

**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 14, 2025

CALENDAR: 1:00 P.M. CHAPTER 13

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters and no appearance is necessary. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within seven (7) days of the final hearing on the matter.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

January 14, 2025 at 1:00 p.m.

1. [24-24706](#)-B-13 JASON FENDER MOTION TO CONFIRM PLAN
 [MRL](#)-1 Mikalah Liviakis 11-27-24 [[16](#)]

Final Ruling

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

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

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

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

The court will issue an order.

January 14, 2025 at 1:00 p.m.

2. [19-25633](#)-B-13 ANN TYLER
Grace S. Johnson

MOTION FOR PAYMENT OF UNCLAIMED
FUNDS IN THE AMOUNT OF \$
5180.36 WITH ANISHA BLODGETT;
12-17-24 [[67](#)]

CASE CLOSED: 07/02/24

Final Ruling

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

The court's decision is to grant the motion for payment of unclaimed funds.

Anisha Blodgett d.b.a. Second Wind Fund Recovery ("Movant") has filed the instant Motion for Payment of Unclaimed Funds and seeks to recoup the sum of \$5,180.36 from the unclaimed dividends paid into the court in the underlying Chapter 13 case. The case commenced on August 6, 2009, and a discharge was entered on June 18, 2024. On February 14, 2024, the Chapter 13 Trustee filed with the court a Notice of Unclaimed Dividend(s) by Creditor(s) indicating that the sum of \$5,180.36 was paid into the court as unclaimed funds, which should have otherwise gone to Axxess Financial / Check N Go. Dkt. 54. Axxess Financial / Check N Go was owned by Southwestern & Pacific Specialty Finance, Inc., which assigned its interest, including the unclaimed funds, to Movant.

On December 17, 2024, Movant filed the instant motion, accompanied inter alia by documents that purport to be (1) a notarized Application for Payment of Unclaimed Funds; (2) photocopies of a driver's license, ID card, and business card confirming the identity of Anisha Blodgett; (3) a Request for Payee Information and TIN Certification form, and (4) Second Wind Fund Recovery Assignment and Limited Power of Attorney Agreement. Dkt. 67.

The court is satisfied that Movant has demonstrated its entitlement to the unclaimed funds properly owed to Axxess Financial / Check N Go. Accordingly, the motion is granted.

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

The court will issue an order.

3. [24-24483](#)-B-13 MICHAEL/VERONICA
[MKM](#)-1 VILLANUEVA
Michael K. Moore

MOTION TO CONFIRM PLAN
12-4-24 [[20](#)]

Final Ruling

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

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

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

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

The court will issue an order.

4. [24-25525](#)-B-13 SHANNON STOKES CONTINUED MOTION TO EXTEND
[PGM](#)-1 Peter G. Macaluso AUTOMATIC STAY
12-24-24 [[10](#)]

Tentative Ruling

This matter was continued from January 7, 2025, to allow any party in interest to file supplemental documentation by 5:00 p.m. Friday, January 10, 2025. Debtor Shannon Stokes filed a timely supplemental declaration explaining why the previous case was dismissed and how circumstances have since changed. The court is satisfied with Debtor's explanation.

Therefore, the court's conditional ruling at dkt. 19 is vacated. The motion to extend the automatic stay is granted.

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

The court will issue an order.

5. [24-25649](#)-B-13 RODERICK SINGLETON CONTINUED MOTION TO EXTEND
 [KLG](#)-1 Arete Kostopoulos AUTOMATIC STAY
 12-24-24 [[12](#)]

Tentative Ruling

This matter was continued from January 7, 2025, to allow any party in interest to file supplemental documentation by 5:00 p.m. Friday, January 10, 2025. Debtor Roderick Singleton's son, Brandon Singleton, filed a timely supplemental declaration stating his intention to provide a monthly financial contribution toward debtor's household income for the life of the chapter 13 plan. The court is satisfied with this explanation.

Therefore, the court's conditional ruling at dkt. 29 is vacated. The motion to extend the automatic stay is granted.

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

The court will issue an order.

6. [24-24774](#)-B-13 WAJAHAT KHAN
[LGT](#)-1 Gregory J. Smith

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
12-5-24 [[12](#)]

Final Ruling

This matter was continued from January 7, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, January 10, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 23, sustaining the objection, shall become the court's final decision. The continued hearing on January 14, 2025, at 1:00 p.m. is vacated.

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

The court will issue an order.