

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

January 13, 2015 at 10:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

- 2. The court will not continue any short cause evidentiary hearings scheduled below.**
- 3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.**
- 4. If no disposition is set forth below, the matter will be heard as scheduled.**

1.	14-91401-D-13 RDG-2	THOMAS HAND	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 12-5-14 [23]
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Final ruling:

This case was dismissed on December 24, 2014. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

2.	14-90702-D-13 TOG-3	LORENZO OJEDA AND IRMA MEDINA	MOTION TO CONFIRM PLAN 11-17-14 [94]
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3. 13-90205-D-13 MATTHEW/JOSIELYNN CRUDO MOTION TO MODIFY PLAN
PGM-7 11-26-14 [156]

4. 14-90008-D-13 MONIQUE PULIDO MOTION TO MODIFY PLAN
CJY-1 11-24-14 [23]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

5. 13-91812-D-13 DOUGLAS/KAREN METCALFE MOTION TO MODIFY PLAN
SSA-8 11-25-14 [118]

Final ruling:

This is the debtors' motion to confirm a modified chapter 13 plan. The motion will be denied because the proof of service indicates the moving parties served only the notice of hearing on creditors other than the single creditor that filed a request for special notice, and failed to serve the motion or plan itself, as required by LBR 3015-1(d)(1). The proof of service states explicitly that the declarant "did serve only the Notice of Hearing upon all listed on the attached matrix." The court pointed out this same defect in connection with an earlier motion (see DN 108); however, the mistake has been repeated with this new motion.

As a result of this service defect, the motion will be denied, and the court need not reach the issue raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

6. 14-90318-D-13 ROBERT/DENISE ZIMMERMAN MOTION TO MODIFY PLAN
JDP-1 12-5-14 [17]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

7. 14-91337-D-13 LUIS/SONIA DELGADO
CSL-2

MOTION TO CONFIRM PLAN
11-20-14 [22]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons. First, the moving parties failed to serve Carmax Auto Finance, listed on their Schedule D as holding a \$26,760 secured claim, at all. The moving parties failed to include an address for this creditor on their master address list or their Schedule D; thus, when the debtors used the PACER matrix for service of this motion, they failed to serve this creditor, as required by Fed. R. Bankr. P. 2002(b). Second, the plan provides for the secured claims of Carmax Auto Finance and the Golden 1 Credit Union at less than the full amounts of their claims, whereas the debtors have failed to obtain orders valuing the collateral securing those claims, as required by LBR 3015-1(j).

For the reasons stated, the motion will be denied, and the court need not reach the remaining issue raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

8. 09-93845-D-13 CESAR DELEON
TOG-4

MOTION TO MODIFY PLAN
11-14-14 [81]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

9. 14-91145-D-13 MARTHA KOPIEJ
MLF-4

MOTION TO CONFIRM PLAN
11-7-14 [80]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons. First, the notice of hearing sets forth an incorrect deadline for the filing of written opposition (within 28 days of service of the motion and no later than 14 days prior to the hearing (the latter deadline is correct; the former is not)), improperly informs potential respondents that objections to confirmation need not be considered by the court unless service has been made in accordance with this rule, and improperly informs potential respondents that once timely filed, an objection to a plan will be considered an objection to all subsequent versions and amendments until the objection is withdrawn or the objecting party fails to appear at a hearing on confirmation. Counsel is referred to LBR 9014-1(d)(3) and (f)(1) for the required language to be included in the notice of motion and the deadline for the filing of written opposition. Second, as the trustee points out, the motion states that the debtor is seeking to confirm an amended chapter 13 plan filed November 7, 2014, whereas no plan was filed that day, the most recent plan filed having been filed October 15, 2014. Third, the moving party failed to serve the Internal Revenue Service at its address on the Roster of Governmental Agencies, as required by LBR 2002-1(c).

As a result of these service and notice defects, the motion will be denied, and the court need not reach the issues raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

10. 14-91145-D-13 MARTHA KOPIEJ
RCO-1
LIBERTY HOME EQUITY
SOLUTIONS, INC. VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
12-5-14 [96]

11. 14-91145-D-13 MARTHA KOPIEJ
RDG-3

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
11-24-14 [90]

Final ruling:

This is the trustee's objection to the debtor's claim of exemption of an interest in a life insurance policy. On December 8, 2014, the debtor purported to file an amended Schedule C. Ordinarily, this would render the trustee's objection moot. However, the amended schedule was filed without an amendment cover sheet (see Form EDC 2-015), and thus, was not verified, as required by Fed. R. Bankr. P. 1008. As a result, the amended schedule was not effective to claim any exemptions.

For this reason, the objection will be sustained by minute order. No appearance is necessary.

12. 09-93655-D-13 RYAN/NICOLE BAIN
CJY-1

MOTION TO VALUE COLLATERAL OF
CREDIT SOLUTIONS CORPORATION
12-11-14 [62]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Credit Solutions Corporation at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Credit Solutions Corporation's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

13. 13-91157-D-13 MARTIN PRICE
DEF-5

MOTION TO MODIFY PLAN
11-26-14 [81]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

14. 14-91461-D-13 PATRICIA HUGHES
RDG-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
12-19-14 [18]

15. 14-91462-D-13 JAMES/MELANIE DEAN
RDG-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
12-19-14 [22]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

16. 14-90967-D-13 DERYL/VIVIAN RATLIFF
BF-2

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY BANK OF
AMERICA, N.A.
11-24-14 [33]

17. 14-90967-D-13 DERYL/VIVIAN RATLIFF
SDM-1

CONTINUED MOTION TO CONFIRM
PLAN
10-21-14 [25]

18.	13-91969-D-13 CJY-2	ROBERT HARDING	MOTION TO MODIFY PLAN 11-24-14 [49]
19.	11-92070-D-13 EGS-1	AVON/BERNARDINE CONAWAY	CONTINUED MOTION TO APPROVE LOAN MODIFICATION 11-12-14 [43]
20.	14-91471-D-13 RDG-1	MORIS/KATRINE KOOCHOF	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 12-19-14 [15]
21.	11-91075-D-13 DCJ-1	SARAH MARTIN	CONTINUED MOTION TO MODIFY PLAN 10-21-14 [54]

22. 14-90477-D-13 BONI CORDOVA-GRIMALDI MOTION TO CONFIRM PLAN
SJS-5 11-21-14 [71]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

23. 14-90478-D-13 JEFFREY/CATHY FERGUSON OBJECTION TO CLAIM OF DISCOVER
JAD-1 BANK, CLAIM NUMBER 2
11-18-14 [22]

Tentative ruling:

This is the debtors' objection to the claim of Discover Bank (the "Bank"), Claim No. 2 on the court's claims register. On November 28, 2014, the Bank filed an amended claim, specifically amending Claim No. 2, and reducing the amount of the claim to \$0. As a result of the filing of the amended claim, it appears the debtors' objection is moot.

The court will hear the matter, however, to address the trustee's opposition to the objection. He states he has already disbursed \$248.45 on account of the claim, and requests the claim be allowed in that amount.

24. 10-92582-D-13 AGNES DURGUN CONTINUED OBJECTION TO CLAIM OF
JTN-6 SELECT PORTFOLIO SERVICING,
INC./ WELLS FARGO BANK,
N.A./BAC HOME LOANS SERVICING
LP, CLAIM NUMBER 7
9-30-14 [83]

25. 14-91486-D-13 KUBANGUSU MAHUNGU OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
12-19-14 [25]

26. 11-93492-D-13 KEVIN/BOBBIE YOUNG
MLP-8

MOTION TO MODIFY PLAN
12-5-14 [131]

27. 10-92094-D-13 RICHARD/PATRICIA PORTER
JDP-1

MOTION TO MODIFY PLAN
11-25-14 [58]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

28. 14-91495-D-13 MINDY ADKINS
MLP-1

MOTION TO VALUE COLLATERAL OF
KEY RECOVERY
12-18-14 [16]

29. 14-91495-D-13 MINDY ADKINS
MLP-2

MOTION TO AVOID LIEN OF
CITIBANK, N.A.
12-18-14 [21]

30. 14-91495-D-13 MINDY ADKINS MOTION TO AVOID LIEN OF
MLP-3 PORTFOLIO RECOVERY ASSOCIATES,
LLC.
12-18-14 [26]

31. 14-91400-D-13 JERROLD/SHARON BUER CONTINUED MOTION TO VALUE
CJY-2 COLLATERAL OF JPMORGAN CHASE
BANK, N.A.
12-9-14 [19]

Final ruling:

This matter was resolved by stipulation of the parties filed December 24, 2014, which was approved by the court by order entered December 29, 2014. The matter will be removed from calendar.

32. 10-91261-D-13 ANTONIO/LETICIA SANTILLAN MOTION TO VACATE DISMISSAL
TOG-19 12-30-14 [138]

CASE DISMISSED 5/22/14

33. 14-91461-D-13 PATRICIA HUGHES OBJECTION TO CONFIRMATION OF
TPH-1 PLAN BY RON STOLICH
12-23-14 [21]

34. 09-93190-D-13 LOUIE/ROSIE ENRIQUEZ
CJY-2

MOTION TO VALUE COLLATERAL OF
REAL TIME RESOLUTIONS, INC.
12-22-14 [118]