

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

January 15, 2019 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.	17-90901-D-13	KRISTI LOPEZ	MOTION TO MODIFY PLAN
	MC-2		11-16-18 [40]

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 referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

2. 18-90001-D-13 DAVID/STEFFANI LUCAS OBJECTION TO CLAIM OF CREDITORS
RDG-1 BUREAU USA, CLAIM NUMBER 18-1
11-21-18 [39]
3. 18-90801-D-13 RUBEN/KARINA FLORES OBJECTION TO CONFIRMATION OF
JDM-1 PLAN BY MERIWEST CREDIT UNION
11-27-18 [16]
4. 18-90801-D-13 RUBEN/KARINA FLORES OBJECTION TO CONFIRMATION OF
VVF-1 PLAN BY AMERICAN HONDA FINANCE
CORPORATION
12-7-18 [25]
5. 18-90802-D-13 ALLEN/CORINA SANDERS MOTION TO VALUE COLLATERAL OF
RKW-1 ALLY FINANCIAL
12-7-18 [19]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that 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, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

6. 18-90802-D-13 ALLEN/CORINA SANDERS MOTION TO VALUE COLLATERAL OF
RKW-2 ALLY FINANCIAL
12-7-18 [24]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that 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, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

7. 18-90507-D-13 KELVIN LOVE MOTION TO CONFIRM PLAN O.S.T.
RS-2 11-8-18 [39]

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 referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

8. 15-91112-D-13 MATTHEW/DEBORAH HEATH MOTION TO MODIFY PLAN
JAD-1 11-20-18 [72]

9. 18-90416-D-13 JENNI/NICHOLAS DENT MOTION TO CONFIRM PLAN
MLP-1 11-27-18 [32]

10. 15-91217-D-13 HEATH/TIFFANY GRIGSBY MOTION TO MODIFY PLAN
GS-1 11-29-18 [66]

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 referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

11. 16-90227-D-13 NICHOLAS MCFADDEN MOTION TO MODIFY PLAN
PLG-4 11-27-18 [112]

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 referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

12. 18-90427-D-13 STEVEN/ELVIRA CISNEROS MOTION TO VALUE COLLATERAL OF
BSH-3 CENTRAL STATE CREDIT UNION
12-4-18 [47]

Final ruling:

This is the debtors' motion to value collateral of Central State Credit Union (the "Credit Union"). The motion will be denied for improper service. The moving parties served the Credit Union as follows:

Central State Credit Union
ATTN: Officer, Managing or General Agent
or Agent for Service of Process
Stockton, CA 95202

In other words, the moving parties served the Credit Union with no street or post office box address, only the city, state, and zip code. The moving parties served the motion, declaration, and original notice in this fashion, along with the amended notice of hearing.

As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

13. 18-90837-D-13 DUY/VANNA TRAN
HWW-2

MOTION TO VALUE COLLATERAL OF
CAPITAL ONE AUTO FINANCE
12-18-18 [24]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that 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, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

14. 18-90837-D-13 DUY/VANNA TRAN
HWW-3

MOTION TO VALUE COLLATERAL OF
PARTNERS FOR PAYMENT RELIEF DE
IV, LLC
12-18-18 [28]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Partners for Payment Relief De IV, LLC 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 Partners for Payment Relief De IV, LLC's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

15. 18-90837-D-13 DUY/VANNA TRAN
HWW-4

MOTION TO AVOID LIEN OF CAPITAL
ONE BANK (USA), N.A.
12-18-18 [32]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

16. 18-90837-D-13 DUY/VANNA TRAN
HWW-5

MOTION TO AVOID LIEN OF CAPITAL
ONE BANK (USA), N.A.
12-18-18 [37]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

17. 16-90340-D-13 RAMIRO/MARTA LUJAN CONTINUED MOTION TO MODIFY PLAN
JAD-1 11-6-18 [41]

18. 16-90340-D-13 RAMIRO/MARTA LUJAN MOTION TO INCUR DEBT
JAD-2 12-3-18 [49]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion to incur debt for the purchase of an automobile is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

19. 18-90741-D-13 DONNA DIXON CONTINUED OBJECTION TO
AP-1 CONFIRMATION OF PLAN BY WELLS
FARGO BANK, N.A.
11-13-18 [16]

20. 18-90745-D-13 J ORTEGA OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
12-4-18 [31]

21.	16-90246-D-13	LORENA PEREZ	MOTION TO MODIFY PLAN
	JAD-1		11-30-18 [50]

22.	18-90647-D-13	JOSE MORALES AND VERONICA	MOTION TO CONFIRM PLAN
	TOG-1	ALVARADO	11-14-18 [18]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied because the moving papers and the proof of service all refer to a First Amended Chapter 13 Plan, whereas there is no such plan on file. The plan filed with this motion is entitled simply Chapter 13 Plan and there is nothing to distinguish it from the debtors' original plan. It cannot be determined from the proof of service, which purports to evidence service of a First Amended Chapter 13 Plan, which of the two plans was served.

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

23.	18-90751-D-13	CHARLOTTE LOCKARD	OBJECTION TO CONFIRMATION OF
	RDG-2		PLAN BY RUSSELL D. GREER
			12-4-18 [39]

24.	16-91052-D-13	SUDESH/RIAA NARAYAN	MOTION TO MODIFY PLAN
	JAD-1		11-30-18 [33]

25. 17-90153-D-13 JASON UNDERWOOD CONTINUED MOTION TO MODIFY PLAN
PSB-4 10-24-18 [76]

Final ruling:

This plan has been confirmed by order entered December 27, 2018. As such, this matter is removed from calendar.

26. 18-90653-D-13 RICARDO MARQUEZ CONTINUED OBJECTION TO
RDG-1 CONFIRMATION OF PLAN BY RUSSELL
D. GREER
10-29-18 [14]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

27. 17-90554-D-13 JASPAL SINGH MOTION TO MODIFY PLAN
TOG-7 12-5-18 [142]

28. 18-90656-D-13 LETICIA MORA MOTION TO CONFIRM PLAN
BSH-2 12-4-18 [37]

Final ruling:

This is the debtor's motion to confirm her original chapter 13 plan. The motion will be denied for the following reasons: (1) the moving party failed to serve Collins Asset Group, LLC at the address on its request for special notice, filed a month before the motion was served, or at all; and (2) the plan is not signed by the debtor or her attorney.

For the reasons stated, the motion will be denied by minute order. No appearance is necessary.

29. 18-90457-D-13 MAHESH GANDHI
DCJ-2

CONTINUED MOTION TO CONFIRM
PLAN
9-11-18 [30]

30. 18-90563-D-13 BRIAN/AMRITA MCINTYRE
BSH-1

MOTION TO CONFIRM PLAN
12-4-18 [44]

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 papers and the proof of service all refer to a First Amended Chapter 13 Plan, whereas there is no such plan on file. The plan filed with this motion is entitled simply Chapter 13 Plan and there is nothing to distinguish it from the debtors' original plan. It cannot be determined from the proof of service, which purports to evidence service of a First Amended Chapter 13 Plan, which of the two plans was served. Second, the moving parties failed to serve the creditor listed on their Schedule G as a party to a residential lease, and thus, failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(a)(9).

For the reasons stated, the motion will be denied by minute order. No appearance is necessary.

31. 18-90264-D-13 MICHAEL FOELDI AND
RDG-2 VANESSA QUEZADA

OBJECTION TO LATE FILED CLAIM
OF FEDERAL PACIFIC CREDIT CO,
CLAIM NUMBER 11
11-29-18 [46]

32. 18-90264-D-13 MICHAEL FOELDI AND
RDG-3 VANESSA QUEZADA

OBJECTION TO LATE FILED CLAIM
OF FEDERAL PACIFIC CREDIT CO,
CLAIM NUMBER 12
11-29-18 [49]

33. 18-90264-D-13 MICHAEL FOELDI AND OBJECTION TO LATE FILED CLAIM
RDG-4 VANESSA QUEZADA OF FEDERAL PACIFIC CREDIT CO,
CLAIM NUMBER 13
11-29-18 [52]

34. 18-90564-D-13 TIM CORONADO MOTION TO CONFIRM PLAN
JBA-1 11-22-18 [41]

35. 16-90965-D-13 JESSIE/PATRICIA SANTOS MOTION TO MODIFY PLAN
JAD-3 11-16-18 [75]

Final ruling:

This is the debtors' motion to confirm a second modified chapter 13 plan. On December 6, 2018, the debtors filed a third modified plan and a motion to confirm it. As a result of the filing of the third modified plan, this motion is moot. The motion will be denied as moot by minute order. No appearance is necessary.

36. 16-90965-D-13 JESSIE/PATRICIA SANTOS MOTION TO MODIFY PLAN
JAD-4 12-6-18 [84]

37. 18-90666-D-13 SHANNON JENKINS CONTINUED OBJECTION TO
RDG-1 CONFIRMATION OF PLAN BY RUSSELL
D. GREER
10-29-18 [23]
38. 18-90672-D-13 ENNIE WILLIAMS MOTION TO CONFIRM PLAN
BSH-2 12-4-18 [38]
39. 18-90774-D-13 KRISTINA HOLMES MOTION TO VALUE COLLATERAL OF
BSH-1 MOCSE CREDIT UNION
12-19-18 [18]
40. 16-90775-D-13 KANDACE ATKINS MOTION TO MODIFY PLAN
BSH-6 11-16-18 [67]

Final ruling:

This is the debtor's motion to confirm a modified chapter 13 plan. The motion will be denied for the following reasons. First, the moving papers and the proof of service all refer to a Second Modified Chapter 13 Plan whereas there is no such plan on file. It is impossible to determine from the proof of service which of the several plans that have been filed in this case was served. Second, the proof of service does not sufficiently evidence the manner of service in that it does not state that the documents were placed in envelopes or that the envelopes were mailed with postage fully prepaid. Third, the moving party failed to serve the creditor filing Claim Nos. 4 through 8 at the address on its proofs of claim, as required by Fed. R. Bankr. P. 2002(g).

For the reasons stated, 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.

41. 18-90575-D-13 GRISELDA SOLORZANO
RMP-1

OBJECTION TO CONFIRMATION OF
PLAN BY REAL TIME RESOLUTIONS
11-19-18 [39]

Final ruling:

This case was dismissed on December 18, 2018. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

42. 18-90792-D-13 BRIAN BERGMANN-CARLSON
MMS-1 AND JENNIFER CARLSON

MOTION TO VALUE COLLATERAL OF
TOYOTA FINANCIAL SERVICES
11-28-18 [15]

Final ruling:

This is the debtors' motion to value collateral of Toyota Financial Services ("Toyota"). The motion will be denied because the moving parties failed to serve Toyota in strict compliance with Fed. R. Bankr. P. 7004(b)(3), as required by Fed. R. Bankr. P. 9014(b). A corporation, partnership, or other unincorporated association must be served to the attention of an officer, managing or general agent, or agent for service of process, whereas here, Toyota was served to the attention of a "Manager/Agent." The rule is clear and easy to follow; the court expects moving parties to do so.

As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

43. 17-90195-D-13 DAVID/STACIE GONZALES
CAS-1
EXETER FINANCE, LLC VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-21-18 [57]

Final ruling:

This matter is resolved without oral argument. This is Exeter Finance, LLC's motion for relief from automatic stay. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtors are not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

44. 18-90801-D-13 RUBEN/KARINA FLORES
RDG-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
12-21-18 [35]

45.	18-90802-D-13 RDG-1	ALLEN/CORINA SANDERS	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 12-21-18 [29]
46.	18-90806-D-13 RDG-1	JULIANA PIERI-BELL	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL GREER 12-21-18 [16]
47.	18-90774-D-13 RDG-1	KRISTINA HOLMES	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 12-21-18 [23]
48.	18-90792-D-13 RDG-1	BRIAN BERGMANN-CARLSON AND JENNIFER CARLSON	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 12-21-18 [20]

49. 18-90798-D-13 MAURICE/SHARRON HARDY
RDG-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
12-21-18 [13]