

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Modesto, California

**January 23, 2018 at 10:00 a.m.**

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**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

**1. Matters resolved without oral argument:**

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

**2. The court will not continue any short cause evidentiary hearings scheduled below.**

**3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.**

**4. If no disposition is set forth below, the matter will be heard as scheduled.**

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1.	17-90900-D-13	CATHERINE DANTAY	OBJECTION TO CONFIRMATION OF
	RDG-1		PLAN BY RUSSELL D. GREER
			12-29-17 [28]

2. 17-90713-D-13 BRANDY DURKEE  
RS-1

MOTION TO VALUE COLLATERAL OF  
ONEMAIN FINANCIAL SERVICES  
12-18-17 [37]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

3. 17-90818-D-13 LISA GARCIA  
RDG-2

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
12-4-17 [32]

**Final ruling:**

This is the trustee's objection to the debtor's claims of exemptions. On December 15, 2017, the debtor filed an amended Schedule C, along with a spousal waiver of exemptions. As a result of the filing of the amended Schedule C, the objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

4. 17-90820-D-13 SANDRA NARANJO  
RDG-3

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
12-4-17 [30]

**Final ruling:**

This is the trustee's objection to the debtor's claim of exemption. On December 12, 2017, the debtor filed an amended Schedule C. As a result of the filing of the amended Schedule C, the present objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

5. 14-90822-D-13 BRENDA GONZALEZ  
TOG-3

MOTION TO MODIFY PLAN  
12-8-17 [42]

6. 17-90824-D-13 ARTEMIO PALACIOS GONZALEZ CONTINUED MOTION FOR RELIEF  
NLL-1 AND LETICIA BARRERA FROM AUTOMATIC STAY  
WELLS FARGO BANK, N.A. 11-17-17 [19]

**DEBTOR DISMISSED:**

**12/19/2017**

**JOINT DEBTOR DISMISSED:**

**12/19/2017**

7. 17-90230-D-13 ELIZABETH ROORDA MOTION TO MODIFY PLAN  
MSN-1 12-15-17 [28]

**Final ruling:**

This is the debtor's motion to confirm a first modified chapter 13 plan. On January 2, 2018, the debtor filed a second modified plan and a motion to confirm it. As a result of the filing of the second modified plan, the present motion is moot. (The debtor's purported withdrawal of the motion was ineffective because the trustee had earlier filed opposition to the motion. See Fed. R. Civ. P. 41(a)(1) and (2), incorporated herein by Fed. R. Bankr. P. 7041 and 9014(c).) The motion will be denied as moot by minute order. No appearance is necessary.

8. 17-90751-D-13 DEBBIE DEAN MOTION TO CONFIRM PLAN  
DEF-1 11-29-17 [21]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

9. 16-90160-D-13 ISAAC GUZMAN MOTION TO MODIFY PLAN  
MSN-2 12-15-17 [60]

**Final ruling:**

This is the debtor's motion to confirm a first modified chapter 13 plan. On January 5, 2018, the debtor filed a second modified plan and a motion to confirm it. As a result of the filing of the second modified plan, the present motion is moot. (The debtor's purported withdrawal of the motion was ineffective because the trustee had earlier filed opposition to the motion. See Fed. R. Civ. P. 41(a)(1) and (2), incorporated herein by Fed. R. Bankr. P. 7041 and 9014(c).) The motion will be denied as moot by minute order. No appearance is necessary.

10.	17-90460-D-13 TOG-4	SANTIAGO/GODELEVA GUTIERREZ	MOTION TO CONFIRM PLAN 12-12-17 [85]
11.	17-90475-D-13 DCJ-2	BRIAN BRECKENRIDGE	CONTINUED MOTION TO CONFIRM PLAN 8-6-17 [25]
12.	17-90475-D-13 DCJ-3	BRIAN BRECKENRIDGE	OBJECTION TO CLAIM OF FRANCHISE TAX BOARD, CLAIM NUMBER 1 12-12-17 [52]
13.	15-90181-D-13 BDA-1 CAPITAL ONE AUTO FINANCE VS.	STANLEY/ROSEMARIE JONES	MOTION FOR RELIEF FROM AUTOMATIC STAY 12-19-17 [69]

14. 17-90783-D-13 TERRY KRONHOLM  
RKW-1

MOTION TO CONFIRM PLAN  
12-6-17 [46]

**Final ruling:**

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving party failed to serve Ron Roberson, added to the debtor's Schedule D by amendment filed October 11, 2017 (as holding a \$96,000 secured claim); (2) the moving party failed to serve Kevin Robles, listed on the debtor's Schedule H as a co-debtor on a mortgage loan in the amount of \$78,015; (3) the moving party failed to serve the County of Tuolumne at its address on Schedule E/F (different from its address on Schedule D; according to the debtor's descriptions, the two listings are for entirely different types of debts); and (4) the moving papers give an incorrect address for the courthouse.

As a result of these service and notice defects, the motion will be denied and the court need not reach the issues raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

15. 16-90996-D-13 STEVEN/ELVIRA CISNEROS  
AP-1  
WELLS FARGO BANK, N.A. VS.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
12-20-17 [24]

**Final ruling:**

Creditor, Wells Fargo Bank, N.A., is scheduled as a Class 4 creditor to be paid outside the plan, and an order confirming the plan has been entered in this case. The plan contains the language "Entry of the confirmation order shall constitute an order modifying the automatic stay to allow the holder of a Class 4 secured claim to exercise its rights against its collateral in the event of a default under the terms of its loan or security documentation provided this case is pending under Chapter 13." If the debtors have defaulted under the plan, the stay has already been modified to allow this creditor to proceed with its rights against its collateral under the terms of the underlying loan and security documentation. Accordingly, the motion will be denied by minute order as unnecessary. No appearance is necessary.