

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

Honorable Christopher D. Jaime
Robert T. Matsui U.S. Courthouse
501 I Street, Sixth Floor
Sacramento, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: February 3, 2026

CALENDAR: 1:00 P.M. CHAPTER 13

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

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters and no appearance is necessary. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within seven (7) days of the final hearing on the matter.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime

Chief Bankruptcy Judge

Sacramento, California

February 3, 2026 at 1:00 p.m.

1. [23-90500](#)-B-13 JANET CHILDRESS MOTION TO INCUR DEBT
[SSH](#)-1 Simran Singh Hundal 1-7-26 [[30](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to conditionally grant the motion to incur debt and continue the matter to February 10, 2026, at 1:00 p.m.

The motion seeks a court order authorizing Debtor to incur post-petition debt to refinance her current home located at 420 Ansonville Lane, Modesto, California, and use the proceeds to pay off her chapter 13 case. The new loan is from American Pacific Mortgage Corp. in the amount of \$312,372.00 for a term of 30 years, fixed interest rate of 5.75%, and monthly payment of \$2,198.00. Proceeds from the sale will pay off 100% of all filed claims and provide an estimated net to Debtor in the amount of \$63,638.19. Debtor is current on all payments required by the chapter 13 plan.

Discussion

A motion to incur debt is governed by Federal Rule of Bankruptcy Procedure 4001(c). *In re Gonzales*, No. 08-00719, 2009 WL 1939850, at *1 (Bankr. N.D. Iowa July 6, 2009). Rule 4001(c) requires that the motion list or summarize all material provisions of the proposed credit agreement, "including interest rate, maturity, events of default, liens, borrowing limits, and borrowing conditions." Fed. R. Bankr. P. 4001(c)(1)(B). Moreover, a copy of the agreement must be provided to the court. *Id.* at 4001(c)(1)(A). The court must know the details of the collateral as well as the financing agreement to adequately review post-confirmation financing agreements. *In re Clemons*, 358 B.R. 714, 716 (Bankr. W.D. Ky. 2007).

The court finds that the proposed credit, based on the unique facts and circumstances of this case, is reasonable. There being no opposition from any party in interest and the terms being reasonable, the motion is granted.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, February 6, 2026, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and creditor by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed

February 3, 2026 at 1:00 p.m.

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granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on February 10, 2026, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on February 10, 2026, at 1:00 p.m.

2. [25-24300](#)-B-13 TYLEEN WILLIAMS
[LGT](#)-1 Michael K. Moore

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
1-2-26 [[39](#)]

Final Ruling

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

There being no other objection to confirmation, the plan filed December 3, 2025, will be confirmed.

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

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

The court will issue an order.

3. 25-25102-B-13 ROBERT/CYNTHIA MILLER MOTION TO MODIFY PLAN
 PSB-2 Pauldeep Bains 12-23-25 [20]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtors have filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

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

The court will issue an order.

Final Ruling

The *initial* Chapter 13 Plan filed December 1, 2026, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to February 10, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). Due to the Class 1 prepetition arrears claim and priority claims filing for higher than scheduled, the current plan payment proposal causes the plan to take over 89 months to fund. Calculations indicate that Debtor's plan payment will need to be at least \$3,883.36 per month for the plan term of 60 months, or \$3,998.50 per month starting in month 4 in line with the "stepped" nature of the current proposed plan payments, to be feasible.

Second, Section 3.07 of the plan provides for a monthly arrearage dividend of \$1,413.19 per month starting in month 4 towards the pre-petition arrears of Pennymac Loan Services LLC. The debtor has failed to provide admissible evidence that his plan is mathematically feasible. Due to the claim for the arrears filing for higher than scheduled, the current payment proposal causes the claim to take well over 60 months to fund. Calculations indicate that the arrearage dividend will need to be at least \$2,167.00 per month starting month 4 in order for claim to be feasible. This dividend has been accounted for in the plan payment in the above paragraph.

Third, Debtor is delinquent \$3,400.00. A total of \$3,400.00 has come due through and including January 2026, and the Debtor has not paid anything to date. Debtor has not made all payments under the plan and complied with the plan. 11 U.S.C. § 1325(a)(6).

Fourth, according to a Claim 3-1 filed by the Department of Treasury - Internal Revenue Service, Debtor has failed to file taxes for years 2019, 2020, 2021, 2022, and 2023 as required by 11 U.S.C. § 1328(a)(9).

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

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on February 6, 2026, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on February 10, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on February 10, 2026, at 1:00 p.m.

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

The court will issue an order.

5. [22-21817](#)-B-13 GARY SPARKS
[MET](#)-3 Mary Ellen Terranella

MOTION TO RECONSIDER DISMISSAL
OF CASE
1-9-26 [[144](#)]

DEBTOR DISMISSED: 12/18/25

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to conditionally grant the motion to vacate dismissal of case and continue the matter to February 10, 2026, at 1:00 p.m.

Debtor moves to vacate the order dismissing this Chapter 13 case. The Chapter 13 case was dismissed on December 18, 2025, for delinquency in plan payments. Debtor filed a response stating that neither he nor his attorney were served with the Chapter 13 Trustee's motion to dismiss case. A review of the certificate of service filed by the Trustee shows that Debtor was served via U.S. mail; however, Debtor states that he did not receive it. Separately, the certificate of service does not check the box for electronic service on registered users, such as Debtor's counsel. Moreover, Debtor contends that he is current on plan payments, having made both his November and December 2025 plan payments each in the amount of \$5,681.05.

Debtor states that he is an attorney who has routinely and consistently been in contact with his bankruptcy counsel throughout the pendency of the chapter 13 case. Had he received the Trustee's motion to dismiss case, he would have contracted his counsel to discuss it. Debtor states that he has completed over 3.5 years of his 60-month plan term and has paid over \$212,000.00 into this case. Debtor contends that he is committed to completing his chapter 13 plan.

Discussion

Relief under Civil Rule 60(b)(6), made applicable in this bankruptcy case by Federal Rule of Bankruptcy Procedure 9024, permits relief from a judgment or order for "any other reason that justifies relief." A motion under Rule 60(b)(6) must be made "within a reasonable time." Fed. R. Civ. P. 60(c). "To justify relief under subsection (6) of Rule 60(b) a party must show extraordinary circumstances suggesting a party is faultless in the delay." *Pioneer Inv. Servs. V. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380 (1993). Rule 60(b)(6) is to be liberally applied to accomplish justice. *Zurich Am. Ins. Co. v. Int'l Fibercom, Inc. (In re Int'l Fibercom, Inc.)*, 503 F.3d 933, 941 (9th Cir. 2007).

As an initial matter, the court finds that Debtor's motion was made within a reasonable time. The motion was filed less than one month after the case was dismissed. Debtor has also shown extraordinary circumstances suggesting he was faultless since neither he nor his counsel received the Trustee's motion to dismiss and, moreover, he resolved the grounds for dismissal of case by paying both the November and December 2025 plan payments. Debtor has also been in this chapter 13 plan for 3.5 years and has paid over \$212,000.00 into the case.

Therefore, the Debtor's motion to vacate the order dismissing this Chapter 13 case will be granted, the dismissal order at dkt. 140 vacated, and this case ordered reinstated. Further, by vacating the dismissal order which caused the automatic stay of 11 U.S.C. § 362(a) to terminate, upon entry of the order vacating the dismissal order, the automatic stay of § 362(a) is revived for all purposes and as to all parties in interest - but only upon entry of the order vacating the dismissal order and for acts occurring thereafter. *State Bank of Southern Utah v. Gledhill (In re Gledhill)*, 76

F.3d 1070, 1079-1080 and n.8 (10th Cir. 1996); *Ramirez v. Whelen (In re Ramirez)*, 188 B.R. 413, 416 (9th Cir. BAP 1995) ("Occasionally, it might suffice to revive the stay by way of motion for reconsideration under Federal Rules of Civil Procedure 59(e) or 60(b), which are applicable in bankruptcy by virtue of Federal Rules of Bankruptcy Procedure 9021 and 9023 [sic].") (Klein, J., concurring).

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, February 6, 2026, to file and serve an opposition or other response to the motion. See Local Bankr. R. 3007-1(b)(2). Any opposition or response shall be served on the Chapter 13 Trustee and creditor by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on February 10, 2026, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on February 10, 2026, at 1:00 p.m.

6. [25-24917](#)-B-13 MITCHELL MILES
[DAB](#)-4 David A. Boone

MOTION TO CONFIRM PLAN
12-16-25 [[38](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

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

The court will issue an order.

Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

First, it appears that Debtor remains delinquent. A total of \$8,676.00 has come due through including the January 25, 2026. Debtor's supplemental declaration, dkt. 46, shows that only \$6,591.00 has been paid as of January 15, 2026. Therefore, Debtor appears delinquent in the amount of \$2,085.00.

Second, the proposed monthly plan payment of \$2,085.00 for months 1 and 2 is not sufficient to fund the plan. Monthly payments plus the Chapter 13 Trustee's administrative fees total \$4,458.95. Accordingly, the plan is not feasible.

Third, the Disclosure of Compensation of Attorney for Debtor form filed on October 22, 2025 is incorrect. Dkt. 1. In regard to question 5, the required language of the standard form is missing. The form does not match that of the standardized form as provided on the Eastern District of California court's website.

Other issues raised by the Trustee appear to be resolved including a declaration from Debtor's son regarding his ability and willingness to contribute \$4,000.00 toward plan payments, the signature of Debtor's counsel appearing on the first amended plan at dkt. 44, Debtor's counsel's willingness to receive a monthly dividend of \$150.00 per month, the filing of the correct version of the Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys, and Debtor's appearance at the continued meeting of creditors held January 28, 2026.

Due to the unresolved issues mentioned above, the amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

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

The court will issue an order.

8. [25-26326](#)-B-13 THOMAS/AMERICA REES
[LGT](#)-1 Mary D. Anderson

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
1-2-26 [[18](#)]

Final Ruling

The objection to confirmation was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to overrule the objection as moot.

Subsequent to the Chapter 13 Trustee filing its objection, Debtors filed an amended plan on January 5, 2026. The confirmation hearing for the amended plan is scheduled for February 17, 2026. The earlier plan filed November 24, 2025, is not confirmed.

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

The court will issue an order.

9. [25-25931](#)-B-13 EUGENE JONES
[RAS](#)-1 Pro Se

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
12-31-25 [[24](#)]

U.S. BANK TRUST NATIONAL
ASSOCIATION VS.

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. Cf. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant in part the motion for relief from automatic stay.

U.S. Bank Trust National Association ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 285 Primrose Avenue, Manteca, California (the "Property"). Movant has provided the Declaration of Felicia Frazier to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

The Frazier Declaration states that Debtor has been in default since January 1, 2019. Claim no. 1-1 filed by Movant lists a prepetition arrearage of \$260,442.73.

From the evidence provided to the court, and only for purposes of this motion, the total debt secured by this Property is determined to be \$950,593.83 as stated in the motion. The value of the Property is determined to be \$823,400.00 as stated in Schedules A/B and D filed by Debtor.

Discussion

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay, including defaults in post-petition payments which have come due. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

Additionally, once a movant under 11 U.S.C. § 362(d)(2) establishes that a debtor or estate has no equity, it is the burden of the debtor or trustee to establish that the collateral at issue is necessary to an effective reorganization. *United Savings Ass'n of Texas v. Timbers of Inwood Forest Associates. Ltd.*, 484 U.S. 365, 375-76 (1988); 11 U.S.C. § 362(g)(2). Based upon the evidence submitted, it appears that there is no equity in the Property. Moreover, the Debtor has failed to establish that the Property is necessary to an effective reorganization. *First Yorkshire Holdings, Inc. v. Pacifica L 22, LLC (In re First Yorkshire Holdings, Inc.)*, 470 B.R. 864, 870 (Bankr. 9th Cir. 2012).]

Finally, the court will grant prospective relief under § 362(d)(4). See *Benzeen, Inc. v. JP Morgan Chase Bank (In re Benzeen, Inc.)*, 2018 WL 6627275 at *4 (9th Cir. BAP Dec. 18, 2018) (noting that request for § 362(d)(4) relief survives dismissal and foreclosure); *Azkam v. U.S. Bank N.A.*, 2020 WL 1700028 at *3 (E.D. Cal. April 8, 2020) ("An order granting relief under [§ 362(d)(4)] may survive the dismissal of the bankruptcy in some cases."). An order entered under § 362(d)(4) is binding in any other bankruptcy case purporting to affect such real property filed not later than two years after the date of entry of the order.

To obtain relief under § 362(d)(4), Movant must show and the court must affirmatively find the following three elements: (1) the Debtor's bankruptcy filing must have been

part of a scheme; (2) the object of the scheme must have been to delay, hinder, or defraud creditors, and (3) the scheme must have involved either the transfer of some interest in the real property without the secured creditor's consent or court approval, or multiple bankruptcy filings affecting the property. *First Yorkshire Holdings, Inc. v. Pacifica L 22, LLC (In re First Yorkshire Holdings, Inc.)*, 470 B.R. 864, 870 (B.A.P. 9th Cir. 2012).

A scheme is an intentional construct - it does not happen by misadventure or negligence. *In re Duncan & Forbes Dev., Inc.*, 368 B.R. 27, 32 (Bankr. C.D. Cal. 2007). A § 362(d)(4)(A) scheme is an "intentional artful plot or plan to delay, hinder or defraud creditors." *Id.* It is not common to have direct evidence of an artful plot or plan to deceive others; the court must infer the existence and contents of a scheme from circumstantial evidence. *Id.* Movant must present evidence sufficient for the trier of fact to infer the existence and content of the scheme. *Id.* See *Jimenez v. ARCPE 1, LLP (In re Jimenez)*, 613 B.R. 537, 545 (B.A.P. 9th Cir. 2020).

Section 362(d)(4) "does not require that it be the debtor who has created the scheme or carried it out, or even that the debtor be a party to the scheme at all." *Duncan & Forbes*, 368 B.R. at 32. "The language of § 362(d)(4) is likewise devoid of any requirement of a finding of bad faith by the Debtor." *In re Dorsey*, 476 B.R. 261, 267 (Bankr. C.D. Cal. 2012).

The Debtor, and non-filing co-debtor Estelle Yancey, have between them filed seven (7) bankruptcy cases within a span of seven years in an effort to thwart Movant from taking action against the Property. None of the cases received a discharge and all were dismissed for various reasons including failure to pay filing fee, failure to make plan payments, failure to file required documents, failure to provide the Chapter 13 Trustee with requested documents, or failure to appear at multiple continued meetings of creditors. The court finds that the Debtor's multiple bankruptcy filings were part of a scheme to delay, hinder, or defraud creditors from exercising their rights against the Property.

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having lien rights against the Property, to conduct a nonjudicial foreclosure sale pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, at the nonjudicial foreclosure sale to obtain possession of the Property.

This order shall be binding in any other case purporting to affect the Property filed not later than 2 years after the date of the entry of such order by the court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.

The request for relief from stay as to non-filing co-debtor Estelle Yancey, who is liable on such debt with the Debtor, shall be granted pursuant to 11 U.S.C. § 1301(c).

The 14-day stay of enforcement under Rule 4001(a)(4) is waived.

Though requested in the motion, Movant has not stated either a contractual or statutory basis for the award of attorneys' fees in connection with this motion. Movant is not awarded any attorneys' fees.

No other or additional relief is granted by the court.

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

The court will issue an order.

10. [25-25636](#)-B-13 BRIAN PASZKIEWICZ
[TBG-2](#) Stephan M. Brown

MOTION FOR COMPENSATION FOR
STEPHAN M. BROWN, DEBTORS
ATTORNEY(S)
12-18-25 [[24](#)]

DEBTOR DISMISSED: 10/28/25

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant in part the motion for compensation.

Stephen Brown ("Counsel"), the attorney of record for debtor Brian Paszkiewicz ("Debtor"), seeks compensation in the amount of \$3,000.00, which is the amount Debtor paid pre-petition. Debtor's counsel had agreed to accept \$12,000.00 for legal services, presumably opting for the nonbusiness flat fee rate of the same amount under Local Bankr. R. 2016-1(c)(1)(A). See *dk. 1*, p. 9.

The petition that commenced this Chapter 13 case was filed on October 13, 2025. *Dkt. 1*. Debtor filed a motion to voluntarily dismiss this case fourteen days later on October 27, 2025. *Dkt. 9*. The motion was granted and the case was dismissed the following day, October 28, 2025. *Dkt. 11*. Most of the services on Counsel's invoice were performed *after* the Debtor requested a voluntary dismissal and *after* the case was dismissed. See *dk. 29*, ex. A.

Counsel will be allowed compensation only for services from the petition date, *i.e.*, October 13, 2025, through the date Debtor requested a voluntary dismissal, *i.e.*, October 27, 2025. Time for that period totals 8.3 hours and consists exclusively of paralegal time billed at \$250.00 per hour. At \$250.00 per hour, compensation totals \$2,075.00. Reduction, however, is necessary.

The time entry on October 13, 2025, is "lumped" or "block-billed." Block billing is the time-keeping method by which each lawyer or legal assistant enters the total daily time spent working on a case, rather than itemizing the time expended on specific tasks. *Welch v. Metro. Life Ins. Co.*, 480 F.3d 942, 945 n.2 (9th Cir. 2007). Block billing makes it more difficult to determine how much time was spent on particular activities and, thus, to determine reasonableness. *Id.* at 948. The Ninth Circuit has authorized a reduction of block-billed time of up to 30%. *Lahiri v. Universal Music & Video Distrib. Corp.*, 606 F.3d 1216, 1222-23 (9th Cir. 2010).

Counsel billed a total of \$650.00 on October 13, 2025. Reduction of this amount by 30% reduces the daily total to \$455.00, or by \$195.00, which reduces the \$2,075.00 noted above to \$1,880.00 (\$2,075.00 - \$195.00). Further reduction is still necessary.

The Ninth Circuit has also held that a court "can impose a small reduction, no greater than 10 percent - a 'haircut' - based on its exercise of discretion and without a more specific explanation." *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008). The court can make this 10% reduction in addition to a 30% reduction for block-billed time. *Lahiri*, 606 F.3d at 1223 (describing an across-the-board reduction of 10% to total fees to account for excessive work in addition to a 30% reduction of block billed time as a "reasoned exercise of discretion.").

The court will exercise its discretion to impose a further 10% reduction which results in a further and final reduction of allowed compensation in the amount of \$1,692.00 (\$1,880.00 - \$188.00). The balance of \$1,308.00 must be returned to Debtor and proof of return filed by no later than February 10, 2026.

The motion is ORDERED GRANTED IN PART.

The court will issue an order.

11. [25-26443](#)-B-13 TIMOTHY/MARY JO HALLORAN
[LGT](#)-1 Thomas L. Amberg

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
12-30-25 [[19](#)]

WITHDRAWN BY M.P.

Final Ruling

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

There being no other objection to confirmation, the plan filed November 15, 2025, will be confirmed.

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

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

The court will issue an order.

12. [25-24947](#)-B-13 JUSTIN PHILLIPS
[PLG](#)-1 Steven A. Alpert

MOTION TO CONFIRM PLAN
12-19-25 [[26](#)]

Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

Debtor is delinquent \$598.65. A total of \$2,623.65 has come due through and including December 2025, and the Debtor has only paid a total of \$2,225.00 to date. An additional plan payment of \$874.55 was due on January 25, 2026.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

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

The court will issue an order.

13. [25-26447](#)-B-13 KAREEM SYKES
[LGT](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
12-31-25 [[25](#)]

Final Ruling

The *initial* Chapter 13 Plan filed November 18, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to February 10, 2026 at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtor has not filed all required tax returns for all taxable periods ending during the 4-year period ending on the petition filing date. According to the letter received from the Internal Revenue Service, Debtor did not file tax returns for 2020 through 2024.

Second, the Attachment to Schedule I which provides for Debtor's rental income and expenses needs to be filed. Without this document, it cannot be determined whether Debtor's plan is feasible and pays all projected disposable income for the applicable commitment period to Debtor's general unsecured creditors.

Third, Line 5 of Debtor's Statement of Financial Affairs indicates rents received of \$1.00 in 2023 and 2024. The Chapter 13 Trustee has requested an amended schedule to accurately reflect the total amounts of rents received in 2023 and 2024. Line 27 of Debtor's Statement of Financial Affairs indicates that Monopoly Investments was operating at the time of filing. Trustee was informed that Monopoly Investments, LLC has dissolved. An amended Statement of Financial Affairs is required to include the accurate dates that the business existed.

Fourth, Debtor no longer resides at the address provided in his petition and must file a change of address.

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

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on February 6, 2026, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on February 10, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on February 10, 2026, at 1:00 p.m.

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

The court will issue an order.

14. [25-25960](#)-B-13 MAY LOR
[WLG](#)-1 Nicholas Wajda
Thru #15

MOTION TO VALUE COLLATERAL OF
ONEMAIN FINANCIAL GROUP, LLC
12-17-25 [[22](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to deny without prejudice the motion to value secured claim of OneMain Financial Group, LLC.

Debtor moves to value the secured claim of OneMain Financial Group, LLC ("Creditor"). Debtor is the owner of a 2017 Honda Accord Touring 4D Sedan V6 ("Vehicle"). Debtor seeks to value the Vehicle at a replacement value of \$17,875.00 as of the petition filing date. As the owner, Debtor's opinion of value is evidence of the asset's value. See Fed. R. Evid. 701; see also *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

Proof of Claim Filed

The court has reviewed the Claims Registry for this bankruptcy case. Claim No. 8-1 filed by OneMain Financial Group, LLC is the claim which may be the subject of the present motion.

Discussion

Debtor fails to state whether the lien on the Vehicle's title secures a purchase-money loan or was instead a lien against the Vehicle in exchange for a loan.

Separately, the court finds issue with Debtor's valuation. The declaration states that the Vehicle's valuation "is based upon my personal knowledge of the value of automobiles based on today's market and valuations found online." Debtor has filed as exhibits valuations from Kelley Blue Book and Black Book, the former of which uses a private party value. Problematic is that Debtor's opinion utilizing a third-party industry source is based on hearsay. Fed R. Evid. 801-803; see also *In re Guerra*, 2008 WL 3200931, *2 n.4 (Bankr. E.D. Cal. 2008) ("Filed with Guerra's declaration was an unauthenticated document titled: 'Edmonds.com True Market Value Pricing Report.' The court has not considered this attachment in that it is inadmissible hearsay[.]"). Additionally, the motion states that the valuation is a "private party" value. This is the value in which a private party, who is not a retailer, could buy or sell a car. The standard here must be a retail valuation, taking into account the condition of the car. See 11 U.S.C. § 506(a).

In the Chapter 13 context, the replacement value of personal property used by debtors for personal, household or family purposes is "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." See 11 U.S.C. § 506(a)(2). The time value is determined is the date of filing of the petition without deduction for costs of sale or marketing. *Id.*

The Debtor has not persuaded the court regarding the value of the Vehicle. The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is denied without prejudice.

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

The court will issue an order.

15. [25-25960](#)-B-13 MAY LOR
[WLG](#)-2 Nicholas Wajda

MOTION TO CONFIRM PLAN
12-22-25 [[27](#)]

Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

First, feasibility depends on the granting of the motion to value collateral of OneMain Financial Group, LLC. That matter was denied without prejudice at Item #14, WLG-1.

Second, Debtor has failed to provide admissible evidence that her plan is mathematically feasible. The current payment proposal causes the plan to take 54.19 months to fund. Calculations indicate that Debtor's monthly plan payment will need to be at least \$1,866.32 per month for 36 months in order for Debtor's plan to be feasible.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

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

The court will issue an order.

16. [22-90261](#)-B-13 LOUIS/MARIA SILVA
[LGT](#)-1 Mark S. Nelson

OBJECTION TO DISCHARGE BY
LILIAN G. TSANG
12-29-25 [[44](#)]

WITHDRAWN BY M.P.

Final Ruling

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

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

The court will issue an order.

17. [25-26566](#)-B-13 KNOWLTON HARRISON
[LGT](#)-1 Keith R. Wood

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
1-2-26 [[17](#)]

Final Ruling

The *initial* Chapter 13 Plan filed November 21, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to February 10, 2026 at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, feasibility depends on the filing and granting of a motion to value collateral of Onemain. Debtor has not filed a motion to value collateral.

Second, Debtor is delinquent \$700.00. A total of \$2,700.00 has come due through and including December 25, 2025, and the Debtor has only paid a total of \$2,000.00 to date. An additional plan payment of \$2,700.00 will come due on January 25, 2026. Debtor has not made all payments under the plan and complied with the plan. 11 U.S.C. § 1325(a)(6).

Third, the plan elects to pay Debtor's counsel pursuant to the flat fee structure in Local Bankr. R. 2016-1(c). The plan proposes to pay a monthly dividend of \$100.00 per month toward attorney fees for the remaining balance of \$5,898.00. In order to comply with Local Bankr. R. 2016-1(c)(4)(C), the monthly dividend can be no more than \$98.30 per month.

Fourth, the plan provides for Sunrun Inc. for a solar lease as a Class 1 Claim holder and also at Section 4.02. Class 1 is reserved for secured claims, not lease claims. Therefore, the lease claim must be removed from Class 1 and be solely provided for at Section 4.02 of the plan.

Fifth, the Disclosure of Compensation of Attorney for Debtor form filed on November 21, 2025, is incorrect. The form at question 6 does not match that of the form provided on the Eastern District of California Court's website. In addition, the Disclosure of Compensation Form expressly excludes services that are required to be performed when charging the no-look fee pursuant to Local Bankr. R. 2016-(c).

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

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on February 6, 2026, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on February 10, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on February 10, 2026, at 1:00 p.m.

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

The court will issue an order.

18. [25-24069](#)-B-13 SERGIO LEDEZMA GUERRERO MOTION TO CONFIRM PLAN
[DEI](#)-2 Donald Iwuchukwu 12-18-25 [[36](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

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

The court will issue an order.

19. [25-90269](#)-B-13 ARTHUR/MARILU BOODE MOTION TO SELL
[PGM-1](#) Peter G. Macaluso 1-13-26 [[42](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to **conditionally grant the motion to sell and continue the matter to February 10, 2026, at 1:00 p.m.**

The Bankruptcy Code permits Chapter 13 debtors to sell property of the estate after a noticed hearing. 11 U.S.C. §§ 363(b) and 1303. Debtors propose to sell property described as 2245 Mills Court, San Andreas, California ("Property") while remaining in the chapter 13 case. Debtors intend to use the proceeds to purchase a different principal residence in another state.

Proposed purchaser Steven Klith has agreed to purchase the Property for \$759,000.00. All liens are to be paid in a manner consistent with the plan, the net proceeds of the sale are estimated at \$101,030.79, and all net proceeds are to be held by the Chapter 13 Trustee pursuant to Debtors' homestead claim for a period of six months. Debtors request that Rule 6004(h) be waived to allow the Trustee to issue a demand and fund the Plan from the proceeds of the sale.

Based on the evidence before the court, the court determines that the proposed sale is in the best interest of the estate. The motion is conditionally granted.

Debtors' attorney shall submit an order consistent with the Trustee's standard sale language. The order shall be approved by the Trustee.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, February 6, 2026, to file and serve an opposition or other response to the motion. See Local Bankr. R. 3007-1(b)(2). Any opposition or response shall be served on the Chapter 13 Trustee and creditor by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on February 10, 2026, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on February 10, 2026, at 1:00 p.m.

20. [25-25874](#)-B-13 CHRISTOPHER/KIMBERLY MOTION TO CONFIRM PLAN
[SLH](#)-1 CHAVEZ 12-18-25 [[21](#)]
Seth L. Hanson

Final Ruling

The case having been dismissed on January 22, 2026, the motion to confirm plan is denied as moot.

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

The court will issue an order.

21. [25-25386](#)-B-13 HUGO/LOYDA GUTIERREZ
[CRG](#)-2 Carl R. Gustafson

MOTION TO CONFIRM PLAN
12-19-25 [[31](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtors have provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

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

The court will issue an order.

22. [23-20088](#)-B-13 SON/SAU NGUYEN
[NLG](#)-1 Anh V. Nguyen

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
12-29-25 [[73](#)]

CARRINGTON MORTGAGE
SERVICES, LLC VS.

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion for relief from automatic stay.

Carrington Mortgage Services, LLC ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 1819 Deauville Drive, Stockton, California (the "Property"). Movant has provided the Declaration of Elsa Arroyo to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

The Arroyo Declaration states that there are 5 post-petition payments in default totaling \$10,157.39.

From the evidence provided to the court, and only for purposes of this motion, the total debt secured by this Property is determined to be \$310,510.64 as stated in the Relief from Stay Summary Sheet. The value of the Property is determined to be \$360,000.00 as stated in Schedules A/B and D filed by Debtors.

Discussion

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay, including defaults in post-petition payments which have come due. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

Additionally, once a movant under 11 U.S.C. § 362(d)(2) establishes that a debtor or estate has no equity, it is the burden of the debtor or trustee to establish that the collateral at issue is necessary to an effective reorganization. *United Savings Ass'n of Texas v. Timbers of Inwood Forest Associates. Ltd.*, 484 U.S. 365, 375-76 (1988); 11 U.S.C. § 362(g)(2). Based upon the evidence submitted, it appears that there is little equity in the Property. Moreover, the Debtor has failed to establish that the Property is necessary to an effective reorganization. *First Yorkshire Holdings, Inc. v. Pacifica L 22, LLC (In re First Yorkshire Holdings, Inc.)*, 470 B.R. 864, 870 (Bankr. 9th Cir. 2012).

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having lien rights against the Property, to conduct a nonjudicial foreclosure sale pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, at the nonjudicial foreclosure sale to obtain possession of the Property.

The request for relief from stay as to Sau Nguyen, who is liable on such debt with the Debtor, shall be granted pursuant to 11 U.S.C. § 1301(c).

The 14-day stay of enforcement under Rule 4001(a)(4) is not waived.

No other or additional relief is granted by the court.

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

The court will issue an order.

23. [25-26492](#)-B-13 FLAVIO PEREZ OBJECTION TO CONFIRMATION OF
[FWP](#)-1 Peter G. Macaluso PLAN BY VERDEO CAPITAL GROUP,
Thru #24 INC.
1-5-26 [[20](#)]

Final Ruling

The objection by Verdeo Capital Group, Inc. was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Debtor Flavio Perez filed a reply conceding that the plan is not confirmable and that the objection should be sustained.

Given the aforementioned, the objection is sustained and the plan filed December 2, 2025, is not confirmed.

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

The court will issue an order.

24. [25-26492](#)-B-13 FLAVIO PEREZ OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Peter G. Macaluso PLAN BY LILIAN G. TSANG
12-30-25 [[17](#)]

Final Ruling

The objection by the Chapter 13 Trustee was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Debtor Flavio Perez filed a reply conceding that the plan is not confirmable and that the objection should be sustained.

Given the aforementioned, the objection is sustained and the plan filed December 2, 2025, is not confirmed.

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

The court will issue an order.