

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, January 15, 2015
Place: Department B – Courtroom #12
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**
2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.
3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.
4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.
5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS 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 POSSIBLE UPDATES.

9:00 A.M.

- | | |
|---|---|
| 1. 14-13949 -B-11 FAREED SAPHIEH
PLF-5
FAREED SAPHIEH/MV
PETER FEAR/Atty. for dbt. | MOTION TO BORROW
12-17-14 [96] |
| 2. 13-16954 -B-11 MADERA ROOFING, INC.
WW-14
ERIC FROMME/Atty. for dbt. | CONFIRMATION OF AMENDED PLAN
12-12-14 [720] |
| 3. 13-16954-B-11 MADERA ROOFING, INC.
WW-27
JAMES LOWE/MV

ERIC FROMME/Atty. for dbt.
RILEY WALTER/Atty. for mv.
OST 1/8/15 | MOTION FOR APPROVAL OF
STIPULATION FOR RELIEF FROM
AUTOMATIC STAY
1-8-15 [777] |

10:30 A.M.

1. [12-18603](#)-B-7 JAVIER CRUZ ESPINOZA STATUS CONFERENCE RE: COMPLAINT
[14-1139](#) 11-13-14 [[1](#)]
U.S. TRUSTEE V. CRUZ ESPINOZA
ROBIN TUBESING/Atty. for pl.

It appears that the defendant's default has been entered. The status conference will be dropped from calendar and may be reset by any party on 10 days' notice. No appearance is necessary. The clerk of the court may close the adversary proceeding without notice in 90 days unless the adversary proceeding has been concluded or set for a further status conference within that time. Either party may request an extension of this time up to 30 days by ex parte application for cause. After the adversary proceeding has been closed, the parties will have to file an application to reopen the adversary proceeding if further action is required. The court will issue a civil minute order.

2. [14-15024](#)-B-7 NORMA ZAVALA STATUS CONFERENCE RE: COMPLAINT
[14-1130](#) 10-29-14 [[1](#)]
U.S. TRUSTEE V. ZAVALA
ROBIN TUBESING/Atty. for pl.

It appears the the defendant's default has been entered. The status conference will be dropped from calendar and may be reset by any party on 10 days' notice. No appearance is necessary. The clerk of the court may close the adversary proceeding without notice in 90 days unless the adversary proceeding has been concluded or set for a further status conference within that time. Either party may request an extension of this time up to 30 days by ex parte application for cause. After the adversary proceeding has been closed, the parties will have to file an application to reopen the adversary proceeding if further action is required. The court will issue a civil minute order.

3. [14-15024](#)-B-7 NORMA ZAVALA MOTION FOR ENTRY OF DEFAULT
[14-1130](#) UST-1 JUDGMENT
U.S. TRUSTEE V. ZAVALA 12-17-14 [[9](#)]
ROBIN TUBESING/Atty. for mv.

4. [14-13949](#)-B-11 FAREED SAPHIEH STATUS CONFERENCE RE: COMPLAINT
[14-1135](#) 11-4-14 [[1](#)]
TRAVELERS EXPRESS COMPANY,
INC. V. SAPHIEH
ROBERT RENTTO/Atty. for pl.
RESPONSIVE PLEADING

This matter has been rescheduled by stipulation of the parties and order to February 26, 2015, at 9:00 a.m. The court will prepare a minute order. No appearance is necessary.

5. [14-13559](#)-B-7 EDWIN RUIZ
[14-1084](#)
RUIZ V. KEYBANK NATIONAL
ASSOCIATION
JANINE ESQUIVEL/Atty. for pl.
RESPONSIVE PLEADING
CONTINUED STATUS CONFERENCE RE:
COMPLAINT
8-13-14 [[1](#)]
6. [13-17082](#)-B-7 RONALD RUSHING
[14-1138](#)
MANFREDO V. RUSHING
GABRIEL WADDELL/Atty. for pl.
RESPONSIVE PLEADING
STATUS CONFERENCE RE: COMPLAINT
11-11-14 [[1](#)]
7. [11-19687](#)-B-7 ROBERT SCARPITTO
[14-1122](#)
SALVEN V. SCARPITTO SAND
DOLLAR PARTNERSHIP ET AL
THOMAS ARMSTRONG/Atty. for pl.
RESPONSIVE PLEADING
RESCHEDULED STATUS CONFERENCE
RE: COMPLAINT
10-13-14 [[1](#)]

1:30 P.M.

1. [11-10200](#)-B-13 WARREN/MICHELLE BOND
MHM-1
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
WITHDRAWN
- MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-7-14 [[111](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

2. [14-12803](#)-B-13 GEORGE/MARY GONZALES
MHM-1
MICHAEL MEYER/MV
BENNY BARCO/Atty. for dbt.
- MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-12-14 [[25](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. Based on the evidence in support of the motion it appears that the debtors are in material default of their plan payments. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

3. [13-14106](#)-B-13 CHANTEL DICKSON
MHM-1
MICHAEL MEYER/MV
OVIDIO OVIEDO/Atty. for dbt.
- MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-10-14 [[56](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

4. [14-15606](#)-B-13 MARK/RISE MARTIN
SL-1
MARK MARTIN/MV
SCOTT LYONS/Atty. for dbt.
- MOTION TO VALUE COLLATERAL OF
AMERICAN AUTO FINANCE, INC.
12-17-14 [[18](#)]

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence presented, the respondent's secured claim will be fixed at \$5,011. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

5. [14-11310](#)-B-13 MICHAEL GARDNER
PLF-3
MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FEAR LAW GROUP,
P.C. FOR PETER L. FEAR,
DEBTOR'S ATTORNEY(S)
12-17-14 [[76](#)]

PETER FEAR/Atty. for dbt.

6. [12-16812](#)-B-13 RICHARD LIMA
MHM-2
MICHAEL MEYER/MV
MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
AND/OR MOTION TO DISMISS CASE
11-10-14 [[54](#)]

HENRY NUNEZ/Atty. for dbt.
WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

7. [12-16315](#)-B-13 JUAN LEON AND VERONICA
MHM-1 GUZMAN
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
WITHDRAWN
MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-10-14 [[36](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

8. [11-10116](#)-B-13 GERARDO HERNANDEZ
HDN-8
GERARDO HERNANDEZ/MV
HENRY NUNEZ/Atty. for dbt.
RESPONSIVE PLEADING
MOTION TO MODIFY PLAN
11-26-14 [[122](#)]

9. [13-15718](#)-B-13 MATHEW ALFORD
MHM-2
MICHAEL MEYER/MV
MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
AND/OR MOTION TO DISMISS CASE
11-10-14 [[58](#)]
SCOTT LYONS/Atty. for dbt.
WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

10. [12-15919](#)-B-13 MONICA SANTILLAN
DRJ-2
MONICA SANTILLAN/MV
DAVID JENKINS/Atty. for dbt.
MOTION TO MODIFY PLAN
11-27-14 [[30](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

11. [12-15919](#)-B-13 MONICA SANTILLAN
MHM-1
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-10-14 [[26](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

12. [12-11021](#)-B-13 YVETTE TANGUMA
MHM-3
MICHAEL MEYER/MV
WILLIAM ROMAINE/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-7-14 [[77](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

13. [14-11026](#)-B-13 DONALD OBRIEN, SR. AND
MHM-1 DAWN OBRIEN
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-12-14 [[28](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

14. [13-17532](#)-B-13 JAYCE/LISA LEWIS
MHM-1
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-10-14 [[41](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. Based on the evidence in support of the motion it appears that the debtors are in material default of their plan payments. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

15. [13-15735](#)-B-13 YOLANDA RENTERIA
PLF-2

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FEAR LAW GROUP,
P.C. FOR PETER FEAR, DEBTORS
ATTORNEY(S)
12-18-14 [[31](#)]

PETER FEAR/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

16. [12-16637](#)-B-13 BRADFORD/SHIRLEY WELLS
MHM-2
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-10-14 [[93](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

17. [14-10137](#)-B-13 RENEE RILEY
MHM-1
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-10-14 [[36](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

18. [14-14641](#)-B-13 HENRY RIOS
JRL-2
HENRY RIOS/MV
JERRY LOWE/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION TO CONFIRM
PLAN
10-30-14 [[30](#)]

The modified plan and the debtor's motion have been withdrawn. No appearance is necessary.

19. [14-15542](#)-B-13 MYSTI MEDINA
PPR-1
BANK OF AMERICA, N.A./MV
PERRY POPOVICH/Atty. for dbt.
CASSANDRA RICHEY/Atty. for mv.
DISMISSED

OBJECTION TO CONFIRMATION OF
PLAN BY BANK OF AMERICA, N.A.
12-15-14 [[30](#)]

This matter will be continued to February 26, 2015, at 1:30 p.m. The case is currently in "dismissed" status and the court has not yet ruled on the debtor's motion to vacate the dismissal. Unless the case is reinstated, this matter is moot. In addition, the trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan.

The court will prepare a civil minute order. No appearance is necessary.

20. [11-19844](#)-B-13 DAWN HALL
MHM-1
MICHAEL MEYER/MV
MELISSA MCDONALD/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-7-14 [[54](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. Based on the evidence in support of the motion it appears that the debtor is in material default of her plan payments. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

21. [14-12249](#)-B-13 ARTHUR/MAUREEN VILLAGRANA
MHM-1
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-12-14 [[20](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

22. [13-12057](#)-B-13 KEITH/RACHELLE CONYERS
MHM-1
MICHAEL MEYER/MV
BENJAMIN SHEIN/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-10-14 [[30](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

23. [12-15058](#)-B-13 HELIODORO/MARIA MARTINEZ MOTION TO DISMISS CASE FOR
MHM-2 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 11-10-14 [[92](#)]
ALFRED GALLEGOS/Atty. for dbt.
WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

24. [11-11160](#)-B-13 JUAN INIGUEZ AND CATALINA MOTION TO DISMISS CASE FOR
MHM-1 SANDOVAL INIGUEZ FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 11-7-14 [[62](#)]
SCOTT LYONS/Atty. for dbt.
WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

25. [13-16162](#)-B-13 JOSE/LAURENE SOLORIO MOTION TO DISMISS CASE FOR
MHM-1 FAILURE TO MAKE PLAN PAYMENTS
MICHAEL MEYER/MV 11-10-14 [[40](#)]
RANDY RISNER/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. Based on the evidence in support of the motion it appears that the debtors are in material default of their plan payments. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

26. [14-15462](#)-B-13 JULIAN/LEAH DAUGHERTY MOTION TO VALUE COLLATERAL OF
PLG-1 PORTFOLIO RECOVERY ASSOCIATES,
JULIAN DAUGHERTY/MV LLC
12-15-14 [[14](#)]
RABIN POURNAZARIAN/Atty. for dbt.

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence presented, the respondent's secured claim will be fixed at \$10,397. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

27. [14-15462](#)-B-13 JULIAN/LEAH DAUGHERTY
PLG-2
JULIAN DAUGHERTY/MV
RABIN POURNAZARIAN/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
SANTANDER CONSUMER USA
12-15-14 [[19](#)]

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence presented, the respondent's secured claim will be fixed at \$10,201. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

28. [12-16863](#)-B-13 MATTHEW CUNNINGHAM
MHM-1
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-10-14 [[51](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

29. [12-13765](#)-B-13 GREGORY/JUANA FANNON
MHM-1
MICHAEL MEYER/MV
GARY HUSS/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-7-14 [[55](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. Based on the evidence in support of the motion it appears that the debtors are in material default of their plan payments. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

30. [14-14667](#)-B-13 CATARINO NUNEZ
JRL-1
CATARINO NUNEZ/MV
JERRY LOWE/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
12-4-14 [[31](#)]

Based on the respondent's opposition, this matter will be continued to February 12, 2015, at 1:30 p.m. This matter is now deemed to be a contested matter. Pursuant to FRBP 9014(c), the federal rules of discovery apply to contested matters. The debtor shall make the subject property available for inspection on reasonable notice. The parties shall immediately commence formal discovery, exchange appraisals, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing if the matter is not resolved by the continued hearing date. The court will prepare a civil minute order. No appearance is necessary.

31. [14-14667](#)-B-13 CATARINO NUNEZ
JRL-2
CATARINO NUNEZ/MV
JERRY LOWE/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO VALUE COLLATERAL OF
CAPITAL ONE AUTO FINANCE
12-4-14 [[26](#)]

Based on the respondent's opposition, this matter will be continued to February 12, 2015, at 1:30 p.m. This matter is now deemed to be a contested matter. Pursuant to FRBP 9014(c), the federal rules of discovery apply to contested matters. The debtor shall make the subject property available for inspection on reasonable notice. The parties shall immediately commence formal discovery, exchange appraisals, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing if the matter is not resolved by the continued hearing date. The court will prepare a civil minute order. No appearance is necessary.

32. [11-12668](#)-B-13 ALVINA FISCHER
MHM-3
MICHAEL MEYER/MV

CONTINUED MOTION TO DISMISS
CASE FOR UNREASONABLE DELAY
THAT IS PREJUDICIAL TO
CREDITORS AND/OR MOTION TO
DISMISS CASE
11-21-13 [[94](#)]

NANCY KLEPAC/Atty. for dbt.
RESPONSIVE PLEADING

33. [13-10770](#)-B-13 ERIC/VERNA KAAI
MHM-2
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-7-14 [[122](#)]

The chapter 13 trustee's motion to dismiss will be denied. The case has been converted to chapter 7. No appearance is necessary.

34. [09-60971](#)-B-13 RICHARD/REINA SANDOVAL
MHM-1
MICHAEL MEYER/MV
GEOFFREY ADALIAN/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-7-14 [[62](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

35. [14-15271](#)-B-13 NANCY THOMAS
APN-2
SANTANDER CONSUMER USA INC./MV

DAVID JENKINS/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY SANTANDER CONSUMER USA
INC.
11-26-14 [[17](#)]

36. [10-13381](#)-B-13 JUAN GONZALEZ AND GILDA
PLF-5 ZARATE

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FEAR LAW GROUP,
P.C. FOR PETER L. FEAR, DEBTORS
ATTORNEY(S)
12-18-14 [[80](#)]

PETER FEAR/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

37. [12-14283](#)-B-13 DEANNA ALLEN
MHM-1
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-10-14 [[58](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and the debtor filed a notice of non opposition. Based on the evidence in support of the motion it appears that the debtor is in material default of the plan payments. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

38. [14-15485](#)-B-13 JACOB MARTINEZ
PBB-2
JACOB MARTINEZ/MV
PETER BUNTING/Atty. for dbt.

MOTION TO CONFIRM PLAN
12-2-14 [[24](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

39. [14-15485](#)-B-13 JACOB MARTINEZ
PBB-3
JACOB MARTINEZ/MV
PETER BUNTING/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
NUVELL CREDIT COMPANY
12-3-14 [[31](#)]

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence presented, the respondent's secured claim will be fixed at \$13,046. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

40. [14-10193](#)-B-13 MARTA MATA AND GUSTAVO
MHM-1 SEGURA
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
11-10-14 [[32](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

41. [14-15495](#)-B-13 TOU VUE
JRL-1
TOU VUE/MV
JERRY LOWE/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
SPECIALIZED LOAN SERVICING
12-3-14 [[15](#)]

This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor shall submit a proposed order consistent with this ruling. No appearance is necessary.

This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.

42. [13-11896](#)-B-13 ANDREW/CHARLOTTE GARCIA
MHM-1
MICHAEL MEYER/MV

PETER BUNTING/Atty. for dbt.

MOTION TO DISMISS CASE FOR
FAILURE TO MAKE PLAN PAYMENTS
AND/OR MOTION TO DISMISS CASE
11-10-14 [[40](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. Based on the evidence in support of the motion it appears that the debtors are in material default of their plan payments. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

43. [14-15542](#)-B-13 MYSTI MEDINA
PDP-2
MYSTI MEDINA/MV
PERRY POPOVICH/Atty. for dbt.

MOTION TO VACATE DISMISSAL OF
CASE
12-26-14 [[40](#)]

The motion will be denied. The proof of service in the record is incomplete and does not show that the notice and moving papers were served on anyone. No appearance is necessary.