

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

Honorable Christopher D. Jaime  
Robert T. Matsui U.S. Courthouse  
501 I Street, Sixth Floor  
Sacramento, California

**PRE-HEARING DISPOSITIONS COVER SHEET**

**DAY: TUESDAY**

**DATE: January 3, 2023**

**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  
Sacramento, California

**January 10, 2023 at 1:00 p.m.**

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1. [22-22612](#)-B-13 LAWRENCE/JENNY BOLDON AMENDED MOTION TO CONFIRM PLAN  
[BSH](#)-2 Brian S. Haddix 11-14-22 [[41](#)]  
**Thru #2**

**Final Ruling**

The motion 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 court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to deny the motion to confirm as moot.

An amended plan was filed on December 19, 2022. The confirmation hearing for the amended plan is scheduled for February 21, 2023. The earlier plan filed November 13, 2022, is not confirmed.

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

The court will issue an order.

2. [22-22612](#)-B-13 LAWRENCE/JENNY BOLDON OBJECTION TO CONFIRMATION OF  
[KMM](#)-1 Brian S. Haddix PLAN BY HARLEY-DAVIDSON CREDIT  
CORP  
12-8-22 [[45](#)]

**Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to overrule the objection as moot.

Subsequent to the filing of the Harley-Davidson Credit Corp's objection, the Debtors filed an amended plan on December 19, 2022. The confirmation hearing for the amended plan is scheduled for February 21, 2023. The earlier plan filed November 13, 2022, is not confirmed.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

**January 10, 2023 at 1:00 p.m.**

**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). A response in support of the motion to dismiss was filed by creditors JANA Properties and Jack Faraone. Opposition was filed by the pro se debtor. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion to dismiss case.

Umpqua Bank ("Umpqua"), which holds claim secured by a deed of trust on real property located at 16030 Schaefer Ranch Road, Pioneer, California, moves to dismiss the case on grounds that pro se debtor Timothy Wilson ("Debtor") filed the bankruptcy in bad faith. Umpqua states that the Debtor is a serial, abusive filer who has sought bankruptcy protection for approximately 10 continuous years. This is Debtor's fifth bankruptcy and first chapter 13 case. The first bankruptcy was a chapter 7 case and the subsequent three were chapter 12 cases, all of which were dismissed.

Additionally, Umpqua states that Debtor is prosecuting this case in bad faith. The plan filed by the Debtor is unconfirmable on its face because it fails to commit projected disposable income and pays nothing to unsecured creditors. It also does not provide for Umpqua's claim. Umpqua asserts that the Debtor will not be able to fund the plan because he is 74 years old, in poor health, and is facing a criminal proceeding in district court with a minimum 10-year incarceration.

Separately, creditor JANA Properties, LP and Jack Farone ("JANA et al.") filed a response stating that Debtor failed to list them as creditors in the case and never listed as an asset the 80 acres of raw land for which they hold a first deed of trust.

**Opposition**

Debtor filed an opposition requesting a continuance of the court's decision on the motion to dismiss and motion for relief from stay because he has not received all of his correspondences including letters, motions, and notices. However, Debtor also is amenable to dismissal without prejudice because he has retained an experienced bankruptcy attorney to fix certain errors and omissions in the original filing, and to ensure success in a separate bankruptcy.

**Discussion**

Section 1307(c) provides that a court may dismiss a chapter 13 case "for cause." The Ninth Circuit has concluded that a debtor's bad faith in filing a chapter 13 petition is cause for dismissal under § 1307(c). *Ho v. Dowell (In re Ho)*, 274 B.R. 867, 876 (9th Cir. BAP 2002). A court must examine the totality of the circumstances in determining whether a chapter 13 petition has been filed in bad faith. *Nelson v. Meyer (In re Nelson)*, 2007 Bankr. LEXIS 3134, at \*8 (9th Cir. BAP 2007). When making a bad faith determination, the bankruptcy court should consider:

- (1) whether the debtor misrepresented facts in his or her petition or plan, unfairly manipulated the Bankruptcy Code or otherwise filed the Chapter 13 petition or plan in an inequitable manner;
- (2) the debtor's history of filings and dismissals;
- (3) whether the debtor's only purpose in filing for chapter 13 protection is to defeat state court litigation; and

(4) whether egregious behavior is present.

*Leavitt v. Soto (In re Leavitt)*, 171 F.3d 1219, 1224 (9th Cir. 1999).

It appears that bad faith is present in the filing of this bankruptcy case. The Debtor has not disclosed all his assets and liabilities, has an unconfirmable plan since both Umpqua's and JANA et al.'s claims are not provided for, and he is unlikely to fund the plan because his old age, poor health, and potential 10-year incarceration in a criminal proceeding will not allow him to continue his timber harvesting and walnut growing operations. Mitigating against this is that the Debtor is pro se. Nevertheless, dismissal of the case is warranted.

Additionally, while a court usually weighs the alternative of conversion or dismissal based on the best interest of the creditors and the estate, § 1307(f) prescribes that "[t]he court may not convert a case under this chapter to a case under chapter 7, 11, or 12 of this title if the debtor is a farmer, unless the debtor requests such conversion." Debtor claims to be a farmer. This is based on Debtor's prior prosecution of three Chapter 12 bankruptcy cases on the basis that he is a farmer. Thus, dismissal and not conversion is appropriate in this case.

Moreover, Debtor himself is amenable to dismissal of the case without prejudice since he has retained experienced bankruptcy counsel to file a new case.

Given the aforementioned, cause exists to dismiss the case. The motion is granted and the case will be dismissed without prejudice.

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

The court will issue an order.

4.	<a href="#">22-22415</a> -B-13 <a href="#">GB-4</a>	TIMOTHY WILSON Pro Se	CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY 11-29-22 [ <a href="#">35</a> ]
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UMPQUA BANK, VS.

### **Final Ruling**

The court has before it a motion for relief from the automatic stay of 11 U.S.C. § 362(a) filed by Umpqua Bank ("Creditor"). Creditor requests relief under 11 U.S.C. § 362(d) (1), (d) (2), and (d) (4).

The court has reviewed the motion and all related documents. The court has also reviewed and takes judicial notice of the docket. See Fed. R. Evid. 201(c)(1). Oral argument is not necessary and will not assist in the decision-making process. See Local Bankr. R. 1001-1(f), 9014-1(h). The motion will be decided on the papers.

Findings of fact and conclusions of law are set forth below. See Fed. R. Civ. P. 52(a); Fed. R. Bankr. P. 7052. For the reasons explained below, the motion will be denied.

### Discussion

The request for relief from the automatic stay under §§ 362(d) (1) and (d) (2) will be denied as moot based on the dismissal of the Chapter 13 case in Item #3, DCN GB-3. But the inquiry does not end there.

Creditor also requests relief under § 362(d) (4) which may not be mooted by the dismissal. See *Benzeen, Inc. v. JP Morgan Chase Bank (In re Benzeen, Inc.)*, 2018 WL 6627275, \*4 (9th Cir. BAP Dec. 18, 2018) (noting that request for § 362(d) (4) relief survives dismissal and foreclosure); *Azkam v. U.S. Bank N.A.*, 2020 WL 1700028, \*3 (E.D. Cal. April 8, 2020) ("An order granting relief under [§ 362(d) (4)] may survive the

dismissal of the bankruptcy in some cases." ). Nevertheless, relief under § 362(d)(4) is not warranted and therefore will also be denied.

In relevant part, Creditor's motion states as follows:

This Case is the Debtor's fifth bankruptcy case since June 13, 2011 and his fourth reorganization case since November 17, 2011. Each of the prior cases was dismissed. The Debtor asked for dismissal of his Chapter 7 case in order to pursue reorganization as a farmer under Chapter 12. But even after the Debtor had the opportunity to file and prosecute three consecutive Chapter 12 cases, each case resulted in dismissal. The first and third Chapter 12 cases were dismissed because the Debtor failed to make plan payments and his second Chapter 12 case was dismissed because the Debtor did not timely file a plan.

Docket 35 at 6:9-15 (emphasis omitted).

Noteworthy is that, by Creditor's own admission, the Debtor prosecuted each of his prior bankruptcy cases. He initially opted to reorganize rather than liquidate. And although his attempts at reorganization failed, perhaps miserably so, critical is that the Debtor made prior efforts to reorganize. He even confirmed two plans in the process. In this court's view, failed attempts to reorganize, even multiple ones, are not indicative of the type of "scheme" to delay, hinder, or defraud required for relief under § 362(d)(4). See *Alakozai v. Citizens Equity First Credit Union (In re Alakozai)*, 499 B.R. 698 (9th Cir. BAP 2013) (noting that § 362(d)(4) was added to the Bankruptcy Code in 2005 to provide secured creditors relief in situations where debtors resorted to filing tactical, serial bankruptcy cases to prevent creditors from enforcing liens against their property.). The request for relief under § 362(d)(4) is therefore denied without prejudice.

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

The court will issue an order.

5. [22-21927](#)-B-13 ORLANDO ANDRADE MOTION TO CONFIRM PLAN  
[FAT-4](#) Flor De Maria A. Tataje 11-25-22 [[37](#)]

### **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 not confirm the first amended plan.

First, all sums required by the plan have not been paid. 11 U.S.C. §1325(a)(2). Debtor is \$1,459.00 delinquent in plan payments through November 2022. The last payment in the amount of \$1,300.00 was posted on November 1, 2022. The next scheduled payment of \$1,318.00 was due on December 25, 2022.

Second, feasibility relies on the granting of a motion to value collateral of Harley Davidson Credit. That matter was denied without prejudice on January 3, 2023. FAT-3.

Third, a review of claims filed in debtor's case evidences priority claims filed in the amount of \$27,452.67 of which \$19,399.21 was filed by the Internal Revenue Service (Claim 3-2) and \$8,053.46 was filed by the Franchise Tax Board (Claim 14-1). Debtor's plan does not have sufficient monies to pay the claims in full and therefore should be denied confirmation. 11 U.S.C. § 1325(a)(6).

Fourth, Debtor's plan provides for CDTFA as a Class 2(a) claim in the amount of \$14,884.05 to be paid at 5% interest a monthly dividend of \$260.47. Debtor's plan is a 60-month plan and the average monthly dividend proposed for the Class 2 claim of CDTFA will take 65 months to pay said claim. 11 U.S.C. § 1325(a)(6).

Fifth, Debtor's plan provides for the Internal Revenue Service as a Class 2(b) claim in the amount of \$15,514.54 to be paid at 5% interest a monthly dividend of \$236.50. Debtor's plan is a 60-month plan and the average monthly dividend proposed for the Class 2 claim of the Internal Revenue Service will take 65 months to pay said claim. 11 U.S.C. § 1325(a)(6).

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

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

The court will issue an order.

### **Final Ruling**

The objection has been set for hearing on at least 30 days' notice to the claimant as required by Local Bankruptcy Rule 3007-1(b)(2). When fewer than 44 days' notice of a hearing is given, parties in interest were not required to file a written response or opposition.

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 **conditionally sustain the objection to Claim No. 10-1 of Mariner Finance and continue the matter to January 17, 2023, at 1:00 p.m.**

The Chapter 13 Trustee requests that the court disallow the claim of Mariner Finance ("Creditor"), Claim No. 10-1. The claim is asserted to be in the amount of \$8,271.87. The Trustee asserts that the claim has not been timely filed. See Fed. R. Bankr. P. 3002(c). The deadline for filing proofs of claim in this case for a non-government unit was October 26, 2022. The Creditor's claim was filed November 16, 2022.

Section 501(a) of the Bankruptcy Code provides that any creditor may file a proof of claim. "A proof of claim is a written statement setting forth a creditor's claim." Rule 3001(a). If the claim meets the requirements of § 501, the bankruptcy court must then determine whether the claim should be allowed. Section 502(a) provides that a claim is deemed allowed unless a party in interest objects. If such an objection is made, the court shall allow such claim "except to the extent that the proof of claim is not timely filed." See 11 U.S.C. § 502(b)(9).

Federal Rule of Bankruptcy Procedure 3002(c) governs the time for filing proofs of claim in a Chapter 13 case. Rule 9006(b)(3) prohibits the enlargement of time to file a proof of claim under Rule 3002(c) except as provided in one of the circumstances included in Rule 3002(c). *Zidell, Inc. v. Forsch (In re Coastal Alaska Lines, Inc.)*, 920 F.2d 1428, 1432-1433 (9th Cir. 1990) ("We . . . hold that the bankruptcy court cannot enlarge the time for filing a proof of claim unless one of the six situations listed in Rule 3002(c) exists."). No showing has been made that any of those circumstances apply.

The court also notes that the excusable neglect standard does not apply to permit the court to extend the time to file a proof of claim under Rule 3002(c). As the Ninth Circuit stated in *Coastal Alaska*:

Rule 9006(b) plainly allows an extension of the 90-day time limit established by Rule 3002(c) only under the conditions permitted by Rule 3002(c). Rule 3002(c) identifies six circumstances where a late filing is allowed, and excusable neglect is not among them. Thus, the 90-day deadline for filing claims under Rule 3002(c) cannot be extended for excusable neglect.

*Id.* at 1432. In fact, the time for filing claims under Rule 3002(c) cannot be extended for any equitable reason at all. As stated in *Spokane Law Enforcement Credit Union v. Barker (In re Barker)*, 839 F.3d 1189, 1197 (9th Cir. 2016): "[T]he Ninth Circuit has repeatedly held that the deadline to file a proof of claim in a Chapter 13 proceeding is 'rigid' and the bankruptcy court lacks equitable power to extend this deadline after the fact."

In sum, Creditor filed an untimely proof of claim and has not demonstrated any reason that would permit the court to allow its late-filed proof of claim.

Based on the evidence before the court, the Creditor's claim is disallowed in its entirety as untimely. The objection to the proof of claim is conditionally sustained.

**Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rule 3007-1(b)(2), any party in interest shall have until 5:00 p.m. on Friday, January 13, 2023, to file and serve an opposition or other response to the objection. See Local Bankr. R. 3007-1(b)(2). Any opposition or response shall be served on the Chapter 13 Trustee and creditor by facsimile or email.

If no opposition or response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on January 17, 2023, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the objection on January 17, 2023, at 1:00 p.m.



7. [22-21174](#)-B-13 STACEY LILLARD  
[RDG-2](#) Ryan Keenan

OBJECTION TO CLAIM OF  
AIDVANTAGE ON BEHALF OF  
DEPARTMENT OF EDUCATION LOAN  
SERVICES, CLAIM NUMBER 6  
12-6-22 [[54](#)]

### **Final Ruling**

The objection has been set for hearing on at least 30 days' notice to the claimant as required by Local Bankruptcy Rule 3007-1(b)(2). When fewer than 44 days' notice of a hearing is given, parties in interest were not required to file a written response or opposition.

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 **conditionally sustain the objection to Claim No. 6-1 of Department of Education Loan Services and continue the matter to January 17, 2023, at 1:00 p.m.**

The Chapter 13 Trustee requests that the court disallow the claim of Department of Education Loan Services ("Creditor"), Claim No. 6-1. The claim is asserted to be in the amount of \$271,490.28. The Trustee asserts that the claim has not been timely filed. See Fed. R. Bankr. P. 3002(c). The deadline for filing proofs of claim in this case for a non-government unit was July 15, 2022. The Creditor's claim was filed November 15, 2022.

Section 501(a) of the Bankruptcy Code provides that any creditor may file a proof of claim. "A proof of claim is a written statement setting forth a creditor's claim." Rule 3001(a). If the claim meets the requirements of § 501, the bankruptcy court must then determine whether the claim should be allowed. Section 502(a) provides that a claim is deemed allowed unless a party in interest objects. If such an objection is made, the court shall allow such claim "except to the extent that the proof of claim is not timely filed." See 11 U.S.C. § 502(b)(9).

Federal Rule of Bankruptcy Procedure 3002(c) governs the time for filing proofs of claim in a Chapter 13 case. Rule 9006(b)(3) prohibits the enlargement of time to file a proof of claim under Rule 3002(c) except as provided in one of the circumstances included in Rule 3002(c). *Zidell, Inc. v. Forsch (In re Coastal Alaska Lines, Inc.)*, 920 F.2d 1428, 1432-1433 (9th Cir. 1990) ("We . . . hold that the bankruptcy court cannot enlarge the time for filing a proof of claim unless one of the six situations listed in Rule 3002(c) exists."). No showing has been made that any of those circumstances apply.

The court also notes that the excusable neglect standard does not apply to permit the court to extend the time to file a proof of claim under Rule 3002(c). As the Ninth Circuit stated in *Coastal Alaska*:

Rule 9006(b) plainly allows an extension of the 90-day time limit established by Rule 3002(c) only under the conditions permitted by Rule 3002(c). Rule 3002(c) identifies six circumstances where a late filing is allowed, and excusable neglect is not among them. Thus, the 90-day deadline for filing claims under Rule 3002(c) cannot be extended for excusable neglect.

*Id.* at 1432. In fact, the time for filing claims under Rule 3002(c) cannot be extended for any equitable reason at all. As stated in *Spokane Law Enforcement Credit Union v. Barker (In re Barker)*, 839 F.3d 1189, 1197 (9th Cir. 2016): "[T]he Ninth Circuit has repeatedly held that the deadline to file a proof of claim in a Chapter 13 proceeding is 'rigid' and the bankruptcy court lacks equitable power to extend this deadline after the fact."

In sum, Creditor filed an untimely proof of claim and has not demonstrated any reason that would permit the court to allow its late-filed proof of claim.

Based on the evidence before the court, the Creditor's claim is disallowed in its entirety as untimely. The objection to the proof of claim is conditionally sustained.

**Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rule 3007-1(b)(2), any party in interest shall have until 5:00 p.m. on Friday, January 13, 2023, to file and serve an opposition or other response to the objection. See Local Bankr. R. 3007-1(b)(2). Any opposition or response shall be served on the Chapter 13 Trustee and creditor by facsimile or email.

If no opposition or response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on January 17, 2023, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the objection on January 17, 2023, at 1:00 p.m.

8. [22-22683](#)-B-13 MONIQUE ZE OBJECTION TO CONFIRMATION OF  
[JCW](#)-1 Richard L. Sturdevant PLAN BY CENLAR FSB  
**Thru #9** 12-6-22 [[31](#)]

CONTINUED TO 1/17/23 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE  
CONTINUED MEETING OF CREDITORS SET FOR 1/11/22.

**Final Ruling**

No appearance at the January 10, 2023, hearing is required. The court will issue an  
order.

9. [22-22683](#)-B-13 MONIQUE ZE OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 Richard L. Sturdevant PLAN BY RUSSELL D. GREER  
12-20-22 [[36](#)]

CONTINUED TO 1/17/23 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE  
CONTINUED MEETING OF CREDITORS SET FOR 1/11/22.

**Final Ruling**

No appearance at the January 10, 2023, hearing is required. The court will issue an  
order.

10. [22-22690](#)-B-13 DENISE REES  
[RDG](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
12-20-22 [[39](#)]

**Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

All objections have been resolved and the court has determined that oral argument is not necessary. See Local Bankr. R. 1001-1(f), 9014-1(h). This matter will be decided on the papers. No appearance at the hearing is necessary.

The court's decision is to overrule the objection and confirm the plan.

Feasibility depends on the granting of a motion to avoid lien of Unifund CCR, LLC. That matter was granted on January 3, 2023. RDG-1.

The plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed October 31, 2022, is confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED and counsel for the Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and, if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

The court will issue an order.

11.	<a href="#">19-24371</a> -B-13	SHAWNTE/MONIQUE	AMENDED MOTION TO REFINANCE
	<a href="#">WLG</a> -6	LIVINGSTON	O.S.T
		Nicholas Wajda	12-28-22 [ <a href="#">111</a> ]

**Final Ruling**

The motion has been set for hearing on an order shortening time by Local Bankruptcy Rule 9014-1(f)(3). Since the time for service is shortened to fewer than 14 days, no written opposition is required.

The motion to refinance is denied without prejudice.

Debtors seek court approval to refinance real property commonly known as 9830 Overland Place, Stockton, California. However, the Debtors do not provide the name of the lender who has offered to refinance Debtors' home loan nor do they provide any declaration or exhibits with the proposed refinance terms and estimated closing statement.

The motion is therefore denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.