of \$28,725.17.
2. Negotiating the settlement of a secured debt owed to Bank of America.
3. Overseeing the sale of estate assets at auction and hiring an auctioneer for same.

4. Hiring and overseeing an accountant deal with Debtor's tax obligations.
5. Reviewing the Petition, Schedules, and Statement of Financial Affairs filed by Debtor.
6. Claim administration.
7. Review and reconciliation of bank statements.
8. OUST Reporting.
9. Preparation of the Final Report.
10. Matters pertaining to the disbursement of funds.

Docket Generally. Trustee also seeks expenses for travel and postage in the aggregate amount of **\$148.57**. *Id.* The court finds these fees reasonable.

The court finds Trustee's services were actual and necessary to the estate, and the fees are reasonable and consistent with § 326(a). The motion will be GRANTED and Trustee will be awarded the requested fees and costs.

2. [23-11559](#)-B-7 **IN RE: PREMIER LABOR CONTRACTING, INC.**
[JMV-4](#)

MOTION FOR ADMINISTRATIVE EXPENSES
12-10-2024 [\[59\]](#)

JEFFREY VETTER/MV
LEONARD WELSH/ATTY. FOR DBT.
JEFFREY VETTER/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.

Chapter 7 trustee Jeffrey M. Vetter ("Trustee") seeks authority to pay administrative tax claims in the amount of \$800.00 to the Franchise Tax Board ("FTB") for the tax year ending 2024. Doc. #59. Trustee also requests to be authorized to pay up to \$850.00 for any unexpected future tax liabilities without further court approval. *Id.*

No party in interest timely filed written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, 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 amounts of damages). *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

11 U.S.C. § 503 allows an entity to file a request for payment of administrative expenses. After notice and a hearing, payment of certain administrative expenses shall be allowed, other than those specified in § 502(f), including:

- (B) any tax—
 - (i) incurred by the estate, whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both, except a tax of a kind specified in section 507(a)(8) of this title; or
 - (ii) attributable to an excessive allowance of a tentative carryback adjustment that the estate received, whether the taxable year to which such adjustment relates ended before or after commencement of the case;
- (C) any fine, penalty, or reduction in credit relating to a tax of a kind specified in subparagraph (B) of this paragraph; and
- (D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of an expense described in subparagraph (B) or (C), as a condition of its being an allowed administrative expense[.]

11 U.S.C. § 503(b)(1)(B-D). Under 28 U.S.C. § 960(b), trustees are required to pay estate taxes on or before the date they become due even if the respective tax agency does not file a request for administrative expenses. *Dreyfuss v. Cory (In re Cloobek)*, 788 F.3d 1243, 1246 (9th Cir. 2015).

Premier Labor Contracting ("Debtor") filed chapter 7 bankruptcy on July 20, 2023. Doc. #1. Trustee was appointed as interim trustee on that same date and became permanent trustee at the first § 341(a) meeting of creditors on September 17, 2023. Doc. #4; *Docket Generally*.

Trustee moved to employ James E. Salven ("Accountant") to provide accounting services to the estate on May 13, 2024, which was approved by this court on May 22, 2024. Docs. #38, #42. Accountant has advised Trustee that the estate has tax liability for 2024 in the amount of \$800.00 owed the FTB. Doc. #59.

Trustee also believes that there may be unexpected future tax liabilities. *Id.* Thus, Trustee asks for an order allowing up to \$850.00 to pay any additional tax liabilities, with no taxing agencies to be paid in excess of \$850.00 without further order of the court. *Id.*

This motion was fully noticed and no party in interest timely filed written opposition. Accordingly, this motion will be GRANTED. Trustee will be authorized to pay, in Trustee's discretion, \$800.00 to FTB for taxes for the 2024 tax year. Further, Trustee will be authorized to pay an additional amount not to exceed \$850.00 for any unexpected tax liabilities without further court approval.

3. [21-10574](#)-B-7 **IN RE: MARK/JEANNETTE ESPARZA**
[MAE-1](#)

MOTION TO AVOID LIEN OF COLLMGMTRESO
12-12-2024 [\[44\]](#)

JEANNETTE ESPARZA/MV
WILLIAM EDWARDS/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. Order preparation determined at the hearing.

Mark and Jeannette Esparza ("Debtors") move for an order avoiding a judicial lien pursuant to 11 U.S.C. § 522(f) in favor of Collmgmtreso aka Royal Palms Apartments assigned to Collectibles Management Resources ("Creditor") in the sum of \$5,602.12 and encumbering residential real property located at 3201 Redlands Dr., Bakersfield, CA 93306 ("Property"). Doc. #44.

Debtor complied with Fed. R. Bankr. P. 7004(b)(3) by serving Creditor's registered agent for service of process via certified mail class mail and by serving Creditor at its place of business by U.S. mail on December 12, 2024. Doc. #47.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

This motion was filed and served 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.

To avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). § 522(f)(1); *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting *In re Mohring*, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), *aff'd*, 24 F.3d 247 (9th Cir. 1994)).

Here, a judgment was originally entered against Debtors in favor of Creditor in the amount of \$2,935.66 on June 29, 2009. Doc. #46 (Exhib. A). The abstract of judgment was issued on September 4, 2009, and was recorded in Kern County on September 18, 2009. *Id.* The judgment was renewed on July 5, 2018, with a new abstract of judgment issued on March 29, 2019. *Id.*

The court notes that Debtors have not submitted a declaration in support of their motion and rely on the exhibits filed. Debtors, by their motion and the amended abstract, estimate that the current amount owed on account of this lien is \$5,602.12. *Id.*

As of the petition date, Property had an estimated value of \$215,000.00. Doc. #1 (*Sched. A/B*). Debtors claimed a \$600,000.00 exemption in Property pursuant to Cal. Code Civ. Proc. ("CCP") § 704.730. Doc. #43 (*Amended Sched. C*).

Property is encumbered by a first and second mortgage in favor of LoanCare, LLC ("LoanCare") in the aggregate amount of \$237,735.00. Doc. #1 (*Sched. D*). Property's encumbrances can be illustrated as follows:

Creditor	Amount	Recorded	Status
1. LoanCare	\$188,211.00	9/2018	Unavoidable
2. LoanCare	\$49,524.00	3/2019	Unavoidable
3. Creditor	\$5,602.12	9/2009	Avoidable

When a debtor seeks to avoid multiple liens under § 522(f)(1) and there is equity to which liens can attach, the liens must be avoided in the reverse order of their priority. *Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger)*, 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997), *aff'd*, 196 F.3d 1292 (9th Cir. 1999). Liens already avoided

are excluded from the exemption impairment calculation. *Ibid.*; § 522(f)(2)(B). Here, Creditor's lien is the only lien which Debtors seek to avoid.

"Under the full avoidance approach, as used in *Brantz*, the only way a lien would be avoided 'in full' was if the debtor's gross equity were equal to or less than the amount of the exemption." *Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger)*, 217 B.R. 592, 596 (B.A.P. 9th Cir. 1997), *aff'd*, 196 F.3d 1292 (9th Cir. 1999), citing *In re Brantz*, 106 B.R. 62, 68 (Bankr. E.D. Pa. 1989) ("Avoidance of all judicial liens results unless (3) [the result of deducting the debtor's allowable exemptions and the sum of all liens not avoided from the value of the property] is a positive figure."), citing *In re Magosin*, 75 B.R. 545, 547 (Bankr. E.D. Pa. 1987) (judicial lien was avoidable in its entirety where equity is less than exemption).

This lien is the most junior lien subject to avoidance and there is not any equity to support the lien. Strict application of the § 522(f)(2) formula with respect to Creditor's junior lien is illustrated as follows:

Amount of judgment lien	\$5,602.12
Total amount of unavoidable liens (incl. liens not yet avoided)	+ \$237,735.00
Debtor's claimed exemption in Property	+ 600,000.00
<i>Sum</i>	= \$843,337.12
Debtor's claimed value of interest absent liens	- \$215,000.00
Extent lien impairs exemption	= \$628,337.12

All Points Capital Corp. v. Meyer (In re Meyer), 373 B.R. 84, 91 (B.A.P. 9th Cir. 2007); *accord. Hanger* 217 B.R. at 596, *Higgins v. Household Fin. Corp. (In re Higgins)*, 201 B.R. 965, 967 (B.A.P. 9th Cir. 1996); *cf. Brantz*, 106 B.R. at 68, *Magosin*, 75 B.R. at 549-50, *In re Piersol*, 244 B.R. 309, 311 (Bankr. E.D. Pa. 2000). Since there is no equity for liens to attach and this case does not involve fractional interests or co-owned property with non-debtor third parties, the § 522(f)(2) formula can be re-illustrated using the *Brantz* formula with the same result:

Fair market value of Property	\$215,000.00
Total amount of unavoidable liens (incl. liens not yet avoided)	- \$237,735.00
Homestead exemption	- 600,000.00
Remaining equity for judicial liens	= (\$622,735.00)
Creditor's judicial lien	- \$5,602.12
Extent Debtor's exemption impaired	= (\$628,337.12)

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is insufficient equity to support any judicial liens. Therefore, the fixing of Creditor's judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under § 522(f)(1). Accordingly, if there is no opposition at the hearing, the court is inclined to GRANT this motion. The proposed order shall state that Creditor's lien is avoided from the subject Property only and include a copy of the abstract of judgment as an exhibit.

10:30 AM

1. [25-10011](#)-B-12 **IN RE: CARL/PATRICIA SOUSA**
[FW-2](#)

MOTION TO USE CASH COLLATERAL
1-3-2025 [\[7\]](#)

PATRICIA SOUSA/MV
PETER FEAR/ATTY. FOR DBT.
OST 1/3/25

NO RULING.

11:00 AM

1. [23-12838](#)-B-7 **IN RE: TONY/ELIZABETH GOWER**
[24-1007](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
4-18-2024 [[1](#)]

KAPITUS SERVICING, INC. V. GOWER
BRIAN HARVEY/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITIION: Continued to March 5, 2025, at 11:00 am.

ORDER: The court will issue the order.

The parties filed a joint status report on December 30, 2024. The court has reviewed the report. Though settlement negotiations are ongoing, Plaintiff wishes additional financial information from Debtors to formulate an appropriate offer. The court will continue the matter to March 5, 2025, at 11:00 am for further status conference. If the matter is not resolved and the case dismissed by that date, the parties should be prepared to file a discovery plan and engage in initial disclosures by that date. A joint or unilateral status report to be filed and served at least 7 days before the continued date unless the matter is dismissed or otherwise terminated before then.

2. [24-11852](#)-B-7 **IN RE: ROBERT/SHARYN SMITH**
[24-1039](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
10-15-2024 [[1](#)]

BATESEL CO. LLC V. SMITH ET AL
PARAG AMIN/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

11:30 AM

1. [24-12944](#)-B-7 **IN RE: CARLOS AGUILAR**

PRO SE REAFFIRMATION AGREEMENT WITH CALIFORNIA CREDIT UNION
12-17-2024 [\[35\]](#)

NO RULING.

2. [24-12253](#)-B-7 **IN RE: SERGIO TAMAYO**

AMENDED PRO SE REAFFIRMATION AGREEMENT WITH NISSAN MOTOR
ACCEPTANCE COMPANY LLC
11-15-2024 [\[38\]](#)

NO RULING.

3. [24-12580](#)-B-7 **IN RE: RICHARD ESTRADA**

REAFFIRMATION AGREEMENT WITH TOYOTA MOTOR CREDIT CORPORATION
11-20-2024 [\[15\]](#)

PHILLIP GILLET/ATTY. FOR DBT.

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

Debtor's counsel will inform debtor that no appearance is necessary.

A Reaffirmation Agreement between Richard Estrada ("Debtor") and Toyota Motor Credit Corporation for a 2012 Toyota Tundra ("Vehicle") was filed on November 20, 2024. Doc. #15.

Debtor marked "yes" on line 8 on the Cover Sheet. According to line 10 of the Cover Sheet "If any answer on lines 7-9 is Yes, the debtor must sign here." Debtor did not sign.

11 U.S.C. § 524(c)(6)(A)(ii) states "An agreement between a holder of a claim and the debtor, the consideration for which, in whole or in part, is based on a debt that is dischargeable in a case under this title is enforceable only to any extent enforceable under applicable non-bankruptcy law, whether or not discharge of such debt is waived, only if the court approves such agreement as in the best interest of the debtor."

The documents submitted in support of the reaffirmation agreement include information that the Debtor is a co-signer on the contract. This means another party may be liable for this obligation.

The court finds no evidence that this Reaffirmation Agreement is in the best interest of the Debtor. Accordingly, approval of the Reaffirmation Agreement between Debtor and Toyota Motor Credit Corporation will be DENIED.