



**UNITED STATES BANKRUPTCY COURT  
Eastern District of California**

**Judge Fredrick E. Clement**  
Sacramento Federal Courthouse  
501 I Street, 7<sup>th</sup> Floor  
Courtroom 28, Department A  
Sacramento, California

**DAY: TUESDAY**  
**DATE: JANUARY 20, 2026**  
**CALENDAR: 10:30 A.M. CHAPTER 7 CASES**

---

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business** day prior to the hearing.

Information regarding how to sign up can be found on the **Court Appearances** page of our website at:

<https://www.caeb.uscourts.gov/Calendar/CourtAppearances>

Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by **ZoomGov** may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to the trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

**Unauthorized Recording is Prohibited:** Any recording of a court proceeding held by video or teleconference, including screen shots or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

## PRE-HEARING DISPOSITION INSTRUCTIONS

---

### RULINGS

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

**"No Ruling"** means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

**"Tentative Ruling"** means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

**"Final Ruling"** means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

### CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

### ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

---

1. [25-24305](#)-A-7     **IN RE: JEREMY/KAREE HARRISON**  
[CJK-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-11-2025    [\[22\]](#)

JAMES SHEPHERD/ATTY. FOR DBT.  
CHRISTINA KHIL/ATTY. FOR MV.  
DEBTORS DISCHARGED: 11/17/25  
PENNYMAC LOAN SERVICES, LLC VS.

### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted in part; denied in part as moot

**Order:** Civil minute order

**Subject:** 1215 Nabih Hamdan Court, Manteca, California

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **AS TO THE DEBTOR**

The motion is denied as moot. The stay that protects the debtor terminates at the entry of discharge. 11 U.S.C. § 362(c)(2). In this case, discharge has been entered. As a result, the motion is moot as to the debtor.

### **AS TO THE ESTATE**

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

"[U]nder section 362(d)(1), the stay must be terminated for 'cause.' Lack of adequate protection is but one example of "cause" for relief from stay." *In re Ellis*, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985). The panel in the *Ellis* case rejected the argument that under § 362(d)(1) "the stay can only be terminated if [the movant-creditors] show a lack of adequate protection." *Id.*

The debtor has missed 3 post-petition payments totaling \$9,373.53 due on the debt secured by the moving party's lien. This constitutes cause for stay relief.

The court does not address grounds for relief under § 362(d)(2) as relief is warranted under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

PennyMac Loan Servicing's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted in part and denied as moot in part. The automatic stay is vacated with respect to the interest of the trustee in the property described in the motion, commonly known as 1215 Nabih Hamdan Court, Manteca, California. Relief from the automatic stay as to the interest of the debtor in such property is denied as moot given the entry of the discharge in this case. 11 U.S.C. § 362(c)(2)(C).

IT IS FURTHER ORDERED that the 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

2. [25-26805](#)-A-7     **IN RE: ALEENA ORCULLO-WEIDMAN**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
12-22-2025    [\[14\]](#)

12/31/2025 FILING FEE PAID \$338

#### **Final Ruling**

As the fee has been paid in full, the order to show cause is discharged. The case will remain pending.

3. [24-24108](#)-A-7     **IN RE: APRIL ALVA**  
[EJB-1](#)

ORDER TO SHOW CAUSE  
1-6-2026    [\[21\]](#)

SCOTT JOHNSON/ATTY. FOR DBT.  
DEBTORS DISCHARGED: 12/30/24

### **Tentative Ruling**

The court has reviewed trustee Birnberg's response to the Order to Show Cause. The trustee misreads applicable law and has not complied with applicable sales procedure for Chapter 7 cases.

First, court approval of any sale is required. 11 U.S.C. §363(b). That always requires a court order approving the sale. In jurisdictions that recognize negative notice, 11 U.S.C. § 102(1), an order approving the sale may be submitted after the notice period has expired. Except for confirmation of the initial Chapter 13 plan filed, the Eastern District of California Bankruptcy Court does not recognize negative notice. LBR 9014-1(k)(1). As a consequence, this sale was made without court approval under § 363(b).

Second, unless the sale is one of property valued at less than \$2,500, Fed. R. Bankr. P. 6004(d), all sales must give creditors and other persons the opportunity for overbid. Fed. R. Bankr. P. 6004(f)(1)(A) (requiring either public auction or private sale subject to overbid opportunity). Even if this court recognized the negative notice procedure, this sale would still not comply inasmuch as the notice fails to indicate that creditors may overbid the debtors. As a result, the trustee has not complied with applicable sales procedures.

Failure to comply with those provisions renders the sale voidable. *In re Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249 (9th Cir. 2010); *Lowther v. U.S. Bank*, 702 Fed.Appx. 517 (9th Cir. 2017). Moreover, this court has authority to set aside these sales. *Matter of CADA Investments, Inc.*, 662 F.2d 1158 (9th Cir. 1981) (sale made after order); *Wisdom v. Gugino*, 649 Fed. Appx. 583 (9th Cir. 2016) (sale made without order).

Rather than voiding the sale, 11 U.S.C. § 549(a)(2)(B), *Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249, the court would prefer to give the trustee the opportunity to file, set, and serve a motion for sale of the property by private sale subject to overbid opportunity. Those motions will be filed and served on all creditors not later than February 3, 2026, and shall be set for hearing on February 23, 2026, at 10:30 a.m. before this court. The court assumes that trustee Birnberg wishes to avail himself of this opportunity. If so, the court will issue a scheduling order. If the trustee does not wish to do so or if the trustee fails to comply, fully and in a timely fashion, the court will issue an order vacating the sale, instructing the trustee to recover estate property and requiring the trustee to return all funds received.

4. [25-25610](#)-A-7     **IN RE: KAITLYN CRAWFORD**  
[CJK-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-19-2025    [\[15\]](#)

JAKE CLINE/ATTY. FOR DBT.  
CHRISTINA KHIL/ATTY. FOR MV.  
LAKEVIEW LOAN SERVICING LLC VS.

**Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Subject:** 433 Blythwood Place, Santa Rosa, California

**Value of Collateral:** \$600,000.00

**Aggregate of Liens:** \$677,576.40

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

**STAY RELIEF**

Section 362(d)(1)

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

"Where the property is declining in value or accruing interest and taxes eat up the equity cushion to the point where the cushion no longer provides adequate protection, the court may either grant the motion to lift the stay or order the debtor to provide some other form of adequate protection." Kathleen P. March, Hon. Alan M. Ahart & Janet A. Shapiro, *California Practice Guide: Bankruptcy* ¶ 8:1096 (rev. 2018). Further, "[a]n undersecured creditor is entitled to adequate protection only for the decline in the [collateral's] value after the bankruptcy filing." *Id.* ¶ 8:1065.1 (citing *United Sav. Ass'n v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 370-73 (1988)). When a creditor is oversecured, however, an existing

equity cushion may provide adequate protection of its security interest while the stay remains in effect. See *id.* ¶ 8:1072 (citing cases). In calculating the amount of the movant creditor's equity cushion, the court ignores the debt secured by junior liens. *In re Mellor*, 734 F.2d 1396, 1400-01 (9th Cir. 1984). The Ninth Circuit has held that a 20% equity cushion adequately protects a creditor's security interest." *Id.* at 1401.

"[U]nder section 362(d)(1), the stay must be terminated for 'cause.' Lack of adequate protection is but one example of "cause" for relief from stay." *In re Ellis*, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985). The panel in the *Ellis* case rejected the argument that under § 362(d)(1) "the stay can only be terminated if [the movant-creditors] show a lack of adequate protection." *Id.*

The debtor has missed 5 pre-petition payments totaling \$24,321.11 and 1 post-petition payment totaling \$4,983.51 due on the debt secured by the moving party's lien. This constitutes cause for stay relief.

#### Section 362(d)(2)

Section 362(d)(2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective reorganization. 11 U.S.C. § 362(d)(2). Chapter 7 is a mechanism for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982). In this case, the aggregate amount due all liens exceeds the value of the collateral and the debtor has no equity in the property. The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Lakeview Loan Servicing, LLC's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 433 Blythwood Place, Santa Rosa, California, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.



IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

5. [25-24314](#)-A-7     **IN RE: MICHAEL/SUSAN COLE**  
[EJS-2](#)

MOTION TO AVOID LIEN OF NEWCO CAPITAL GROUP VI LLC  
12-16-2025    [\[27\]](#)

ERIC SCHWAB/ATTY. FOR DBT.  
DEBTORS DISCHARGED: 12/16/25

### **Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

**Judicial Lien Avoided:** \$199,034.47 (NewCo Capital Group VI LLC)

**All Other Liens:**

-[First Deed of Trust] \$531,577.00 (Safe Credit Union)

-[Second Mortgage] \$93,853.00 (Safe Credit Union)

**Exemption:** \$642,435.00

**Value of Property:** \$995,600.00

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor seeks an order avoiding the judicial lien of creditor NewCo Capital Group VI LLC under 11 U.S.C. § 522(f).

### **LIEN AVOIDANCE**

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all

other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The responding party's judicial lien, all other liens, and the exemption amount together totals \$1,466,899.47 which exceeds the property's value of \$995,600.00 by an amount greater than or equal to the judicial lien of \$199,034.47. As a result, the responding party's judicial lien will be avoided entirely.

6. [25-24414](#)-A-7     **IN RE: WILLIAM/JOY WRIGHT**  
[JCW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-17-2025     [\[19\]](#)

ERIC SCHWAB/ATTY. FOR DBT.  
JENNIFER WONG/ATTY. FOR MV.  
DEBTORS DISCHARGED: 11/17/25  
BMW BANK OF NORTH AMERICA VS.

### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted in part; denied in part as moot

**Order:** Civil minute order

**Subject:** 2023 BMW X4

**Cause:** delinquent installment payments 3 months/\$4,849.50

These minutes constitute the court's findings of fact and conclusions of law required by Fed. R. Civ. P. 52(a), *incorporated* by Fed. R. Bankr. P. 7052, 9014(c). The findings of fact are as set forth above; the conclusions of law are as set forth below.

### **DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated* by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **AS TO THE DEBTOR**

The motion is denied as moot. The stay that protects the debtor terminates at the entry of discharge. 11 U.S.C. §

362(c)(2). In this case, discharge has been entered. As a result, the motion is moot as to the debtor.

#### **AS TO THE ESTATE**

"[A]fter notice and a hearing," the court may terminate, annul, modify or condition the stay: (1) "for cause, including the lack of adequate protection"; or (2) "with respect to a stay of an act against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); see also Fed. R. Bankr. P. 4001(a)(1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g)(1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g., the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g)(2).

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). The debtor bears the burden of proof. 11 U.S.C. § 362(g)(2). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1). "An undersecured creditor is entitled to adequate protection only for the decline in the [collateral's] value *after* the bankruptcy filing." See Kathleen P. March, Hon. Alan M. Ahart & Janet A. Shapiro, *California Practice Guide: Bankruptcy* ¶ 8:1065.1 (rev. 2019) (citing *United Sav. Ass'n v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 370-73 (1988)); see also *In re Weinstein*, 227 BR 284, 296 (9th Cir. BAP 1998) ("Adequate protection is provided to safeguard the creditor against depreciation in the value of its collateral during the reorganization process"); *In re Deico Electronics, Inc.*, 139 BR 945, 947 (9th Cir. BAP 1992) ("Adequate protection payments compensate undersecured creditors for the delay bankruptcy imposes upon the exercise of their state law remedies").

The debtor is obligated to make debt payments to the moving party pursuant to a loan contract that is secured by a security interest in the debtor's vehicle described above. The debtor has defaulted on such loan with the moving party, and postpetition payments are past due. Vehicles depreciate over time and with usage. As a consequence, the moving party's interest in the vehicle is not being adequately protected due to the debtor's ongoing postpetition default.

Cause exists to grant relief under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

## **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

BMW Bank of North America's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted in part and denied as moot in part. The automatic stay is vacated with respect to the interest of the trustee in the property described in the motion, commonly known as 2023 BMW X4. Relief from the automatic stay as to the interest of the debtor in such property is denied as moot given the entry of the discharge in this case. 11 U.S.C. §362(c)(2)(C).

IT IS FURTHER ORDERED that the 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

7. [22-90415](#)-A-7     **IN RE: JOHN MENDOZA**  
[KMT-12](#)

MOTION TO SELL FREE AND CLEAR OF LIENS AND/OR MOTION FOR  
COMPENSATION FOR RE/MAX EXECUTIVE, BROKER(S)  
12-30-2025    [[763](#)]

PETER MACALUSO/ATTY. FOR DBT.  
LORIS BAKKEN/ATTY. FOR MV.

### **Tentative Ruling**

**Motion:** Sell Real Property and Compensate Real Estate Broker  
**Notice:** LBR 9014-1(f)(2); no written opposition required  
**Disposition:** Granted  
**Order:** Prepared by moving party

**Property:** 20400 Starr King Drive, Sonora, California  
**Buyer:** Venessa Lines; Jeremy Lines  
**Sale Price:** \$408,000.00  
**Sale Type:** Private sale subject to overbid opportunity

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55(c), *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **SECTION 363(b)(1)**

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

### **SALE FREE AND CLEAR UNDER § 363(f)**

The court takes judicial notice of the voluntary petition, schedules, and statements filed in this case, as well as judicial notice of their contents. Fed. R. Evid. 201. The contents of the schedules and statements are non-hearsay admissions of the debtors to the extent they are offered against the debtors in this matter. Fed. R. Evid. 801(d)(2)(A), (D).

The movant has attached Exhibit D, ECF No. 767, to the instant motion to showing the courts order approving the motion for approval of the case administration settlement agreement between the trustee

and WJVP 2021-4, LP. The court has taken judicial notice and referred to the Case Administration Settlement Agreement, ECF No. 56. The agreement states as follows:

Estate Property: In the event that Trustee liquidates property in which Debtor or Debtor's trust had an interest as of the petition date ("Estate Property"), and such Estate Property is encumbered by a judgment lien in favor of WVJP, and if WVJP and Trustee mutually agree to the sale, WVJP agrees to carve out of WVJP's entitlement, on a sale by sale basis, the lesser of (i) 10% of WVJP's entitlement, or (ii) 10% of the total unsecured claims pool, up to a collective maximum of 10% of the unsecured claims pool. For the purposes of this subsection only, WVJP's entitlement means net proceeds after deducting costs of sale; satisfying senior liens, paying agreed additional disposition, or property preservation costs, reserving for estimated tax liabilities, and reserving agreed reasonable administrative expenses incurred by the Estate at the time of sale.

Case Administration Settlement Agreement, ECF No. 56.

The court believes that the creditors consent can be implied from the language above. Since the movant has submitted appropriate evidence of WJVP, LP's consent, the sale will be free and clear of creditor's security interest in the personal property described above, and such security interest shall attach to the proceeds of the sale with the same priority and validity as it had before the sale. 11 U.S.C. § 363(f)(2). If the creditor objects to this understanding of the settlement agreement, they may appear at the hearing and be heard on the matter.

Since § 363(f)(2) relief is granted, the order shall state that the sale is free and clear of only the lien identified in this ruling and that such lien shall attach to the proceeds of the sale with the same priority and validity as it had before the sale. The order shall also include the following statement verbatim: "If the filing fee for the motion was deferred and if such fee remains unpaid at the time the order is submitted, then the trustee shall pay the fee for filing this motion to the Clerk of the Bankruptcy Court from the sale proceeds immediately after closing."

#### **SECTION 330(a)**

Section 330(a) of Title 11 authorizes "reasonable compensation for actual, necessary services" rendered by a professional person employed under § 327 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3). The broker seeks to be paid 6% of the gross sale price which may be split with any buyer's broker. The court finds that the compensation sought is reasonable and will approve the application.

8. [22-90415](#)-A-7     **IN RE: JOHN MENDOZA**  
[KMT-13](#)

MOTION TO ABANDON  
1-6-2026    [\[770\]](#)

PETER MACALUSO/ATTY. FOR DBT.  
LORIS BAKKEN/ATTY. FOR MV.

### **Tentative Ruling**

**Motion:** Authorized Trustee's Abandonment of Property of the Estate

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted only as to the subject property described in the motion

**Order:** Prepared by moving party pursuant to the instructions below

**Subject:** 23955 Cedar Hill Lane, Twain Harte, California

**Value:** \$800,000, encumbered by lien of nearly \$800,000

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The chapter 7 trustee moves for an order authorizing his abandonment of the bankruptcy estate's interest in the subject property described in the motion, ECF No. 770.

The movant bears the burden of proof. *In re Pilz Compact Disc., Inc.*, 229 B.R. 630 (Bankr. E.D. Pa. 1999) (Chapter 7 trustee). "[B]urdensome to the estate" means "consumes the resources and drains the income of the estate." *In re Smith-Douglass, Inc.*, 856 F.2d 12, 16 (4th Cir. 1988). "[O]f inconsequential value and benefit to the estate" refers to assets not likely to be liquidated for the benefit of creditors. 11 U.S.C. § 704(a)(1); *Matter of Taxman Clothing Co.*, 49 F3d 310, 315 (7th Cir. 1995) (Chapter 7 trustee has no duty to liquidate assets where costs of doing so likely to exceed asset's value). Of inconsequential value and benefit to the estate includes assets that (1) have no equity (including post-petition appreciation), *In re Viet Vu*, 245 B.R. 644 (9th Cir. BAP 2000); and (2) assets with equity, which has been wholly and properly exempted by the debtor. *In re Montanaro*, 307 B.R. 194 (Bankr. E.D. Cal. 2004).

### **11 U.S.C. § 554(a)**

"After notice and a hearing, the trustee may abandon any property of the estate that is burdensome to the estate or that is of

inconsequential value and benefit to the estate." 11 U.S.C. § 554(a).

The property is encumbered by a lien of approximately \$800,000.00 causing the asset to have inconsequential value to the trustee. The assets described above are either burdensome to the estate or of inconsequential value to the estate. An order authorizing the trustee's abandonment of such assets is warranted. The order will authorize abandonment of only the assets that are described in the motion.

9. [25-26024](#)-A-7     **IN RE: TIFFANY PELTON**  
[TSP-1](#)

MOTION TO REDEEM  
12-23-2025    [\[26\]](#)

TIFFANY PELTON/ATTY. FOR MV.  
TRUSTEE NON-OPPOSITION

### **Final Ruling**

**Motion:** Redeem Personal Property  
**Disposition:** Denied without prejudice  
**Order:** Civil minute order

The court will deny the motion without prejudice on grounds of insufficient service of process on the responding party. A motion to redeem personal property under § 722 is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. See Fed. R. Bankr. P. 6008 advisory committee's note; Fed. R. Bankr. P. 9014(b). Under Rule 7004, service on corporations must be made "to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process." Fed. R. Bankr. P. 7004(b)(3).

Service of the motion was insufficient. The motion was not mailed to the attention of an officer, managing or general agent, or other agent authorized to accept service.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's motion to redeem has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.



10. [24-24825](#)-A-7     **IN RE: FRANK ANDUJO**  
[EJB-1](#)

ORDER TO SHOW CAUSE  
1-6-2026    [\[27\]](#)

HARRY ROTH/ATTY. FOR DBT.  
DEBTOR DISCHARGED: 01/30/25

### **Tentative Ruling**

The court has reviewed trustee Birnberg's response to the Order to Show Cause. The trustee misreads applicable law and has not complied with applicable sales procedure for Chapter 7 cases.

First, court approval of any sale is required. 11 U.S.C. §363(b). That always requires a court order approving the sale. In jurisdictions that recognize negative notice, 11 U.S.C. § 102(1), an order approving the sale may be submitted after the notice period has expired. Except for confirmation of the initial Chapter 13 plan filed, the Eastern District of California Bankruptcy Court does not recognize negative notice. LBR 9014-1(k)(1). As a consequence, this sale was made without court approval under § 363(b).

Second, unless the sale is one of property valued at less than \$2,500, Fed. R. Bankr. P. 6004(d), all sales must give creditors and other persons the opportunity for overbid. Fed. R. Bankr. P. 6004(f)(1)(A) (requiring either public auction or private sale subject to overbid opportunity). Even if this court recognized the negative notice procedure, this sale would still not comply inasmuch as the notice fails to indicate that creditors may overbid the debtors. As a result, the trustee has not complied with applicable sales procedures.

Failure to comply with those provisions renders the sale voidable. *In re Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249 (9th Cir. 2010); *Lowther v. U.S. Bank*, 702 Fed.Appx. 517 (9th Cir. 2017). Moreover, this court has authority to set aside these sales. *Matter of CADA Investments, Inc.*, 662 F.2d 1158 (9th Cir. 1981) (sale made after order); *Wisdom v. Gugino*, 649 Fed. Appx. 583 (9th Cir. 2016) (sale made without order).

Rather than voiding the sale, 11 U.S.C. § 549(a)(2)(B), *Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249, the court would prefer to give the trustee the opportunity to file, set, and serve a motion for sale of the property by private sale subject to overbid opportunity. Those motions will be filed and served on all creditors not later than February 3, 2026, and shall be set for hearing on February 23, 2026, at 10:30 a.m. before this court. The court assumes that trustee Birnberg wishes to avail himself of this opportunity. If so, the court will issue a scheduling order. If the trustee does not wish to do so or if the trustee fails to comply, fully and in a timely fashion, the court will issue an order vacating the sale, instructing the trustee to recover estate property and requiring the trustee to return all funds received.

11. [25-23127](#)-A-7     **IN RE: DEAN/CARMEL LONG**  
[BM-3](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH MARY KANESKI, DEAN ALLEN LONG AND CARMEL ANN  
LONG  
12-22-2025     [\[46\]](#)

MATTHEW DECAMINADA/ATTY. FOR DBT.  
RENO FERNANDEZ/ATTY. FOR MV.  
DEBTORS DISCHARGED: 09/30/25

### **Final Ruling**

**Motion:** Approve Compromise of Controversy  
**Notice:** LBR 9014-1(f)(1); written opposition required  
**Disposition:** Granted  
**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **APPROVAL OF COMPROMISE**

In determining whether to approve a compromise under Federal Rule of Bankruptcy Procedure 9019, the court determines whether the compromise was negotiated in good faith and whether the party proposing the compromise reasonably believes that the compromise is the best that can be negotiated under the facts. *In re A & C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1986). More than mere good faith negotiation of a compromise is required. The court must also find that the compromise is fair and equitable. *Id.* "Fair and equitable" involves a consideration of four factors: (i) the probability of success in the litigation; (ii) the difficulties to be encountered in collection; (iii) the complexity of the litigation, and expense, delay and inconvenience necessarily attendant to litigation; and (iv) the paramount interest of creditors and a proper deference to the creditors' expressed wishes, if any. *Id.* The party proposing the compromise bears the burden of persuading the court that the compromise is fair and equitable and should be approved. *Id.*

The movant requests approval of a compromise. The compromise is reflected in the settlement agreement attached to the motion as an exhibit. Based on the motion and supporting papers, the court finds that the compromise presented for the court's approval is fair and equitable considering the relevant *A & C Properties* factors. The trustee faces unknown risks in litigation and does not know what defenses the opposition could raise. Cost of litigation weighs in favor of the settlement because this settlement would provide the

estate with the value sought at minimal cost to the estate. Last, creditors would be impacted by litigation and the agreement would be more beneficial to creditors. The compromise or settlement will be approved.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Trustee Loris Bakken's motion to approve a compromise has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The court hereby approves the compromise that is reflected in the settlement agreement attached to the motion as exhibit and filed at docket no. 50.

12. [25-27028](#)-A-7     **IN RE: GLENDA HAAS**  
[SLH-1](#)

MOTION TO DISMISS CASE  
1-5-2026    [\[10\]](#)

SETH HANSON/ATTY. FOR DBT.

#### **Final Ruling**

**Motion:** Motion to Dismiss  
**Notice:** 9014-1(f)(1); written opposition required  
**Disposition:** Denied without prejudice  
**Order:** Civil minute order

The motion requests the dismissal of this Chapter 7 case. The motion will be denied without prejudice as follows.

#### **SERVICE AND NOTICE**

As of November 1, 2022, the court adopted Local Bankruptcy Rules 2002-3, 9036-1 and 7005-1 (requiring attorneys and trustees to use a standardized Certificate of Service, EDC 7-005).

The form certificate of service is intended to allow parties to memorialize service efficiently and accurately, and to aid the court in ensuring sufficient service is achieved in each proceeding.

#### Matrix

Where the Clerk's Matrix of Creditors is attached to the Certificate of Service form, *such list shall be downloaded not*

*more than 7 days prior to the date of serving the pleadings and other documents and shall reflect the date of downloading.* The serving party may download that matrix either in "pdf label format" or in "raw data format." Where the matrix attached is in "raw data format," signature on the Certificate of Service is the signor's representation that no changes, e.g., additions, deletions, modifications, of the data have been made except: (1) formatting of existing data; or (2) removing creditors from that list by the method described in paragraph (c) of this rule.

LBR 7005-1(d) (emphasis added).

In this case there is no matrix attached to the certificate of service. Instead, exhibits in support of the motion are attached to the certificate. See Certificate of Service, ECF No. 13. Accordingly, service of the motion does not comply with LBR 7005-1, and the court cannot determine if all creditors and parties in interest were served with the motion. The court will deny the motion without prejudice.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The movant's motion to dismiss has been presented to the court. Because of the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

13. [25-24031](#)-A-7     **IN RE: YEVGENIY/OKSANA UTUZH**  
[EJB-1](#)

ORDER TO SHOW CAUSE  
1-6-2026    [\[19\]](#)

MARK SHMORGON/ATTY. FOR DBT.  
DEBTORS DISCHARGED: 11/17/25

#### **Tentative Ruling**

The court has reviewed trustee Birnberg's response to the Order to Show Cause. The trustee misreads applicable law and has not complied with applicable sales procedure for Chapter 7 cases.

First, court approval of any sale is required. 11 U.S.C. §363(b). That always requires a court order approving the sale. In jurisdictions that recognize negative notice, 11 U.S.C. § 102(1), an order approving the sale may be submitted after the notice period

has expired. Except for confirmation of the initial Chapter 13 plan filed, the Eastern District of California Bankruptcy Court does not recognize negative notice. LBR 9014-1(k)(1). As a consequence, this sale was made without court approval under § 363(b).

Second, unless the sale is one of property valued at less than \$2,500, Fed. R. Bankr. P. 6004(d), all sales must give creditors and other persons the opportunity for overbid. Fed. R. Bankr. P. 6004(f)(1)(A) (requiring either public auction or private sale subject to overbid opportunity). Even if this court recognized the negative notice procedure, this sale would still not comply inasmuch as the notice fails to indicate that creditors may overbid the debtors. As a result, the trustee has not complied with applicable sales procedures.

Failure to comply with those provisions renders the sale voidable. *In re Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249 (9th Cir. 2010); *Lowther v. U.S. Bank*, 702 Fed.Appx. 517 (9th Cir. 2017). Moreover, this court has authority to set aside these sales. *Matter of CADA Investments, Inc.*, 662 F.2d 1158 (9th Cir. 1981) (sale made after order); *Wisdom v. Gugino*, 649 Fed. Appx. 583 (9th Cir. 2016) (sale made without order).

Rather than voiding the sale, 11 U.S.C. § 549(a)(2)(B), *Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249, the court would prefer to give the trustee the opportunity to file, set, and serve a motion for sale of the property by private sale subject to overbid opportunity. Those motions will be filed and served on all creditors not later than February 3, 2026, and shall be set for hearing on February 23, 2026, at 10:30 a.m. before this court. The court assumes that trustee Birnberg wishes to avail himself of this opportunity. If so, the court will issue a scheduling order. If the trustee does not wish to do so or if the trustee fails to comply, fully and in a timely fashion, the court will issue an order vacating the sale, instructing the trustee to recover estate property and requiring the trustee to return all funds received.

14. [25-25831](#)-A-7     **IN RE: WENDY CIAPPA**  
[DVW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-18-2025     [\[14\]](#)

NIKKI FARRIS/ATTY. FOR DBT.  
DIANE WEIFENBACH/ATTY. FOR MV.  
21ST MORTGAGE CORPORATION VS.  
WITHDRAWN BY M.P.

### **Final Ruling**

The Motion was withdrawn by the moving party on January 2, 2026, ECF No. 21. Accordingly, this matter will be removed from the calendar as moot. No appearances are required.

15. [25-27033](#)-A-7     **IN RE: ROBERT FANTAZIA**  
[BSH-1](#)

MOTION FOR SANCTIONS FOR VIOLATION OF THE AUTOMATIC STAY  
12-24-2025     [[16](#)]

BRIAN HADDIX/ATTY. FOR DBT.

### **No Ruling**

16. [25-22734](#)-A-7     **IN RE: SABINA TORRES**  
[EJB-1](#)

ORDER TO SHOW CAUSE  
1-6-2026     [[20](#)]

PAULDEEP BAINS/ATTY. FOR DBT.  
DEBTORS DISCHARGED: 09/08/25

### **Tentative Ruling**

The court has reviewed trustee Birnberg's response to the Order to Show Cause. The trustee misreads applicable law and has not complied with applicable sales procedure for Chapter 7 cases.

First, court approval of any sale is required. 11 U.S.C. §363(b). That always requires a court order approving the sale. In jurisdictions that recognize negative notice, 11 U.S.C. § 102(1), an order approving the sale may be submitted after the notice period has expired. Except for confirmation of the initial Chapter 13 plan filed, the Eastern District of California Bankruptcy Court does not recognize negative notice. LBR 9014-1(k)(1). As a consequence, this sale was made without court approval under § 363(b).

Second, unless the sale is one of property valued at less than \$2,500, Fed. R. Bankr. P. 6004(d), all sales must give creditors and other persons the opportunity for overbid. Fed. R. Bankr. P. 6004(f)(1)(A) (requiring either public auction or private sale subject to overbid opportunity). Even if this court recognized the negative notice procedure, this sale would still not comply inasmuch as the notice fails to indicate that creditors may overbid the debtors. As a result, the trustee has not complied with applicable sales procedures.

Failure to comply with those provisions renders the sale voidable. *In re Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249 (9th Cir. 2010); *Lowther v. U.S. Bank*, 702 Fed.Appx. 517 (9th Cir. 2017). Moreover, this court has authority to set aside these sales. *Matter of CADA Investments, Inc.*, 662 F.2d 1158 (9th Cir. 1981) (sale made after order); *Wisdom v. Gugino*, 649 Fed. Appx. 583 (9th Cir. 2016) (sale made without order).

Rather than voiding the sale, 11 U.S.C. § 549(a)(2)(B), *Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249, the court would prefer

to give the trustee the opportunity to file, set, and serve a motion for sale of the property by private sale subject to overbid opportunity. Those motions will be filed and served on all creditors not later than February 3, 2026, and shall be set for hearing on February 23, 2026, at 10:30 a.m. before this court. The court assumes that trustee Birnberg wishes to avail himself of this opportunity. If so, the court will issue a scheduling order. If the trustee does not wish to do so or if the trustee fails to comply, fully and in a timely fashion, the court will issue an order vacating the sale, instructing the trustee to recover estate property and requiring the trustee to return all funds received.

17. [24-24836](#)-A-7     **IN RE: STEVEN/SYLIVIA TOLKAN**  
[EJB-1](#)

ORDER TO SHOW CAUSE  
1-6-2026    [\[89\]](#)

ROBERT GOLDSTEIN/ATTY. FOR DBT.  
DEBTORS DISCHARGED: 07/24/25

### **Tentative Ruling**

The court has reviewed trustee Birnberg's response to the Order to Show Cause. The trustee misreads applicable law and has not complied with applicable sales procedure for Chapter 7 cases.

First, court approval of any sale is required. 11 U.S.C. §363(b). That always requires a court order approving the sale. In jurisdictions that recognize negative notice, 11 U.S.C. § 102(1), an order approving the sale may be submitted after the notice period has expired. Except for confirmation of the initial Chapter 13 plan filed, the Eastern District of California Bankruptcy Court does not recognize negative notice. LBR 9014-1(k)(1). As a consequence, this sale was made without court approval under § 363(b).

Second, unless the sale is one of property valued at less than \$2,500, Fed. R. Bankr. P. 6004(d), all sales must give creditors and other persons the opportunity for overbid. Fed. R. Bankr. P. 6004(f)(1)(A) (requiring either public auction or private sale subject to overbid opportunity). Even if this court recognized the negative notice procedure, this sale would still not comply inasmuch as the notice fails to indicate that creditors may overbid the debtors. As a result, the trustee has not complied with applicable sales procedures.

Failure to comply with those provisions renders the sale voidable. *In re Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249 (9th Cir. 2010); *Lowther v. U.S. Bank*, 702 Fed.Appx. 517 (9th Cir. 2017). Moreover, this court has authority to set aside these sales. *Matter of CADA Investments, Inc.*, 662 F.2d 1158 (9th Cir. 1981) (sale made after order); *Wisdom v. Gugino*, 649 Fed. Appx. 583 (9th Cir. 2016) (sale made without order).

Rather than voiding the sale, 11 U.S.C. § 549(a)(2)(B), *Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249, the court would prefer to give the trustee the opportunity to file, set, and serve a motion for sale of the property by private sale subject to overbid opportunity. Those motions will be filed and served on all creditors not later than February 3, 2026, and shall be set for hearing on February 23, 2026, at 10:30 a.m. before this court. The court assumes that trustee Birnberg wishes to avail himself of this opportunity. If so, the court will issue a scheduling order. If the trustee does not wish to do so or if the trustee fails to comply, fully and in a timely fashion, the court will issue an order vacating the sale, instructing the trustee to recover estate property and requiring the trustee to return all funds received.

18. [24-25744](#)-A-7     **IN RE: LAURA ARDEN**  
[EJB-1](#)

ORDER TO SHOW CAUSE  
1-6-2026    [\[38\]](#)

NIKKI FARRIS/ATTY. FOR DBT.  
DEBTOR DISCHARGED: 08/28/25

### **Tentative Ruling**

The court has reviewed trustee Birnberg's response to the Order to Show Cause. The trustee misreads applicable law and has not complied with applicable sales procedure for Chapter 7 cases.

First, court approval of any sale is required. 11 U.S.C. §363(b). That always requires a court order approving the sale. In jurisdictions that recognize negative notice, 11 U.S.C. § 102(1), an order approving the sale may be submitted after the notice period has expired. Except for confirmation of the initial Chapter 13 plan filed, the Eastern District of California Bankruptcy Court does not recognize negative notice. LBR 9014-1(k)(1). As a consequence, this sale was made without court approval under § 363(b).

Second, unless the sale is one of property valued at less than \$2,500, Fed. R. Bankr. P. 6004(d), all sales must give creditors and other persons the opportunity for overbid. Fed. R. Bankr. P. 6004(f)(1)(A) (requiring either public auction or private sale subject to overbid opportunity). Even if this court recognized the negative notice procedure, this sale would still not comply inasmuch as the notice fails to indicate that creditors may overbid the debtors. As a result, the trustee has not complied with applicable sales procedures.

Failure to comply with those provisions renders the sale voidable. *In re Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249 (9th Cir. 2010); *Lowther v. U.S. Bank*, 702 Fed.Appx. 517 (9th Cir. 2017). Moreover, this court has authority to set aside these sales. *Matter of CADA Investments, Inc.*, 662 F.2d 1158 (9th Cir. 1981) (sale made



after order); *Wisdom v. Gugino*, 649 Fed. Appx. 583 (9th Cir. 2016) (sale made without order).

Rather than voiding the sale, 11 U.S.C. § 549(a)(2)(B), *Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249, the court would prefer to give the trustee the opportunity to file, set, and serve a motion for sale of the property by private sale subject to overbid opportunity. Those motions will be filed and served on all creditors not later than February 3, 2026, and shall be set for hearing on February 23, 2026, at 10:30 a.m. before this court. The court assumes that trustee Birnberg wishes to avail himself of this opportunity. If so, the court will issue a scheduling order. If the trustee does not wish to do so or if the trustee fails to comply, fully and in a timely fashion, the court will issue an order vacating the sale, instructing the trustee to recover estate property and requiring the trustee to return all funds received.

19. [24-21149](#)-A-7     **IN RE: ELLEN ST. CLAIR**  
[DCJ-2](#)

MOTION TO AVOID LIEN OF MS SERVICES, LLC  
1-6-2026    [\[49\]](#)

DAVID JOHNSTON/ATTY. FOR DBT.  
DEBTOR DISCHARGED: 07/30/2024;

#### **Tentative Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted in part, denied in part

**Order:** Prepared by moving party

**Judicial Lien Avoided:** \$69,042.31 (MS Services, LLC)

**All Other Liens:**

- [Consensual Lien] \$13,000.00 (Balboa Park Condominium Owners Assoc.)

- [Deed of Trust] \$242,000.00 (Roundpoint)

**Exemption:** \$33,566.00

**Value of Property:** \$310,000.00

**Extent Judicial Lien Avoided:** \$47,608.31

**Extent Judicial Lien Not Avoided:** \$21,434.00

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to

avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The court finds that the liens, exemption amount, and property's value totals \$357,608.31. The motion is granted in part and denied in part. The respondent's judicial lien, all other liens, and the exemption amount together do not exceed the property's value of \$310,000.00 by an amount equal to the respondent's judicial lien of \$69,042.31. The responding party's judicial lien is not avoided in the amount of \$21,434.00, and the remaining balance of \$47,608.31 is avoided.

20. [25-22551](#)-A-7     **IN RE: YOUNGSOON CHOI**  
[PJK-6](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-9-2025    [\[281\]](#)

CINDY HILL/ATTY. FOR DBT.  
JACQUELINE SERRAO/ATTY. FOR MV.  
NEWREZ LLC VS.  
DEBTOR DISCHARGED: 01/05/26  
TRUSTEE NON-OPPOSITION

### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted in part; denied in part as moot

**Order:** Civil minute order

**Subject:** 1103-1109 Wanda Street, Crockett, California

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

## **AS TO THE DEBTOR**

The motion is denied as moot. The stay that protects the debtor terminates at the entry of discharge. 11 U.S.C. § 362(c)(2). In this case, discharge has been entered. As a result, the motion is moot as to the debtor.

## **AS TO THE ESTATE**

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

"[U]nder section 362(d)(1), the stay must be terminated for 'cause.' Lack of adequate protection is but one example of "cause" for relief from stay." *In re Ellis*, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985). The panel in the *Ellis* case rejected the argument that under § 362(d)(1) "the stay can only be terminated if [the movant-creditors] show a lack of adequate protection." *Id.*

The debtor has missed 5 post-petition payments totaling \$53,158.37 due on the debt secured by the moving party's lien. This constitutes as cause for stay relief.

The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

## **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

NewRez LLC's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted in part and denied as moot in part. The automatic stay is vacated with respect to the interest of the trustee in the property described in the motion, commonly known as 1103-1109 Wanda Street, Crockett, California. Relief from the automatic stay as to the interest of the debtor in such property is denied as moot given the entry of the discharge in this case. 11 U.S.C. § 362(c)(2)(C).

IT IS FURTHER ORDERED that the 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

21. [25-26054](#)-A-7     **IN RE: JENNIFER ARTZ**  
[SKI-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-9-2025    [[10](#)]

ANH NGUYEN/ATTY. FOR DBT.  
SHERYL ITH/ATTY. FOR MV.  
EXETER FINANCE LLC VS.

### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Subject:** 2012 Honda Accord Crosstour

**Value of Collateral:** \$8,000.00

**Aggregate of Liens:** \$13,352.36

These minutes constitute the court's findings of fact and conclusions of law required by Fed. R. Civ. P. 52(a), *incorporated* by Fed. R. Bankr. P. 7052, 9014(c). The findings of fact are as set forth above; the conclusions of law are as set forth below.

### **DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated* by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **STAY RELIEF**

"[A]fter notice and a hearing," the court may terminate, annul, modify or condition the stay: (1) "for cause, including the lack of adequate protection"; or (2) "with respect to a stay of an act

against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); see also Fed. R. Bankr. P. 4001(a)(1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g)(1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g., the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g)(2).

Section 362(d)(2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective reorganization. 11 U.S.C. § 362(d)(2). Chapter 7 is a mechanism for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982).

In this case, the aggregate amount due all liens exceeds the value of the collateral and the debtor has no equity in the property. As a consequence, the motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Exeter Finance, LLC's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 2012 Honda Accord Crosstour, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

22. [21-22362](#)-A-7     **IN RE: EVA AGUILERA**  
[GMR-2](#)

MOTION FOR COMPENSATION FOR MICHAEL GABRIELSON,  
ACCOUNTANT(S)  
12-18-2025    [\[73\]](#)

CHAD JOHNSON/ATTY. FOR DBT.  
DEBTOR DISCHARGED: 10/12/21

### **Final Ruling**

**Application:** Allowance of Final Compensation and Expense  
Reimbursement

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Approved

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **COMPENSATION AND EXPENSES**

In this Chapter 7 case, Michael Gabrielson, accountant for the trustee, has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$1,534.50 and reimbursement of expenses in the amount of \$45.65.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Michael Gabrielson's application for allowance of final compensation and reimbursement of expenses has been presented to the court.

Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$1,534.50 and reimbursement of expenses in the amount of \$45.65.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

23. [25-24965](#)-A-7     **IN RE: MICHAEL FURMANEK**  
[EAT-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY , MOTION FOR ADEQUATE PROTECTION  
12-15-2025    [\[24\]](#)

SCOTT JOHNSON/ATTY. FOR DBT.  
CASSANDRA RICHEY/ATTY. FOR MV.  
THE HUNTINGTON NATIONAL BANK VS.  
DEBTOR DISCHARGED: 12/30/25

### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted in part; denied in part as moot

**Order:** Civil minute order

**Subject:** 2023 Tracker Targa Trailer

**Value of Collateral:** \$40,000.00

**Aggregate of Liens:** \$49,783.08

These minutes constitute the court's findings of fact and conclusions of law required by Fed. R. Civ. P. 52(a), *incorporated* by Fed. R. Bankr. P. 7052, 9014(c). The findings of fact are as set forth above; the conclusions of law are as set forth below.

### **DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated* by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

## **AS TO THE DEBTOR**

The motion is denied as moot. The stay that protects the debtor terminates at the entry of discharge. 11 U.S.C. § 362(c)(2). In this case, discharge has been entered. As a result, the motion is moot as to the debtor.

## **AS TO THE ESTATE**

"[A]fter notice and a hearing," the court may terminate, annul, modify or condition the stay: (1) "for cause, including the lack of adequate protection"; or (2) "with respect to a stay of an act against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); see also Fed. R. Bankr. P. 4001(a)(1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g)(1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g., the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g)(2).

Section 362(d)(2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective reorganization. 11 U.S.C. § 362(d)(2). Chapter 7 is a mechanism for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982).

In this case, the aggregate amount due all liens exceeds the value of the collateral and the debtor has no equity in the property. As a consequence, the motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

## **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Huntington National Bank's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted in part and denied as moot in part. The automatic stay is vacated with respect to the interest of the trustee in the property described in the motion, commonly known as 2023 Tracker Targa Trailer. Relief from the automatic stay as to the interest of the debtor in such property is denied as moot



given the entry of the discharge in this case. 11 U.S.C.  
§ 362(c)(2)(C).

IT IS FURTHER ORDERED that the 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

24. [25-25966](#)-A-7     **IN RE: JACQUELINE FRAGOZO**  
[SKI-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-18-2025    [\[15\]](#)

CANDACE BROOKS/ATTY. FOR DBT.  
SHERYL ITH/ATTY. FOR MV.  
TD BANK, N.A. VS.; TRUSTEE NON-OPPOSITION

#### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Subject:** 2023 Tesla Model Y

**Value of Collateral:** \$31,300.00

**Aggregate of Liens:** \$43,596.48

These minutes constitute the court's findings of fact and conclusions of law required by Fed. R. Civ. P. 52(a), *incorporated* by Fed. R. Bankr. P. 7052, 9014(c). The findings of fact are as set forth above; the conclusions of law are as set forth below.

#### **DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated* by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

## **STAY RELIEF**

"[A]fter notice and a hearing," the court may terminate, annul, modify or condition the stay: (1) "for cause, including the lack of adequate protection"; or (2) "with respect to a stay of an act against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); see also Fed. R. Bankr. P. 4001(a)(1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g)(1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g., the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g)(2).

Section 362(d)(2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective reorganization. 11 U.S.C. § 362(d)(2). Chapter 7 is a mechanism for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982).

In this case, the aggregate amount due all liens exceeds the value of the collateral and the debtor has no equity in the property. As a consequence, the motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

## **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

TD Bank, N.A.'s motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 2023 Telsa Model Y, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

25. [25-26466](#)-A-7     **IN RE: NEVA/CHRISTOPHER FULLER**  
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-22-2025    [\[13\]](#)

MICHAEL HAYS/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/ATTY. FOR MV.  
THE BANK OF NEW YORK MELLON VS.  
TRUSTEE NON-OPPOSITION

### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Subject:** 4270 Hildale Avenue, Oroville, California

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **STAY RELIEF**

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

"Where the property is declining in value or accruing interest and taxes eat up the equity cushion to the point where the cushion no longer provides adequate protection, the court may either grant the motion to lift the stay or order the debtor to provide some other form of adequate protection." Kathleen P. March, Hon. Alan M. Ahart & Janet A. Shapiro, *California Practice Guide: Bankruptcy* ¶ 8:1096 (rev. 2018). Further, "[a]n undersecured creditor is entitled to adequate protection only for the decline in the [collateral's] value after the bankruptcy filing." *Id.* ¶ 8:1065.1 (citing *United Sav. Ass'n v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 370-73 (1988)). When a creditor is oversecured, however, an existing equity cushion may provide adequate protection of its security interest while the stay remains in effect. See *id.* ¶ 8:1072 (citing cases). In calculating the amount of the movant creditor's equity cushion, the court ignores the debt secured by junior liens. *In re Mellor*, 734 F.2d 1396, 1400-01 (9th Cir. 1984). The Ninth Circuit

has held that a 20% equity cushion adequately protects a creditor's security interest." *Id.* at 1401.

"[U]nder section 362(d)(1), the stay must be terminated for 'cause.' Lack of adequate protection is but one example of "cause" for relief from stay." *In re Ellis*, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985). The panel in the *Ellis* case rejected the argument that under § 362(d)(1) "the stay can only be terminated if [the movant-creditors] show a lack of adequate protection." *Id.*

The debtor has missed 16 pre-petition payments due on the debt secured by the moving party's lien. This constitutes cause for stay relief.

The court does not address grounds for relief under § 362(d)(2) as relief is warranted under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The Bank of New York Mellon's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 4270 Hildale Avenue, Oroville, California, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

26. [22-21669](#)-A-7     **IN RE: LINDSAY/LISA BRAKEL**  
[DNL-23](#)

MOTION FOR AUTHORITY TO MAKE MORTGAGE PAYMENT AND/OR MOTION  
FOR AUTHORITY TO EXPEND ESTATE FUNDS ANNUALLY  
12-22-2025     [\[680\]](#)

BYRON FARLEY/ATTY. FOR DBT.  
J. CUNNINGHAM/ATTY. FOR MV.  
DEBTORS DISCHARGED: 10/28/25

### **Final Ruling**

**Motion:** Allow Administrative Expense [Mortgage Payments]

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Subject Property:** 74.54 acres of irrigated farmland located near the intersection of Foothill Road and N Rock Creek Lane, Haines, Or 98733, and Tax Lots #7700 & 7701

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **FACTS**

Among the assets of the bankruptcy estate is the debtors' interest in the real properties known as 74.54 acres of irrigated farmland located near the intersection of Foothill Road and N Rock Creek Lane, Haines, Or 98733, and Tax Lots #7700 & 7701. There are bi-annual mortgage payments necessary on the subject property. The trustee estimates that the annual mortgage on the real property will be approximately \$24,000.00.

### **Relief Requested**

The Chapter 7 trustee seeks two species of relief: (1) authorization to make the current mortgage payment in the total amount of \$11,352.74; and (2) authority to use up to \$30,000.00 in estate funds on a yearly basis to pay the ongoing mortgage payments as they come due.

### **SECTION 363(b)**

The trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate, except that if the debtor in connection with offering a product or a service discloses to an individual a policy prohibiting the transfer of personally identifiable information about individuals to persons that are not

affiliated with the debtor and if such policy is in effect on the date of the commencement of the case, then the trustee may not sell or lease personally identifiable information to any person unless

...

11 U.S.C. § 363(b) (1).

The trustee seeks an order authorizing the use of estate funds for payment of the current mortgage payment in the amount of \$11,352.74 and continued authorization for annual use of estate funds up to \$30,000.00 to pay the ongoing annual mortgage payment. The court authorizes the use of funds for the current mortgage payment in the amount of \$11,352.74 and the continued use of funds up to \$30,000.00 for future annual mortgage payments, pursuant to 11 U.S.C. § 363(b).

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 7 trustee's motion for allowance of administrative expense has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The court authorizes the use of funds for the current mortgage payment in the amount of \$11,352.74 and the continued use of funds up to \$30,000.00 for future annual mortgage payments, pursuant to 11 U.S.C. § 363(b).

27. [25-23973](#)-A-7     **IN RE: KAYLA HARRIS**  
[EJB-1](#)

ORDER TO SHOW CAUSE  
1-6-2026    [\[22\]](#)

ADAM GARCIA/ATTY. FOR DBT.  
DEBTORS DISCHARGED: 12/08/25

#### **Tentative Ruling**

The court has reviewed trustee Birnberg's response to the Order to Show Cause. The trustee misreads applicable law and has not complied with applicable sales procedure for Chapter 7 cases.

First, court approval of any sale is required. 11 U.S.C. §363(b). That always requires a court order approving the sale. In jurisdictions that recognize negative notice, 11 U.S.C. § 102(1), an

order approving the sale may be submitted after the notice period has expired. Except for confirmation of the initial Chapter 13 plan filed, the Eastern District of California Bankruptcy Court does not recognize negative notice. LBR 9014-1(k)(1). As a consequence, this sale was made without court approval under § 363(b).

Second, unless the sale is one of property valued at less than \$2,500, Fed. R. Bankr. P. 6004(d), all sales must give creditors and other persons the opportunity for overbid. Fed. R. Bankr. P. 6004(f)(1)(A) (requiring either public auction or private sale subject to overbid opportunity). Even if this court recognized the negative notice procedure, this sale would still not comply inasmuch as the notice fails to indicate that creditors may overbid the debtors. As a result, the trustee has not complied with applicable sales procedures.

Failure to comply with those provisions renders the sale voidable. *In re Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249 (9th Cir. 2010); *Lowther v. U.S. Bank*, 702 Fed.Appx. 517 (9th Cir. 2017). Moreover, this court has authority to set aside these sales. *Matter of CADA Investments, Inc.*, 662 F.2d 1158 (9th Cir. 1981) (sale made after order); *Wisdom v. Gugino*, 649 Fed. Appx. 583 (9th Cir. 2016) (sale made without order).

Rather than voiding the sale, 11 U.S.C. § 549(a)(2)(B), *Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249, the court would prefer to give the trustee the opportunity to file, set, and serve a motion for sale of the property by private sale subject to overbid opportunity. Those motions will be filed and served on all creditors not later than February 3, 2026, and shall be set for hearing on February 23, 2026, at 10:30 a.m. before this court. The court assumes that trustee Birnberg wishes to avail himself of this opportunity. If so, the court will issue a scheduling order. If the trustee does not wish to do so or if the trustee fails to comply, fully and in a timely fashion, the court will issue an order vacating the sale, instructing the trustee to recover estate property and requiring the trustee to return all funds received.

28. [25-25873](#)-A-7     **IN RE: CHRISTINA JUAREZ**  
[FAT-2](#)

MOTION TO REDEEM  
1-2-2026    [\[29\]](#)

FLOR DE MARIA TATAJE/ATTY. FOR DBT.

**Tentative Ruling**

**Motion:** Redeem Tangible Personal Property

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

**Movants Valuation of Property:** \$3,387.00

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Pursuant to § 722, an individual debtor in Chapter 7 may redeem tangible personal property from a lien on such property by paying the lienholder the amount of the allowed secured claim. 11 U.S.C. § 722. The tangible personal property must be "intended primarily for personal, family, or household use." *Id.*

Additionally, the property must have been exempted under § 522 or abandoned under § 554. *Id.* And the lien on the property must "secur[e] a "dischargeable consumer debt." *Id.*

The redemption price is the amount of the allowed secured claim, which amount is "determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing." *Id.* § 506(a)(2).

The debtor requests authority to redeem tangible personal property, described in the motion, from the lien on such property. See Fed. R. Bankr. P. 6008. The property has been claimed exempt (or abandoned). The court values the property at the amount set forth in the motion (the redemption price). No party in interest has disputed whether the debt is dischargeable. The court will grant the motion and authorize the proposed redemption.



29. [25-25275](#)-A-7     **IN RE: MUHAMMAD HAMDAN**  
[SKI-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-12-2025    [\[23\]](#)

CARL GUSTAFSON/ATTY. FOR DBT.  
SHERYL ITH/ATTY. FOR MV.  
SANTANDER CONSUMER USA INC. VS.  
DEBTOR DISCHARGED: 01/06/26  
TRUSTEE NON-OPPOSITION

### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Subject:** 2022 Jeep Grand Cherokee (Auto Lease)

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **STAY RELIEF**

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

The debtor has missed 1 post-petition payments due on the debt secured by the moving party's lien. However, the debtor has already surrendered the vehicle to the dealership on November 19, 2025. Both the trustee and the debtor have filed non-opposition to this motion, ECF No. 30. This constitutes cause for stay relief.

The court does not address grounds for relief under § 362(d)(2) as relief is warranted under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Santander Consumer USA Inc.'s motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 2022 Jeep Grand Cherokee, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

30. [25-26575](#)-A-7     **IN RE: LARAY LOCKHART**  
[NF-1](#)

TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO APPEAR AT SEC.  
341(A) MEETING OF CREDITORS  
12-15-2025    [\[22\]](#)

### **Tentative Ruling**

**Motion:** Dismiss Case and Extend Trustee's Deadlines

**Notice:** LBR 9014-1(f)(1); written opposition required or case dismissed without hearing

**Disposition:** Conditionally denied in part, granted in part

**Order:** Civil minute order

### **DISMISSAL**

Chapter 7 debtors shall attend the § 341(a) meeting of creditors. 11 U.S.C. § 343. A continuing failure to attend this meeting may be cause for dismissal of the case. See 11 U.S.C. §§ 105(a), 343, 707(a); *In re Witkowski*, 523 B.R. 300, 307 n.8 (B.A.P. 1st Cir. 2014) ("Some courts have ruled that the failure to attend the § 341 meeting of creditors constitutes 'cause' for dismissal.").

In this case, the debtor has failed to appear at a scheduled meeting of creditors required by 11 U.S.C. § 341. Because the debtor's failure to attend this meeting has occurred once, the court will not dismiss the case on condition that the debtor attend the next creditors' meeting. But if the debtor does not appear at the continued meeting of creditors, the case will be dismissed on trustee's declaration without further notice or hearing.

## **EXTENSION OF DEADLINES**

The court will grant the motion in part to the extent it asks for an extension of deadlines. The court extends the following deadlines to 60 days after the next continued date of the creditors' meeting: (1) the trustee and all creditors' deadline to object to discharge under § 727, see Fed. R. Bankr. P. 4004(a); and (2) the trustee and all creditors' deadline to bring a motion to dismiss under § 707(b) or (c) for abuse, other than presumed abuse, see Fed. R. Bankr. P. 1017(e). These deadlines are no longer set at 60 days after the first creditors' meeting.

## **CIVIL MINUTE ORDER**

The court will issue a minute order that conforms substantially to the following form:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes of the hearing.

IT IS ORDERED that the Motion to Dismiss is denied on the condition that the debtor attend the next continued § 341(a) meeting of creditors scheduled for January 21, 2026, at 8:00 a.m. But if the debtor does not appear at this continued meeting, the case will be dismissed on trustee's declaration without further notice or hearing.

IT IS ALSO ORDERED that following deadlines shall be extended to 60 days after the next continued date of the creditors' meeting: (1) the trustee and all creditors' deadline to object to discharge under § 727, see Fed. R. Bankr. P. 4004(a); and (2) the trustee and all creditors' deadline to bring a motion to dismiss under § 707(b) or (c) for abuse, other than presumed abuse, see Fed. R. Bankr. P. 1017(e).

31. [24-20381](#)-A-7     **IN RE: JEFFREY JORISSEN AND ELLEN CLARK**  
[EJB-1](#)

ORDER TO SHOW CAUSE  
1-6-2026    [\[64\]](#)

PATRICIA WILSON/ATTY. FOR DBT.  
DEBTORS DISCHARGED: 02/25/25

## **Tentative Ruling**

The court has reviewed trustee Birnberg's response to the Order to Show Cause. The trustee misreads applicable law and has not complied with applicable sales procedure for Chapter 7 cases.

First, court approval of any sale is required. 11 U.S.C. §363(b). That always requires a court order approving the sale. In jurisdictions that recognize negative notice, 11 U.S.C. § 102(1), an order approving the sale may be submitted after the notice period

has expired. Except for confirmation of the initial Chapter 13 plan filed, the Eastern District of California Bankruptcy Court does not recognize negative notice. LBR 9014-1(k)(1). As a consequence, this sale was made without court approval under § 363(b).

Second, unless the sale is one of property valued at less than \$2,500, Fed. R. Bankr. P. 6004(d), all sales must give creditors and other persons the opportunity for overbid. Fed. R. Bankr. P. 6004(f)(1)(A) (requiring either public auction or private sale subject to overbid opportunity). Even if this court recognized the negative notice procedure, this sale would still not comply inasmuch as the notice fails to indicate that creditors may overbid the debtors. As a result, the trustee has not complied with applicable sales procedures.

Failure to comply with those provisions renders the sale voidable. *In re Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249 (9th Cir. 2010); *Lowther v. U.S. Bank*, 702 Fed.Appx. 517 (9th Cir. 2017). Moreover, this court has authority to set aside these sales. *Matter of CADA Investments, Inc.*, 662 F.2d 1158 (9th Cir. 1981) (sale made after order); *Wisdom v. Gugino*, 649 Fed. Appx. 583 (9th Cir. 2016) (sale made without order).

Rather than voiding the sale, 11 U.S.C. § 549(a)(2)(B), *Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249, the court would prefer to give the trustee the opportunity to file, set, and serve a motion for sale of the property by private sale subject to overbid opportunity. Those motions will be filed and served on all creditors not later than February 3, 2026, and shall be set for hearing on February 23, 2026, at 10:30 a.m. before this court. The court assumes that trustee Birnberg wishes to avail himself of this opportunity. If so, the court will issue a scheduling order. If the trustee does not wish to do so or if the trustee fails to comply, fully and in a timely fashion, the court will issue an order vacating the sale, instructing the trustee to recover estate property and requiring the trustee to return all funds received.

32. [25-22383](#)-A-7     **IN RE: WAYNE/CHRISTINE PARKER**  
[EJB-1](#)

ORDER TO SHOW CAUSE  
1-6-2026     [\[41\]](#)

PATRICIA WILSON/ATTY. FOR DBT.  
DEBTORS DISCHARGED: 08/26/25

### **Tentative Ruling**

The court has reviewed trustee Birnberg's response to the Order to Show Cause. The trustee misreads applicable law and has not complied with applicable sales procedure for Chapter 7 cases.

First, court approval of any sale is required. 11 U.S.C. §363(b). That always requires a court order approving the sale. In

jurisdictions that recognize negative notice, 11 U.S.C. § 102(1), an order approving the sale may be submitted after the notice period has expired. Except for confirmation of the initial Chapter 13 plan filed, the Eastern District of California Bankruptcy Court does not recognize negative notice. LBR 9014-1(k)(1). As a consequence, this sale was made without court approval under § 363(b).

Second, unless the sale is one of property valued at less than \$2,500, Fed. R. Bankr. P. 6004(d), all sales must give creditors and other persons the opportunity for overbid. Fed. R. Bankr. P. 6004(f)(1)(A) (requiring either public auction or private sale subject to overbid opportunity). Even if this court recognized the negative notice procedure, this sale would still not comply inasmuch as the notice fails to indicate that creditors may overbid the debtors. As a result, the trustee has not complied with applicable sales procedures.

Failure to comply with those provisions renders the sale voidable. *In re Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249 (9th Cir. 2010); *Lowther v. U.S. Bank*, 702 Fed.Appx. 517 (9th Cir. 2017). Moreover, this court has authority to set aside these sales. *Matter of CADA Investments, Inc.*, 662 F.2d 1158 (9th Cir. 1981) (sale made after order); *Wisdom v. Gugino*, 649 Fed. Appx. 583 (9th Cir. 2016) (sale made without order).

Rather than voiding the sale, 11 U.S.C. § 549(a)(2)(B), *Jim L. Shetakis Distributing Co.*, 401 Fed.Appx. 249, the court would prefer to give the trustee the opportunity to file, set, and serve a motion for sale of the property by private sale subject to overbid opportunity. Those motions will be filed and served on all creditors not later than February 3, 2026, and shall be set for hearing on February 23, 2026, at 10:30 a.m. before this court. The court assumes that trustee Birnberg wishes to avail himself of this opportunity. If so, the court will issue a scheduling order. If the trustee does not wish to do so or if the trustee fails to comply, fully and in a timely fashion, the court will issue an order vacating the sale, instructing the trustee to recover estate property and requiring the trustee to return all funds received.

33. [25-26192](#)-A-7     **IN RE: JESSE MONTANEZ**  
[JCW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-17-2025    [\[15\]](#)

MARK WOLFF/ATTY. FOR DBT.  
JENNIFER WONG/ATTY. FOR MV.  
CAPITAL ONE AUTO FINANCE VS.

### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Subject:** 2022 Honda Civic Sport

**Cause:** delinquent installment payments 3.971 months/ \$2,812.67

These minutes constitute the court's findings of fact and conclusions of law required by Fed. R. Civ. P. 52(a), *incorporated* by Fed. R. Bankr. P. 7052, 9014(c). The findings of fact are as set forth above; the conclusions of law are as set forth below.

### **DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated* by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **STAY RELIEF**

"[A]fter notice and a hearing," the court may terminate, annul, modify or condition the stay: (1) "for cause, including the lack of adequate protection"; or (2) "with respect to a stay of an act against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); *see also* Fed. R. Bankr. P. 4001(a)(1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g)(1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g., the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g)(2).

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest

in property of such party." 11 U.S.C. § 362(d)(1). The debtor bears the burden of proof. 11 U.S.C. § 362(g)(2). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1). "An undersecured creditor is entitled to adequate protection only for the decline in the [collateral's] value after the bankruptcy filing." See Kathleen P. March, Hon. Alan M. Ahart & Janet A. Shapiro, *California Practice Guide: Bankruptcy* ¶ 8:1065.1 (rev. 2019) (citing *United Sav. Ass'n v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 370-73 (1988)); see also *In re Weinstein*, 227 BR 284, 296 (9th Cir. BAP 1998) ("Adequate protection is provided to safeguard the creditor against depreciation in the value of its collateral during the reorganization process"); *In re Deico Electronics, Inc.*, 139 BR 945, 947 (9th Cir. BAP 1992) ("Adequate protection payments compensate undersecured creditors for the delay bankruptcy imposes upon the exercise of their state law remedies").

The debtor is obligated to make debt payments to the moving party pursuant to a loan contract that is secured by a security interest in the debtor's vehicle described above. The debtor has defaulted on such loan with the moving party, and postpetition payments are past due. Vehicles depreciate over time and with usage. As a consequence, the moving party's interest in the vehicle is not being adequately protected due to the debtor's ongoing postpetition default.

Cause exists to grant relief under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Capital One Auto Finance's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 2022 Honda Civic Sport, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

34. [25-23596](#)-A-7     **IN RE: NUSHAKE, INC.**  
[CCR-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-1-2025    [[20](#)]

DAVID JOHNSTON/ATTY. FOR DBT.  
CHERYL ROUSE/ATTY. FOR MV.  
JAIME CHIOK VS.

**No Ruling**

35. [25-26936](#)-A-7     **IN RE: THERAPEUTIC EXERCISE DESIGN &  
DEVELOPMENT, INC.**  
[GAC-1](#)

MOTION TO CONVERT CASE FROM CHAPTER 7 TO CHAPTER 11  
1-6-2026    [[19](#)]

DAVID MEDBY/ATTY. FOR DBT.

**No Ruling**