

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 20, 2026**

**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  
**Chief Bankruptcy Judge**  
Sacramento, California

**January 20, 2026 at 1:00 p.m.**

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1. 25-26001-B-13 MARIA ANAYA  
DVW-1 T. Mark O'Toole  
Thru #2 OBJECTION TO CONFIRMATION OF  
PLAN BY U.S. BANK, NA  
11-18-25 [[11](#)]

**Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 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 Bankr. R. 9014-1(f)(1)(C). Debtor filed a non-opposition to the objection and stated that she will file an amended plan.

The plan filed October 29, 2025, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

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

The court will issue an order.

2. 25-26001-B-13 MARIA ANAYA  
SAD-1 T. Mark O'Toole OBJECTION TO CONFIRMATION OF  
PLAN BY BOSCO CREDIT LLC.  
12-19-25 [[19](#)]

**Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 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 Bankr. R. 9014-1(f)(1)(C). Debtor filed a non-opposition to the objection and stated that she will file an amended plan.

The plan filed October 29, 2025, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

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

The court will issue an order.

**January 20, 2026 at 1:00 p.m.**  
**Page 1 of 30**

**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). Opposition was filed and subsequently withdrawn. 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

**Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 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 Bankr. R. 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.

The Chapter 13 Trustee objects to confirmation of the plan on grounds that the meeting of creditors has not concluded, credit counseling certificates have not been filed with the court, and the disclosure of compensation form needs to be amended. A review of the court's docket shows that the meeting of creditors has now concluded and the required documents have been filed. Therefore, these issues are resolved.

Separately, Debtors' counsel did not make a selection at Section 3.05 of the original filed plan pursuant to Local Bankr. R. 2016-1(e). Therefore, Debtors' counsel shall seek approval of fees through a fee application filed with the court.

The plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed October 31, 2025, is confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

**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.

Debtors are delinquent \$13,637.94. An additional plan payment of \$4,545.98 was December 25, 2025. Debtors are not be able to make all payments under the plan and comply with the plan. 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.

6. 25-20717-B-13 CASEY WOODBURY

CW-3 Pro Se

Thru #9

MOTION TO CONFIRM PLAN

11-12-25 [126]

**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 confirm the first amended plan.

The Chapter 13 Trustee raises issues preventing the plan from being confirmable, namely that the proposed monthly plan payment should be increased by \$10.07 per month and that the plan length should be extended from 11 months to 16 months to provide Debtor additional time to sell real property located at Lincoln, California and pay all creditors at 100%.

The Trustee proposes the following changes and, if the Debtor agrees, the Trustee believes the plan can be confirmed: The Debtor shall pay into the plan the sum of \$8,300.00 through month 8 (10/2025), then the Debtor will pay \$3,000.00 per month for 2 months (months 9-10, 11/2025 and 12/2025), then \$3,010.07 per month for 5 months starting month 11 (1/2026) through month 15, and then in month 16 the Debtor will make a lump sum payment in the approximate amount of \$205,000.00 from the sale of the real property. The total plan length would be 16 months, paying 100% to all creditors.

Debtor filed a response stating that he is amenable to the modifications proposed by the Trustee.

With the aforementioned modifications, the amended plan complies with 11 U.S.C. §§ 1322, 1323, and 1325(a) and will be confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

7. 25-20717-B-13 CASEY WOODBURY

DPC-4 Pro Se

CONTINUE MOTION TO DISMISS CASE

9-24-25 [102]

**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). 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 deny without prejudice the motion to dismiss case.

The motion to confirm plan having been granted at Item #6, CW-3, the motion to dismiss case is denied without prejudice.

Cause does not exist to dismiss this case. The motion is denied and the case will not be dismissed.

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

The court will issue an order.

8. 25-20717-B-13 CASEY WOODBURY MOTION TO RECONSIDER  
KMM-1 Pro Se 12-12-25 [[142](#)]

#### **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). 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 deny the motion to reconsider.

Debtor requests relief, pursuant to Fed. R. Civ. P. 60 or Fed. R. Civ. P. 59(e), from the court's order at dkt. 108 granting creditor Nissan Motor Acceptance Company LLC's motion for relief from automatic stay. Debtor states that he never received the motion, notice of hearing, or other related documents and therefore could not file an opposition to the motion.

Creditor filed a response stating that Debtor was served the motion at the address indicated on the court's docket and that Debtor had even called creditor's counsel on September 26, 2025, spoke with a representative, and had acknowledged that he had received a court notice in the mail and was aware of the October hearing to lift the automatic stay.

#### **Discussion**

Federal Rules of Bankruptcy Procedure Rule 7004(b)(9), as incorporated by Rule 9014, provides that service of process may be made upon a debtor by mailing a copy of the summons and complaint to the debtor "at the address shown in the petition or statement of affairs or to such other address as the debtor may designate in a filed writing . . . ." *Ruiz v. Loera (In re Ruiz)*, 2006 Bankr. LEXIS 4893, at \*9 (9th Cir. BAP 2006). Service of process in accordance with Rule 7004(b) is effective to establish personal jurisdiction over a defendant. *Morris Motors v. Peralta (In re Peralta)*, 317 B.R. 381, 386 (9th Cir. BAP 2004). This form of service has withstood constitutional challenge. *Cossio v. Cate (In re Cossio)*, 163 B.R. 150, 156 (9th Cir. BAP 1994) (citing *Matter of Park Nursing Ctr., Inc.*, 766 F.2d 261 (6th Cir. 1985)); see also, *Greene v. Lindsey*, 456 U.S. 444, 455, 102 S. Ct. 1874, 72 L. Ed. 2d 249 (1982) (holding that notice by mail may reasonably be relied upon to provide interested persons with actual notice of judicial proceedings). Although a plaintiff bears the burden of proof on the issue of personal jurisdiction, "[t]he mailing of a properly addressed and stamped item creates a rebuttable presumption that the addressee received it."

Peralta, 317 B.R. at 386 (citing *Moody v. Bucknum (In re Bucknum)*, 951 F.2d 204, 207 (9th Cir. 1991)). A certificate of mailing raises the presumption that the documents sent were properly mailed and received. *Id.* Importantly, however, Rule 7004(b)(9) "does not require actual receipt by the person being served." *Cossio*, 163 B.R. at 154.

Here, Debtor asserts that he never received the motion, notice of hearing, or other related documents for relief from the automatic stay. However, Rule 7004(b)(9) does not require actual receipt by Debtor. The fact that the motion was properly addressed and sent by First Class Mail to Debtor creates a rebuttable presumption that the Debtor received it. In fact, there was a phone conversation between Debtor and Creditor's representative pertaining to Debtor's knowledge of the motion for relief from automatic stay and its hearing date.

Given the aforementioned, Debtor's motion to reconsider will be denied.

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

The court will issue an order.

9. 25-20717-B-13 CASEY WOODBURY  
KSH-1 Pro Se

CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY  
6-27-25 [[61](#)]

WILMINGTON SAVINGS FUND  
SOCIETY, FSB VS.

#### **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 was filed by the Chapter 13 Trustee and an opposition was filed by the Debtor.

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 deny without prejudice the motion for relief from stay.

Wilmington Savings Fund Society, FSB, not in its individual capacity, but solely as Owner Trustee on Behalf for CSMC 2018-RPL12 Trust, by and through its servicing agent Rushmore Servicing, as its attorney in fact ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 961 Silverton Cir, Lincoln, California (the "Property"). Movant has provided the Declaration of Israel Herrera to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

The Herrera Declaration states that Debtor has failed to make both pre- and post-petition payments.

Given that the motion to confirm plan is granted at Item #6, CW-3, the motion for relief from automatic stay is conditionally denied without prejudice. However, should Debtor fail to sell the Property in month 16 of the plan, the motion for relief from automatic stay will be granted on Movant's ex parte application.

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

The court will issue an order.

10. 25-26217-B-13 MARQUES/LEILA MORGAN  
Thru #11 Robert W. Fong

OBJECTION TO CONFIRMATION OF  
PLAN BY JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION  
12-1-25 [[16](#)]

**Final Ruling**

The *initial* Chapter 13 Plan filed November 5, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to January 27, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

Objecting creditor JPMorgan Chase Bank, National Association holds a deed of trust secured by Debtors' residence. The creditor has filed a timely proof of claim in which it asserts \$722.79 in pre-petition arrearages. The plan does not propose to cure these arrearages. Because the plan does not provide for the surrender of the collateral for this claim, the plan must provide for full payment of the arrearage and maintenance of the ongoing note installments. See 11 U.S.C. §§ 1322(b)(2), (b)(5) and 1325(a)(5)(B). Because it fails to provide for the full payment of arrearages, the plan cannot be confirmed.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

**Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on January 23, 2026, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtors, the Debtors' attorney, and/or the attorney for the objecting party by facsimile or email.

If no 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 27, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on January 27, 2026, at 1:00 p.m.

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

The court will issue an order.

11. 25-26217-B-13 MARQUES/LEILA MORGAN  
LGT-1 Robert W. Fong

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
12-19-25 [[19](#)]

WITHDRAWN BY M.P.

**Final Ruling**

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

**Final Ruling**

The *initial* Chapter 13 Plan filed November 10, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c) (4) applies.

The court's decision is to **continue the hearing to January 27, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the plan does not provide for all of Debtor's projected disposable income to be applied to unsecured creditors under the plan. 11 U.S.C. § 1325(b) (1)(B). Debtor has testified that she has been receiving support payments since approximately 2020. However, Form 122C-1 lists gross income of \$0.00. Until the Debtor files amended Form 122C-1, it cannot be determined if the plan was filed in good faith and if all of the Debtor's disposable income is committed for repayment of creditors.

Second, Debtor has failed to provide a copy of her 2024 income tax returns or a filed declaration attesting to her exempt status.

Third, the Disclosure of Compensation of Attorney for Debtor form filed on November 10, 2025 is incorrect. The form at question #5 does not match that of the form provided on the Eastern District of California Court's website. In addition, the Disclosure of Compensation Form expressly excludes services that are required to be performed when charging the no-look fee pursuant to Local Bankr. R. 2016-(c).

Fourth, Debtor must provide verification of support payments received from Mahmud Khattab.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

**Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c) (4) and 9014-1(f) (2), any party in interest shall have until 5:00 p.m. on January 23, 2026, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c) (4), 9014-1(f) (2) (C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no 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 27, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on January 27, 2026, at 1:00 p.m.

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

The court will issue an order.

13. 25-26127-B-13 MARISA DUARTE LOTT  
LGT-1 Rabin Pournazarian

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
12-19-25 [12]

**Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 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 Bankr. R. 9014-1(f)(1)(C). Debtor filed a response stating that she will file an amended plan.

The plan filed October 31, 2025, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

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

The court will issue an order.

WILMINGTON SAVINGS FUND  
SOCIETY, FSB VS.

#### **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). 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 deny the motion for relief from automatic stay.

Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Trustee of Angel Oak Mortgage Trust 2023-7, Mortgage-Backed Certificates, Series 2023-7 ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 963 Bear Court, Tracy, California (the "Property"). Movant has provided the Declaration of Roselia Chavez to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

The Chavez Declaration states that Debtor has failed to make monthly mortgage payments since July 2025. From the evidence provided to the court, and only for purposes of this motion, the total debt secured by this Property is determined to be approximately \$627,000.00 as stated in the Chavez Declaration. The value of the Property is determined to be \$1,200,000.00 as stated in Schedules A/B and D filed by Debtor. Creditor very similarly values the Property at \$1,175,000.00 for purposes of its motion. See dkt. 69.

Debtor filed a response stating that there is sufficient equity in the Property such that cause does not exist for relief from the automatic stay.

#### **Discussion**

In a motion brought under § 362(d)(1), the party seeking relief bears the burden on the issue of the debtor's equity - or lack thereof - in property. 11 U.S.C. § 362(g)(1). Creditor has not met this burden.

Creditor submitted no evidence of the Property's value with its motion. The only evidence of the Property's value is in Schedule A/B which values the Property at \$1,200,000.00, with which Creditor appears to agree. Dkt. 9.

Schedules are filed under penalty of perjury. See Fed. R. Bankr. P. 1008. Some courts treat schedules as evidentiary admissions under Federal Rule of Evidence 801(d)(2). *Heath v. American Express Travel Related Services Co., Inc. (In re Heath)*, 331 B.R. 424, 431 (9th Cir. BAP 2005). Others treat them as judicial admissions. *In re Roots Rents, Inc.*, 420 B.R. 28, 40 (Bankr. D. Utah). Whatever their status, schedules carry evidentiary weight. *Perfectly Fresh Farms, Inc. v. U.S. Dep't of Agric.*, 692 F.3d 960, 969-70 (9th Cir. 2012). Therefore, for purposes of this motion only, the court relies on Schedule A/B as the only evidence of the Property's value and values the Property at \$1,200,000.00.

The Ninth Circuit has held that an equity cushion of 20% provides sufficient adequate protection, even in the absence of ongoing payments. *Pistole v. Mellor (In re Mellor)*, 734 F.2d 1396, 1400-01 (9th Cir. 1984). Here, Creditor claims it is owed \$627,000.00 as of December 2025. Based on the Property's \$1,200,000.00 value, that leaves equity

of \$573,000.00, which in turn creates an equity cushion of 47.75%. Creditor is therefore adequately protected, even in the absence of postpetition payments.

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

The court will issue an order.

15. 25-25728-B-13 CHANTHY MADRIGAL  
SLH-1 Seth L. Hanson  
Thru #16 MOTION TO AVOID LIEN OF  
AMERICAN EXPRESS NATIONAL BANK  
12-23-25 [[22](#)]

**Final Ruling**

No appearance at the January 20, 2026, hearing is required.

Debtor filed a motion to avoid lien of American Express National Bank ("Creditor"). While Creditor was served with the motion, service violates Fed. R. Bankr. P. 7004(h), which requires service on insured depository institutions to be made "by certified mail addressed to an officer of the institution[.]" Fed. R. Bankr. P. 7004(h). The proof of service accompanying the motion indicates the motion and notice were not addressed solely to an officer but rather included "or agent for service of process." Dkt. 26. This does not satisfy Rule 7004(h).

Courts have interpreted the service "to an officer of the institution" requirement of Fed. R. Bankr. P. 7004(h) to mean that service on an insured depository institution must be "solely" to the attention of an officer of the institution. *Hamlett v. Amsouth Bank (In re Hamlett)*, 322 F.3d 342, 345-46 (4th Cir. 2003) (examining the legislative history of Rule 7004(h), comparing it to Rule 7004(b)(3), and concluding that the term "officer" in Rule 7004(h) does not include other posts with the respondent creditor). The court in *PNC Mortg. v. Rhiel*, 2011 WL 1044939 (S.D. Ohio March 18, 2011), stated this even more clearly as follows:

Thus, while Rule 7004(b)(3) allows service of process to a corporation to be accomplished through mailing the complaint and summons by certified mail to an officer, a managing agent, or a general agent of the corporation, Rule 7004(h) requires that service to an insured depository institution be made by certified mail only to an officer of the institution[.]

Although Rhiel marked the box on the summons applicable to insured depository institutions, the summons and complaint were actually mailed to the attention of an 'Officer, Managing or General Agent' of [the insured depository institution] as opposed to just an 'Officer.' Accordingly, Rhiel did not meet the technical requirements of Rule 7004(h) in effectuating service of process in this case. The question then becomes whether this technical error rendered the service of process insufficient[.] Here, the Court concludes that the technical error rendered service of process defective.

*Id.* at \*4 (cleaned up).

Service of the motion here is defective.

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

The court will issue an order.

16. 25-25728-B-13 CHANTHY MADRIGAL  
SLH-2 Seth L. Hanson MOTION TO AVOID LIEN OF  
CITIBANK, N.A.  
12-23-25 [[27](#)]

**Final Ruling**

No appearance at the January 20, 2026, hearing is required.

Debtor filed a motion to avoid lien of CitiBank N.A. ("Creditor"). While Creditor was served with the motion, service violates Fed. R. Bankr. P. 7004(h), which requires service on insured depository institutions to be made "by certified mail addressed to an officer of the institution[.]" Fed. R. Bankr. P. 7004(h). The proof of service accompanying the motion indicates the motion and notice were not addressed solely to an officer but rather included "or agent for service of process." Dkt. 31. This does not satisfy Rule 7004(h).

Courts have interpreted the service "to an officer of the institution" requirement of Fed. R. Bankr. P. 7004(h) to mean that service on an insured depository institution must be "solely" to the attention of an officer of the institution. *Hamlett v. Amsouth Bank (In re Hamlett)*, 322 F.3d 342, 345-46 (4th Cir. 2003) (examining the legislative history of Rule 7004(h), comparing it to Rule 7004(b)(3), and concluding that the term "officer" in Rule 7004(h) does not include other posts with the respondent creditor). The court in *PNC Mortg. v. Rhiel*, 2011 WL 1044939 (S.D. Ohio March 18, 2011), stated this even more clearly as follows:

Thus, while Rule 7004(b)(3) allows service of process to a corporation to be accomplished through mailing the complaint and summons by certified mail to an officer, a managing agent, or a general agent of the corporation, Rule 7004(h) requires that service to an insured depository institution be made by certified mail only to an officer of the institution[.]

Although Rhiel marked the box on the summons applicable to insured depository institutions, the summons and complaint were actually mailed to the attention of an 'Officer, Managing or General Agent' of [the insured depository institution] as opposed to just an 'Officer.' Accordingly, Rhiel did not meet the technical requirements of Rule 7004(h) in effectuating service of process in this case. The question then becomes whether this technical error rendered the service of process insufficient[.] Here, the Court concludes that the technical error rendered service of process defective.

*Id.* at \*4 (cleaned up).

Service of the motion here is defective.

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

The court will issue an order.

17. 25-26228-B-13 DYNSE HORACE AND  
JCW-1 LAWRENCE WILLIAMS  
Thru #19 Harry D. Roth

OBJECTION TO CONFIRMATION OF  
PLAN BY AMERICAN HONDA FINANCE  
CORPORATION  
11-26-25 [[12](#)]

**Final Ruling**

The *initial* Chapter 13 Plan filed November 5, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order.

The court's decision is to overrule the objection to confirmation but deny confirmation of the plan for reasons stated at Item #18, LGT-1.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

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

The court will issue an order.

18. 25-26228-B-13 DYNSE HORACE AND  
LGT-1 LAWRENCE WILLIAMS  
Harry D. Roth

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
12-19-25 [[21](#)]

**Final Ruling**

The *initial* Chapter 13 Plan filed November 5, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c) (4) applies.

The court's decision is to **continue the hearing to January 27, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan**.

First, Debtors have not scheduled all debts required to be scheduled pursuant to 11 U.S.C. § 521(a). The Chapter 13 Trustee is in receipt of a secured proof of claim from U.S. Department of Housing and Urban Development in the amount of \$7,725.99. Claim 1-1. Debtors' Schedule D fails to list this debt. Amended documents are required to accurately reflect and provide for the Debtors' secured claims.

Second, feasibility depends on Debtors filing and the court granting motions to value collateral of Honda Finance Corp and U.S. Small Business Administration.

Third, the plan does not provide for all of Debtors' projected disposable income to be applied to unsecured creditors under the plan. 11 U.S.C. § 1325(b)(1)(B). Form 122C-2 line 445 shows that Debtors have \$959.31 in monthly disposable monthly income to pay to general unsecured creditors, and Schedule I and J reflect a monthly balance of \$1,572.48 after deducting expenses to pay to general unsecured creditors.

Fourth, the plan provides for the payment of fees in excess of the fixed compensation allowed in Local Bankruptcy Rule 2016-1(c). The plan proposes to pay a monthly dividend of \$4,853.00 per month towards attorney fees for the remaining balance of \$4,853.00. In order to comply with Local Bankr. R. 2016-1(c)(4)(C), the monthly dividend can be no more than \$80.88 per month.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

**Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on January 23, 2026, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtors, the Debtors' attorney, and/or the attorney for the objecting party by facsimile or email.

If no 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 27, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on January 27, 2026, at 1:00 p.m.

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

The court will issue an order.

19. 25-26228-B-13 DYNSE HORACE AND  
SKI-1 LAWRENCE WILLIAMS  
Harry D. Roth

OBJECTION TO CONFIRMATION OF  
PLAN BY SANTANDER BANK, N.A.  
12-17-25 [16]

**Final Ruling**

Debtors and creditor Santander Bank, N.A. entered into a stipulation resolving the objection to confirmation of plan. An order was entered on January 7, 2026, removing the hearing from calendar. Dkt. 26.

The court will issue an order.

**Final Ruling**

The objection to confirmation 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 Chapter 13 Trustee filing its objection, Debtors filed an amended plan on January 15, 2026. The confirmation hearing for the amended plan is scheduled for February 17, 2026. The earlier plan filed October 31, 2025, is not confirmed.

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

The court will issue an order.

21. 25-26051-B-13 MARK LIU  
LGT-1 Pro Se

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
12-23-25 [11]

DEBTOR DISMISSED: 12/29/25

**Final Ruling**

The case having been dismissed on December 29, 2025, the objection to confirmation of plan is dismissed as moot.

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

The court will issue an order.

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). 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 permit the requested modification and not confirm the modified plan.

First, Debtors have not scheduled all debts required to be scheduled pursuant to 11 U.S.C. § 521(a). The Chapter 13 Trustee is in receipt of a secured proof of claim from the Franchise Tax Board in the amount of \$18,545.67. Claim 18-1. Debtors' plan and Schedule D fail to list this debt. Amended documents are required to accurately reflect and provide for Debtors' secured claims.

Second, Debtors are delinquent \$5,648.16. An additional plan payment of \$3,824.00 was due December 25, 2025. Debtors have not made all plan payments and complied with the plan. 11 U.S.C. § 1325(a)(6).

Third, Debtors' Schedule J at Line 21 provides for a third mortgage payment of \$493.42. However, MEB Loan Trust/New Rez LLC dba Shellpoint Mortgage Servicing has filed Claim 17-1 indicating that the claim is unsecured. Debtors must amend Schedule J to remove the unsecured loan payment from their monthly expenses.

The modified plan does not comply with 11 U.S.C. §§ 1322 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 motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). 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 conditionally permit the requested modification and conditionally confirm the modified plan.

The Chapter 13 Trustee objects to confirmation of the plan unless modified language is included in the order confirming plan. Specifically, Trustee requests that: plan payments shall be a total aggregate amount of \$105,669.98 through December 2025; plan payment will need to be at least \$3,050.00 per month starting in January 2026 and continuing for the final 14 months of the plan term to be feasible and meet liquidation requirements; language include Select Portfolio Servicing has been paid a total of \$58,530.96 in conduit mortgage payments through December 2025; language include Select Portfolio Servicing has been paid a total of \$17,543.21 through December 2025 toward the arrears claim; language include Bridgecrest has been paid a total of \$14,653.70 through December 2025. Additionally, the Trustee states that amended Schedule J must be filed showing that Debtor is able to make the required \$3,050.00 plan payment.

Debtor filed a response stating that he is amenable to including the modified language in the order confirming plan. However, a review of the court's docket shows that amended Schedule J has not been filed.

Provided that amended Schedule J is filed by 5:00 p.m. on January 21, 2026, the court will grant the motion to modify plan and it will be deemed to comply with 11 U.S.C. §§ 1322 and 1325(a).

The motion is ORDERED CONDITIONALLY GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

#### **Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). 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 value the secured claim of Lemark Financial Services LLC at \$4,100.00 and continue the matter to January 27, 2026, at 1:00 p.m.**

Debtor moves to value the secured claim Lemark Financial Services LLC ("Creditor"). Debtor is the owner of a 2014 Nissan Altima ("Vehicle"). Debtor seeks to value the Vehicle at a replacement value of \$4,100.00 as of the petition filing date. As the owner, Debtor's opinion of value is evidence of the asset's value. See Fed. R. Evid. 701; see also *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

#### **Proof of Claim Filed**

The court has reviewed the Claims Registry for this bankruptcy case. Claim No. 4-1 filed by Lemark Financial Ser is the claim which may be the subject of the present motion.

#### **Discussion**

The lien on the Vehicle's title does not secure a purchase-money loan and instead was a lien against the Vehicle in exchange for a loan of \$16,442.74. Because of this, the requirement that the loan be incurred more than 910 days prior to filing of the petition is not applicable. The Creditor's claim secured by a lien on the asset's title is under-collateralized. The Creditor's secured claim is determined to be in the amount of \$4,100.00. See 11 U.S.C. § 506(a). The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is granted.

#### **Conditional Nature of this Ruling**

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, January 23, 2026, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). 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 motion will be deemed granted 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 27, 2026, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on January 27, 2026, at 1:00 p.m.

**Final Ruling**

The Chapter 13 Trustee ("Trustee") filed an objection, debtors Jermyn Julian and Jocelyn Julian ("Debtors") filed a response, and the Trustee filed a reply. The parties agree to a continuance to allow Debtors to obtain current 401(k) loan documentation so that plan step ups may be properly calculated.

Separately, Debtors must file a further amended Form 122C-1 to correct the salary amounts of Debtor and Joint Debtor. Without this correction, it cannot be determined if the plan was filed in good faith and if all of Debtors' disposable income are committed for repayment of creditors.

The objection is continued to February 17, 2026, at 1:00 p.m. Debtors shall file a supplemental response by 5:00 p.m. February 10, 2026, and the Trustee shall file a supplemental reply by 5:00 p.m. February 13, 2026.

The court will issue an order.

26. 25-26279-B-13 JOSE/ESMERALDA NIEVES  
NLG-1 Thomas L. Amberg

OBJECTION TO CONFIRMATION OF  
PLAN BY CARRINGTON MORTGAGE  
SERVICES, LLC  
12-18-25 [13]

CONTINUED TO 1/27/26 AT 1:00 P.M. TO ALLOW DEBTORS TO FILE A STATUS REPORT AS TO THE RESOLUTION OF THE OBJECTION TO CONFIRMATION. A STATUS REPORT SHALL BE FILED BY 5:00 P.M. 1/23/26.

**Final Ruling**

No appearance at the January 20, 2026, hearing is required. The court will issue an order.

27. 25-26180-B-13 WALTER/NORA MENDEZ  
JCK-2 Kathleen H. Crist  
Thru #29

MOTION TO VALUE COLLATERAL OF  
ALLY FINANCIAL, INC.  
12-10-25 [[23](#)]

#### 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 value the secured claim of Ally Financial, Inc. at \$28,570.00.

Debtors move to value the secured claim of Ally Financial, Inc. ("Creditor"). Debtors are the owner of a 2022 Grand Cherokee ("Vehicle"). Debtors seek to value the Vehicle at a replacement value of \$28,570.00 as of the petition filing date. As the owners, Debtors' opinion of value is evidence of the asset's value. See Fed. R. Evid. 701; see also *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

#### Proof of Claim Filed

The court has reviewed the Claims Registry for this bankruptcy case. Claim No. 1-1 filed by Ally Bank is the claim which may be the subject of the present motion.

#### Discussion

The lien on the Vehicle's title secures a purchase-money loan incurred on August 27, 2022, which is more than 910 days prior to filing of the petition, to secure a debt owed to Creditor with a balance of approximately \$50,811.90 according to Claim No. 1-1. Therefore, the Creditor's claim secured by a lien on the asset's title is under-collateralized. The Creditor's secured claim is determined to be in the amount of \$28,570.00. See 11 U.S.C. § 506(a). The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is granted.

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

The court will issue an order.

28. 25-26180-B-13 WALTER/NORA MENDEZ  
JCW-1 Kathleen H. Crist

OBJECTION TO CONFIRMATION OF  
PLAN BY AIS PORTFOLIO SERVICES,  
LLC  
12-8-25 [[19](#)]

#### Final Ruling

The *initial* Chapter 13 Plan filed November 3, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to January 27, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

AIS Portfolio Services, LLC as Servicer for Ally Bank ("Creditor"), legal owner of a 2022 Jeep Grand Cherokee, objects to confirmation of the plan on grounds that it does not pay Creditor the applicable prime plus interest rate.

The court takes judicial notice of the prime rate of interest as published in a leading newspaper. *Bonds, Rates & Credit Markets: Consumer Money Rates*, Wall St. J., January 16, 2026, [http://online.wsj.com/mdc/public/page/mdc\\_bonds.html](http://online.wsj.com/mdc/public/page/mdc_bonds.html). The current prime rate is 6.75%. To set the appropriate rate, courts utilize the "formula approach" of *Till v. SCS Credit Corp.*, 124 S.Ct. 1951 (2004), which takes into consideration the national prime rate and adjusts it for a greater risk of default posed by a debtor. Courts have typically adjusted the interest rate by 1% to 3%. The court finds that an interest rate of 8.75% to be appropriate. If either party disputes the interest rate, it may request an evidentiary hearing in either the subsequent motion to confirm or any opposition/objection thereto. The request shall appear in the caption of the document in which it is made. If an evidentiary hearing is requested, the document(s) shall also identify the interest rate expert(s). The court may also appoint its own interest rate expert, Fed. R. Evid. 706(a), and if it does it may allocate the expert's compensation among the parties as appropriate. Fed. R. Evid. 706(c). All parties, attorneys, and witnesses will be required to appear in person for the evidentiary hearing. Telephonic and/or video appearances will not be permitted.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

#### **Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on January 23, 2026, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtors, the Debtors' attorney, and/or the attorney for the objecting party by facsimile or email.

If no 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 27, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on January 27, 2026, at 1:00 p.m.

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

The court will issue an order.

29. 25-26180-B-13 WALTER/NORA MENDEZ  
LGT-1 Kathleen H. Crist  
OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
12-23-25 [30]

#### **Final Ruling**

The initial Chapter 13 Plan filed November 3, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order.

The court's decision is to overrule the objection to confirmation but deny confirmation of the plan for reasons stated at Item #28, JCW-1.

The Chapter 13 Trustee objects to confirmation of the plan on grounds that feasibility depends on the court granting the motion to value collateral of Ally Financial, Inc. And that the Disclosure of Compensation of Attorney for Debtor(s) must accurately reflect the amount of fees Debtors' attorney is charging, has received, and is still owed.

The motion to value collateral of Ally Financial, Inc. is granted at Item #27, JCK-2,

and Debtors stated in their response that they will file an amended Disclosure of Compensation of Attorney for Debtor(s).

Nonetheless, for reasons stated at Item #28, JCW-1, the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a) and is not confirmed.

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

The court will issue an order.

**Final Ruling**

The *initial* Chapter 13 Plan filed October 31, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to January 27, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan**.

First, the plan does not provide for all of Debtor's projected disposable income to be applied to unsecured creditors under the plan. 11 U.S.C. § 1325(b)(1)(B). Debtor's Schedule I lists a payroll deduction of \$749.00 as a required repayment of retirement fund loans. However, it appears that the retirement loan will mature during the 60-month plan term and does not increase accordingly thereafter. Plan payments must be increased after the retirement loan matures for distribution to unsecured creditors.

Second, Schedule I indicates that the Debtor has \$921.00 withheld monthly for overpayment of wages repayment and that the overpayment will be paid off in January 2026. An amended Schedule I must be filed to remove this expense, and plan payments increased commencing February 2026. The proposed plan is paying \$0.00 to unsecured creditors, and the step up in plan payments will result in a distribution to unsecured creditors.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

**Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on January 23, 2026, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no 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 27, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on January 27, 2026, at 1:00 p.m.

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

The court will issue an order.

**Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 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 Bankr. R. 9014-1(f)(1)(C). A 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.

The Chapter 13 Trustee objects to confirmation of the plan on grounds that it does not provide for full payment of the \$33,577.51 unsecured priority claim filed by the Internal Revenue Service ("IRS").

Debtors filed a response stating that the IRS has amended its proof of claim to show that Debtors' 2022 tax returns were filed and that the unsecured priority claim is \$15,146.96. Debtors state that the plan was underfunded due to the 2022 tax balance. Debtors further state that they are fine with increasing the step up in plan payments due to an anticipated increase in the wife's salary in two years. Debtors state that plan payments can be increased \$1,980.00 per month for 24 months and then \$2,380.00 per month for 36 months in the order confirming.

The plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed October 29, 2025, is confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.