

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement  
Fresno Federal Courthouse  
2500 Tulare Street, 5<sup>th</sup> Floor  
Courtroom 11, Department A  
Fresno, California

**PRE-HEARING DISPOSITIONS**

**DAY: THURSDAY**  
**DATE: JANUARY 26, 2017**  
**CALENDAR: 9:00 A.M. CHAPTERS 13 AND 12 CASES**

**GENERAL DESIGNATIONS**

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

**COURT'S ERRORS IN FINAL RULINGS**

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 60(a), as incorporated by Federal Rules of Bankruptcy Procedure 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [16-13501](#)-A-13 GARY LOY

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
1-3-17 [[41](#)]

SCOTT LYONS/Atty. for dbt.

### **Tentative Ruling**

If the filing fee installments of \$77 due December 27, 2016, as well as the \$77 due January 25, 2017, have not been paid by the time of the hearing, the case may be dismissed without further notice or hearing.

2. [12-12705](#)-A-13 JEFFREY DEMENT AND KARA  
JMA-8 NORD-DEMENT  
JEFFREY DEMENT/MV  
JOSEPH ARNOLD/Atty. for dbt.

MOTION TO MODIFY PLAN  
12-22-16 [[117](#)]

### **Final Ruling**

**Motion:** Modify Chapter 13 Plan

**Notice:** LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the trustee, approved by debtor's counsel

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 3015-1(d)(2), 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).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden. The court will grant the motion and approve the modification of the plan.

3. [16-10407](#)-A-13 RAFAEL/MARTHA HERNANDEZ  
PBB-1  
RAFAEL HERNANDEZ/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO CONFIRM PLAN  
12-14-16 [[30](#)]

### **Final Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the trustee, approved by debtor's counsel

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 3015-1(d)(1), 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).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

4. [16-13907](#)-A-13 MARGARET MONTIJO MOTION TO DISMISS CASE  
MHM-1 12-15-16 [[20](#)]  
MICHAEL MEYER/MV  
STEPHEN LABIAK/Atty. for dbt.  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

5. [16-13709](#)-A-13 JO MORRISON MOTION TO DISMISS CASE  
MHM-1 12-21-16 [[28](#)]  
MICHAEL MEYER/MV  
RABIN POURNAZARIAN/Atty. for dbt.  
RESPONSIVE PLEADING  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

6. [16-13220](#)-A-13 GEORGE BONANNO MOTION TO CONFIRM PLAN  
MJA-2 12-12-16 [[35](#)]  
GEORGE BONANNO/MV  
MICHAEL ARNOLD/Atty. for dbt.

**Final Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the trustee, approved by debtor's counsel

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 3015-1(d)(1), 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).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

7. [16-14020](#)-A-13 KURT/SABRINA PRINDIVILLE MOTION TO DISMISS CASE  
MHM-1 12-15-16 [[17](#)]  
MICHAEL MEYER/MV  
JERRY LOWE/Atty. for dbt.  
RESPONSIVE PLEADING  
WITHDRAWN

#### **Final Ruling**

The motion withdrawn, the matter is dropped as moot.

8. [16-14023](#)-A-13 RUBEN CHAVEZ AND SOCORRO MOTION TO CONFIRM PLAN  
TOG-1 VILLEGAS 12-14-16 [[18](#)]  
RUBEN CHAVEZ/MV  
THOMAS GILLIS/Atty. for dbt.  
RESPONSIVE PLEADING

#### **No tentative ruling.**

9. [16-13828](#)-A-13 SANTOS ARROYO AND SOCORRO MOTION TO DISMISS CASE  
MHM-2 GARCIA 12-21-16 [[16](#)]  
MICHAEL MEYER/MV  
BENNY BARCO/Atty. for dbt.  
WITHDRAWN

#### **Final Ruling**

The motion withdrawn, the matter is dropped as moot.

10. [16-12930](#)-A-13 MOISES/SARA DUENAS  
MHM-3  
MICHAEL MEYER/MV  
THOMAS GILLIS/Atty. for dbt.

MOTION TO DISMISS CASE  
12-20-16 [[74](#)]

### **Final Ruling**

**Motion:** Dismiss Case

**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).

### **CASE DISMISSAL**

The chapter 13 trustee moves to dismiss this chapter 13 case for a delinquency in payments under the debtor's proposed chapter 13 plan. For the reasons stated in the motion, cause exists under § 1307(c)(1), (c)(4) and § 1326(a)(1)(A) to dismiss the case. Payments under the proposed plan are delinquent in the amount of \$3920.

### **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 trustee's motion to dismiss this chapter 13 case has been presented to the court. Having entered the default of respondent debtor 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 because of the delinquency under the proposed chapter 13 plan in this case. The court hereby dismisses this case.

11. [12-14743](#)-A-13 DAVID LARSON AND TINA  
THA-7 MEDEIROS-LARSON

MOTION FOR COMPENSATION FOR  
THOMAS H. ARMSTRONG, DEBTORS  
ATTORNEY(S)  
12-29-16 [[110](#)]

THOMAS ARMSTRONG/Atty. for dbt.

### **Tentative 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 13 case, Thomas H. Armstrong, Esq. has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$3000 and reimbursement of expenses in the amount of \$0.00.

The applicant also asks that the court allow on a final basis \$4000 approved through the original plan under LBR 2016-1(c). Although the court will approve on a final basis the \$4000 paid under LBR 2016-1(c), the \$4000 opt-in fee included \$1000 paid prepetition as a retainer and the court will only allow \$6000 as an administrative expense to be paid through the plan (\$4000 - \$1000 + \$3000 = \$6000).

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a debtor's attorney in a Chapter 13 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1), (4)(B). 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. The court also approves on a final basis the \$4000 approved through the original plan under LBR 2016-1(c).

### **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.

Thomas H. Armstrong, Esq.'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 \$3000 and reimbursement of expenses in the amount of \$0.00. The court also finally approves the \$4000 approved as part of plan confirmation under LBR 2016-1(c) (the court approves on a final basis the entire \$4000 opt-in fee paid, including the \$1000 retainer). As of the date of the application, the applicant held a retainer in the amount of \$0.00. The aggregate allowed amount to be paid as an administrative expense through the plan equals \$6000 (\$3000 of the opt-in fee plus \$3000 requested in the present application but not including the \$1000 retainer).

IT IS FURTHER ORDERED that the trustee is authorized to pay the fees allowed by this order from the available funds of the plan in a manner consistent with the terms of the confirmed plan.

12. [16-11244](#)-A-13 REGINALDO/NELDA RODRIGUEZ MOTION TO MODIFY PLAN  
TCS-1 12-21-16 [[19](#)]  
REGINALDO RODRIGUEZ/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
RESPONSIVE PLEADING

**No tentative ruling.**

13. [16-11244](#)-A-13 REGINALDO/NELDA RODRIGUEZ MOTION TO SELL  
TCS-2 1-5-17 [[27](#)]  
REGINALDO RODRIGUEZ/MV  
TIMOTHY SPRINGER/Atty. for dbt.

**No tentative ruling.**

14. [16-14444](#)-A-13 STEVEN WILLIAMS ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
1-10-17 [[23](#)]  
MICHAEL AVANESIAN/Atty. for dbt.

**Final Ruling**

The fee paid, the order to show cause is discharged and the case shall remain pending.

15. [11-16673](#)-A-13 ABEL/ROSA ABARCA  
MHM-1  
MICHAEL MEYER/MV  
THOMAS GILLIS/Atty. for dbt.  
MICHAEL MEYER/Atty. for mv.  
RESPONSIVE PLEADING  
WITHDRAWN

MOTION TO DISMISS CASE  
12-16-16 [[84](#)]

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

16. [15-12675](#)-A-13 CARLOS/TAMMIE COSTALES  
PBB-3  
CARLOS COSTALES/MV

OBJECTION TO CLAIM OF  
DEPARTMENT OF TREASURY-INTERNAL  
REVENUE SERVICE, CLAIM NUMBER 6  
12-2-16 [[54](#)]

PETER BUNTING/Atty. for dbt.

**Final Ruling**

**Objection:** Objection to Claim

**Notice:** LBR 3007-1(b)(1); written opposition required

**Disposition:** Sustained

**Order:** Prepared by objecting party

Unopposed objections are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c); LBR 9001-1(d), (n) (contested matters include objections). Written opposition to the sustaining of this objection was required not less than 14 days before the hearing on this objection. 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).

Debtors object to claim no. 6 filed by the U.S. Department of the Treasury, Internal Revenue Service (IRS). The IRS's claim was filed in the amount of \$6,333.77 for taxes owed. The amount claimed as a priority claim was \$4,863.25.

The IRS's proof of claim separates the amounts owed into two portions. The amount claimed for 2013 and 2014 is \$4,863.25. The balance of the claim is \$1470.52, and this portion of the claim is not subject to the objection.

The debtors represent that they filed their 2013 and 2014 tax returns and sent them to the IRS. Both tax returns reflect a \$0.00 tax liability. Accordingly, the court will sustain the objection on the well-pleaded facts. The claim will be disallowed in the amount of \$4,863.25. The balance of the claim will be allowed as a general unsecured claim in the amount of \$1470.52.



17. [16-13876](#)-A-13 KATHERINE RAINEY MOTION TO DISMISS CASE  
MHM-1 12-15-16 [[16](#)]  
MICHAEL MEYER/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

18. [16-13480](#)-A-13 DANIEL CISNEROS TORRES ORDER TO SHOW CAUSE - FAILURE  
AND ANGELINA RODRIGUEZ TO PAY FEES  
12-27-16 [[41](#)]  
SCOTT LYONS/Atty. for dbt.  
FINAL INSTALLMENT OF \$154.00  
PAID 1/6/17

**Final Ruling**

The fee paid, the order to show cause is discharged and the case shall remain pending.

19. [16-11885](#)-A-12 ANTONIO/MARIA TEIXEIRA CONTINUED MOTION TO CONFIRM  
FW-3 CHAPTER 12 PLAN  
8-31-16 [[26](#)]  
MARIA TEIXEIRA/MV  
PETER FEAR/Atty. for dbt.  
RESPONSIVE PLEADING

**No tentative ruling.**

20. [11-10791](#)-A-12 LUKE/SARAH PEASTER MOTION FOR COMPENSATION BY THE  
FW-11 LAW OFFICE OF FEAR WADDELL,  
P.C. FOR PETER L. FEAR,  
DEBTORS' ATTORNEY(S)  
12-22-16 [[126](#)]  
PETER FEAR/Atty. for dbt.

**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 12 case, Fear Waddell, P.C. has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$6465.00 and reimbursement of expenses in the amount of \$200.80. The applicant also asks that the court allow on a final basis all prior applications for fees and costs that the court has previously allowed on an interim basis.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a debtor's attorney in a Chapter 12 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1), (4)(B). 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. The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim 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.

Fear Waddell, P.C.'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 \$6465.00 and reimbursement of expenses in the amount of \$200.80. The aggregate allowed amount equals \$6665.80. As of the date of the application, the applicant held a retainer in the amount of \$0.00. The amount of \$6665.80 shall be allowed as an administrative expense to be paid through the plan. The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim basis.

IT IS FURTHER ORDERED that the trustee is authorized to pay the fees allowed by this order from the available funds of the plan in a manner consistent with the terms of the confirmed plan.

21. [16-13893](#)-A-13 DAVID/DELIA HAYES  
MHM-1  
MICHAEL MEYER/MV

MOTION TO DISMISS CASE  
12-15-16 [[20](#)]

### **Tentative Ruling**

**Motion:** Dismiss Case

**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).

### **CASE DISMISSAL**

The debtor has failed to provide the trustee with required or requested documents. See 11 U.S.C. § 521(a)(3)-(4).

The debtor has failed to provide the trustee with required tax returns (for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed) no later than 7 days before the date first set for the first meeting of creditors. 11 U.S.C. § 521(e)(2)(A)-(B).

For the reasons stated in the motion, cause exists to dismiss the case. *Id.* § 1307(c)(1).

### **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 trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor 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 for unreasonable delay by the debtor that is prejudicial to creditors. The court hereby dismisses this case.

22. [14-13896](#)-A-13 JOHN/MARY TRUJILLO  
MSN-2  
JOHN TRUJILLO/MV  
MARSHALL MOUSHIGIAN/Atty. for dbt.

MOTION TO INCUR DEBT  
1-10-17 [[43](#)]

### **Tentative Ruling**

**Motion:** Approve New Debt [New Home Loan - Refinance]

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

**Disposition:** Granted

**Order:** Prepared by moving party

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).

The debtors seek to incur new debt to refinance their loan against their residence located at 2103 McKenzie Street, Dos Palos, CA. Amended Schedule J has been filed indicating that the debtors can afford both the plan payment and the proposed monthly loan payment of principal and interest that would result from obtaining this financing. The court will grant the motion, and the trustee will approve the order as to form and content.

23. [11-17897](#)-A-13 PAUL/JENNIFER LAZIO  
FW-5  
PAUL LAZIO/MV  
PETER FEAR/Atty. for dbt.

MOTION TO AVOID LIEN OF  
CITIBANK (SOUTH DAKOTA), NA  
12-21-16 [[120](#)]

### **Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

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

**Disposition:** Granted

**Order:** Prepared by moving party

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).

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 exceed the property's value by an amount greater than or equal to the debt secured by the responding party's lien. As a result, the responding party's judicial lien will be avoided entirely.