



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

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

DAY: TUESDAY
DATE: FEBRUARY 3, 2026
CALENDAR: 9:00 A.M. CHAPTER 13 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. [25-26004](#)-A-13 **IN RE: JOHN WRIGHT**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
1-6-2026 [\[35\]](#)

Final Ruling

The case was dismissed January 21, 2026, the order to show cause is discharged as moot.

2. [25-25107](#)-A-13 **IN RE: WENCIE SINIGAYAN**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID CUSICK
11-12-2025 [\[17\]](#)

PETER MACALUSO/ATTY. FOR DBT.
DEBTOR NON-OPPOSITION

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: Continued from December 2, 2025

Disposition: Sustained

Order: Civil minute order

The hearing on the Chapter 13 trustee's objection to confirmation was continued to allow the parties to augment the evidentiary record.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The debtor has filed a statement indicating that there is no opposition to trustee's objection and the objection should be sustained. Non-opposition, ECF No. 26.

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 objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses, and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained.

3. [23-20711](#)-A-13 **IN RE: JOSEPH RIVERA**
[DPC-2](#)

CONTINUED MOTION TO DISMISS CASE
12-9-2025 [\[36\]](#)

MARY TERRANELLA/ATTY. FOR DBT.

No Ruling

4. [23-20711](#)-A-13 **IN RE: JOSEPH RIVERA**
[MET-1](#)

MOTION TO MODIFY PLAN
12-26-2025 [\[43\]](#)

No Ruling

5. [25-26415](#)-A-13 **IN RE: NORNETTA PHILLIPS**

MOTION TO EXTEND AUTOMATIC STAY
12-15-2025 [\[13\]](#)

NORNETTA PHILLIPS/ATTY. FOR MV.

Tentative Ruling

Motion: Extend the Automatic Stay

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

Disposition: Denied

Order: Civil minute order

30-day Deadline Date: December 15, 2025

Instant Case Filed: November 14, 2025

Upon request of a party in interest, the court may extend the automatic stay where the debtor has had one previous bankruptcy case that was pending within the 1-year period prior to the filing of the current bankruptcy case but was dismissed. See 11 U.S.C. § 362(c)(3)(B). Procedurally, the automatic stay may be extended only "after notice and a hearing *completed* before the expiration of the 30-day period" after the filing of the petition in the later case. 11 U.S.C. § 362(c)(3)(B) (emphasis added). Otherwise, if notice and the hearing are not completed before the end of the 30-day period, "the automatic stay terminates in its entirety 30 days after the petition date for a repeat filer." *In re Reswick*, 446 B.R. 362, 365, 371-73 (B.A.P. 9th Cir. 2011).

The debtor has had a previous case pending within the one-year period prior to the filing of this case. Although the motion to extend the stay and notice of hearing on such motion were filed and served before the expiration of the 30-day period after the petition date, the hearing on this matter has not been completed before such deadline.

Accordingly, the automatic stay has already terminated, and the court has no authority to grant the relief requested. The motion will be denied.

CIVIL MINUTE ORDER

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

Debtor's motion to extend the automatic stay has been presented to the court. Having considered the motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the motion is denied.

6. [25-26415](#)-A-13 **IN RE: NORNETTA PHILLIPS**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-14-2026 [\[29\]](#)

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Continued to April 14, 2026, at 1:00 p.m. before the Honorable Christopher D. Jaime in Department B

Order: Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the hearing on this objection will be continued to April 14, 2026, at 1:00 p.m. in front of the Honorable Christopher D. Jaime in Department B. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than March 10, 2026, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the trustee shall file and serve a reply, if any, no later than March 31, 2026. The evidentiary record will close after March 31, 2026; or

(C) File a Modified Plan. If the debtor(s) wishes to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

7. [24-24823](#)-A-13 **IN RE: PAUL/LAURA SMITH**
[DPC-2](#)

CONTINUED MOTION TO DISMISS CASE
12-9-2025 [\[61\]](#)

PATRICIA WILSON/ATTY. FOR DBT.

No Ruling

8. [24-24823](#)-A-13 **IN RE: PAUL/LAURA SMITH**
[DWL-4](#)

MOTION TO CONFIRM PLAN
12-18-2025 [\[65\]](#)

PATRICIA WILSON/ATTY. FOR DBT.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Confirmation of Chapter 13 Plan

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

Disposition: Denied without prejudice

Order: Civil minute order

SERVICE AND NOTICE

"The due process requirements for notice are relatively minimal; they merely require notice 'reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.'" *In re 701 Mariposa Project, LLC*, 514 B.R. 10, 15 (B.A.P. 9th Cir. 2014) (citing *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 94 L.Ed. 865 (1950)).

B) Notice.

- (i) The notice of hearing shall advise potential respondents whether and when written opposition must be filed, the deadline for filing and serving it, and the names and addresses of the persons who must be served with any opposition.

LBR 9014-1(B).

The notice of motion in this case fails to comply with LBR 9014-1(B)(i). The notice incorrectly lists two different hearing dates, January 27, 2026, and February 3, 2026. Notice of Hearing, ECF No. 66. This is not proper notice and would cause confusion to whoever receives notice. As such, the motion will be denied without prejudice due to this procedural issue.

CIVIL MINUTE ORDER

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

Debtor's motion to confirm 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.

9. [25-25624](#)-A-13 **IN RE: LESLIE SAWYER**
[DPB-1](#)

MOTION TO CONFIRM PLAN
1-6-2026 [[26](#)]

DOUGLAS BROOMELL/ATTY. FOR DBT.

Final Ruling

Motion: Confirmation of Chapter 13 Plan

Disposition: Denied without prejudice

Order: Civil minute order

NOTICE

The movant did not provide a sufficient period of notice of the hearing on the motion or the time fixed for filing objections. Federal Rule of Bankruptcy Procedure 2002(a)(9) requires at least 21 days' notice of the time fixed for filing objections to confirmation of a plan. Federal Rule of Bankruptcy Procedure 2002(b) requires no less than 28 days' notice of the hearing to consider confirmation of a chapter 13 plan. To comply with both Federal Rule of Bankruptcy Procedure 2002(a)(9) and (b)(3) and Local Bankruptcy Rule 9014-1(f)(1), creditors and parties in interest must be given at least 35 days' notice of the motion. See LBR 3015-1(d)(1). Creditors and parties in interest received less than 35 days' notice mandated by these rules.

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).

Use of Form EDC 7-005 is Mandatory

The service of pleadings and other documents in adversary proceedings, contested matters in the bankruptcy case, and all other proceedings in the Eastern District of California Bankruptcy Court by *either attorneys, trustees, or other Registered Electronic Filing System Users* shall be documented

using the Official Certificate of Service Form (Form EDC 007-005) adopted by this Court.

LBR 7005-1 (emphasis added).

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. Pursuant to LBR 7005-1 use of Form EDC 7-005 is mandatory in this matter.

Dismissal of Action for Failure to Comply with Local Rules

Failure of counsel or of a party to comply with these Rules, with the Federal Rules of Civil Procedure or the Federal Rules of Bankruptcy Procedure, or with any order of the Court may be grounds for imposition of any and all sanctions authorized by statute or rule or within the inherent power of the Court, including, without limitation, *dismissal of any action*, entry of default, finding of contempt, imposition of monetary sanctions or attorneys' fees and costs, and other lesser sanctions.

LBR 1001-1 (g) (emphasis added).

The movant has failed to use Form EDC 7-005 in memorializing service in this matter. The motion will be denied without prejudice.

CIVIL MINUTE ORDER

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

Debtor's motion to confirm 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. [25-26528](#)-A-13 **IN RE: JEFFREY MORGAN**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-14-2026 [\[20\]](#)

PATRICIA WILSON/ATTY. FOR DBT.

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Continued to April 7, 2026, at 11:00 a.m. before the Honorable Christopher M. Klein in Department C

Order: Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the hearing on this objection will be continued to April 7, 2026, at 11:00 a.m. before the Honorable Christopher M. Klein in Department C. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than February 24, 2026, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the trustee's objection to confirmation, state whether the issue is disputed or undisputed, and

include admissible evidence in support of the debtor's position. If the debtor(s) files a response under paragraph 3(B) of this order, then the trustee shall file and serve a reply, if any, no later than March 24, 2026. The evidentiary record will close after March 24, 2026; or

(C) File a Modified Plan. If the debtor(s) wishes to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

11. [25-26528](#)-A-13 **IN RE: JEFFREY MORGAN**
[FW-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY FREEDOM MORTGAGE
CORPORATION
1-12-2026 [\[17\]](#)

PATRICIA WILSON/ATTY. FOR DBT.
FANNY WAN/ATTY. FOR MV.

Final Ruling

Objection: Creditor's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Continued to April 7, 2026, at 11:00 a.m. before the Honorable Christopher M. Klein in Department C

Order: Civil minute order

Creditor, Freedom Mortgage Corporation, objects to confirmation of the debtor(s) plan.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the hearing on this objection will be continued to April 7, 2026, at 11:00 a.m. before the Honorable Christopher M. Klein in Department C. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than February 24, 2026, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the creditor's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagrees with the creditor's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the creditor's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the creditor shall file and serve a reply, if any, no later than March 24, 2026. The evidentiary record will close after March 24, 2026; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the creditor's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that any stipulation between the parties resolving this matter must be approved and signed by the Chapter 13 trustee prior to filing with the court. The trustee's signature on the stipulation warrants that the terms of the proposed stipulation do not impact the plan's compliance with 11 U.S.C. § 1325(a).

12. [25-23429](#)-A-13 **IN RE: MARVIN GIBSON AND DWONNA WEST GIBSON**
[RAS-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY FEDERAL HOME
LOAN MORTGAGE CORPORATION
7-30-2025 [\[24\]](#)

MIKALAH LIVIAKIS/ATTY. FOR DBT.
DAVID COATS/ATTY. FOR MV.

No Ruling

13. [25-26929](#)-A-13 **IN RE: ALICE FARLEY**
[SMJ-2](#)

MOTION TO VALUE COLLATERAL OF ALLY FINANCIAL
1-5-2026 [\[19\]](#)

SCOTT JOHNSON/ATTY. FOR DBT.

Final Ruling

Motion: Value Collateral [Personal Property; Motor Vehicle]

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 respondent 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).

VALUATION OF COLLATERAL

Chapter 13 debtors may value collateral by noticed motion. Fed. R. Bankr. P. 3012. Section 506(a) of the Bankruptcy Code provides, "An allowed claim of a creditor secured by a lien on property in which the estate has an interest . . . is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property" and is unsecured as to the remainder. 11 U.S.C. § 506(a). For personal property, value is defined as "replacement value" on the date of the petition. *Id.* § 506(a)(2). For "property acquired for personal, family, or household purposes, replacement value shall mean 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." *Id.* The costs of sale or marketing may not be deducted. *Id.*

A debtor's ability to value collateral consisting of a motor vehicle is limited by the terms of the hanging paragraph of § 1325(a). See 11 U.S.C. § 1325(a) (hanging paragraph). Under this statute, a lien secured by a motor vehicle cannot be stripped down to the collateral's value if: (i) the lien securing the claim is a purchase money security interest, (ii) the debt was incurred within the 910-day period preceding the date of the petition, and (iii) the motor vehicle was acquired for the debtor's personal use. 11 U.S.C. § 1325(a) (hanging paragraph).

In this case, the debtor seeks to value collateral consisting of a motor vehicle described as a 2019 Nissan Rogue. The debt owed to the respondent is secured by a purchase money security interest. See 11 U.S.C. § 1325(a) (hanging paragraph). The court values the vehicle at \$13,000.00.

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 debtor's motion to value collateral consisting of a motor vehicle 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 personal property collateral described as a 2019 Nissan Rogue has a value of \$13,000.00. No senior liens on the collateral have been identified. The respondent has a secured claim in the amount of \$13,000.00 equal to the value of the collateral that is unencumbered by senior liens. The respondent has a general unsecured claim for the balance of the claim.

14. [25-25030](#)-A-13 **IN RE: DARRAL BARROW**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
11-5-2025 [\[12\]](#)

TIMOTHY WALSH/ATTY. FOR DBT.

Tentative Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: Continued from December 2, 2025

Disposition: Sustained and confirmation denied

Order: Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

PLAN FEASIBILITY

The proposed plan must be feasible. 11 U.S.C. § 1325(a)(6). Feasibility is a "factual determination" as to the plan's "reasonable likelihood of success." *First Nat'l Bank of Boston v. Fantasia (In re Fantasia)*, 211 B.R. 420, 423 (B.A.P. 1st Cir. 1997). The bankruptcy court needs to "be satisfied that the debtor has the present as well as the future financial capacity to comply with the terms of the plan." *Id.* As one court summarized feasibility, "Thus, a plan is not feasible and is not confirmable if a debtor's income will not support the plan's proposed payments. *In re Barnes*, 275 B.R. 889, 894 (Bankr. E.D. Cal.2002) ("[T]he debtors showed no disposable income with which to fund a plan.... [T]he debtors have been unable to actually pay the amount projected ... to the trustee."); *In re Bernardes*, 267 B.R. 690, 695 (Bankr. D.N.J. 2001) ("While the feasibility requirement is not rigorous ... the plan proponent must, at minimum, demonstrate that the Debtor's income exceeds expenses by an amount sufficient to make the payments proposed by the plan."); *In re Wilkinson*, 99 B.R. 366, 369 (Bankr. N.D. Ohio 1989) ("[D]ebtors will not be able to comply with the plan and make all payments thereunder."). *In re Buccolo*, 397 B.R. 527, 530 (Bankr. D.N.J. 2008), *aff'd*, 2009 WL 2132435 (D.N.J. July 13, 2009).

Plan Delinquency

The trustee indicates that the plan payments are delinquent in the amount of \$2,650.00. The plan cannot be confirmed if the plan payments are not current.

Schedules I and J

The debtor has not supported the plan by filing recently amended Schedules I and J. The debtor admitted at the First Meeting of Creditors that a 2016 Nissan Sentra was not listed on Schedules A/B. The trustee requested amended Schedules A/B to account for the vehicle, but the debtor has not supplied them.

Domestic Support Obligation Checklist

The debtor has failed to provide the trustee with the necessary domestic support obligation checklist, since debtor has stated that he owes a domestic support obligation. The trustee is unable to determine feasibility without the checklist.

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 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

15. [25-26430](#)-A-13 **IN RE: BROOKLYN GARCIA**
[CVN-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-13-2026 [\[47\]](#)

CALVIN CLEMENTS/ATTY. FOR MV.
OAKMONT PROPERTIES II, L.P. VS.

Tentative Ruling

Motion: Stay Relief to Pursue Unlawful Detainer Action and Writ of Possession

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

Disposition: Granted only to the extent specified in this ruling

Order: Civil minute order

Subject: Exercise of state law rights and remedies to obtain possession of real property located at 10270 East Taron Drive, #31, Elk Grove, California, including all actions necessary to pursue an unlawful detainer action and execute a writ of possession

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). 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

According to movant's declaration, the debtor failed to make a rental payment for December 2025. Declaration, ECF No. 50. Debtor was served a three-day notice to pay rent or quit on December 9, 2025. *Id.* Debtor did not pay rent, nor did they leave the property. *Id.* Movant's has been unable to bring forward an unlawful detainer proceeding due to debtors filing of the instant bankruptcy proceeding on November 14, 2025.

STAY RELIEF

Section 362(d)(1) authorizes stay relief for cause. Cause is determined on a case-by-case basis and may include the existence of litigation pending in a non-bankruptcy forum that should properly be pursued. *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1169 (9th Cir. 1990).

Having considered the motion's well-pleaded facts, the court finds cause to grant stay relief subject to the limitations described in this ruling.

The moving party shall have relief from stay to enforce its rights and remedies to obtain possession of the real property described above and to pursue an unlawful detainer action through judgment and execution of a writ of possession if necessary.

The moving party may also file post-judgment motions, and appeals. But no bill of costs may be filed without leave of this court, no attorney's fees shall be sought or awarded, and no action shall be taken to collect or enforce any money judgment against debtor, except by (1) filing a proof of claim in this court or (2) filing an adversary proceeding to determine the debt nondischargeable, and executing on a favorable judgment entered in such adversary proceeding.

The motion will be granted to the extent specified herein, and the stay of the order provided by 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.

Oakmont Properties II, L.P.'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 to the extent specified in this order. The automatic stay is vacated to allow the movant to enforce its rights and remedies against the debtor to obtain possession of real property located at 10270 East Taron Drive, #31, Elk Grove, California and to pursue an unlawful detainer action through judgment and execution of a writ of possession, if necessary.

IT IS FURTHER ORDERED that the movant may also file post-judgment motions and appeals. But no bill of costs may be filed without leave of this court, no attorney's fees shall be sought or awarded, and no action shall be taken to collect or enforce any money judgment against debtor, except by (1) filing a proof of claim in this court or (2) filing an adversary proceeding to determine the debt nondischargeable, and executing on a favorable judgment entered in such adversary proceeding. And the stay of the order provided by Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived.

16. [25-26430](#)-A-13 **IN RE: BROOKLYN GARCIA**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-14-2026 [\[53\]](#)

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Continued to April 7, 2026, at 11:00 a.m. before the Honorable Christopher M. Klein in Department C

Order: Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the hearing on this objection will be continued to April 7, 2026, at 11:00 a.m. before the Honorable Christopher M. Klein in Department C. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than February 24, 2026, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) files a response under paragraph 3(B) of this order,

then the trustee shall file and serve a reply, if any, no later than March 24, 2026. The evidentiary record will close after March 24, 2026; or

(C) File a Modified Plan. If the debtor(s) wishes to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

17. [25-24237](#)-A-13 **IN RE: SERENA GARCIA**
[GC-1](#)

CONTINUED MOTION TO CONFIRM PLAN
10-30-2025 [\[32\]](#)

JULIUS CHERRY/ATTY. FOR DBT.

Final Ruling

Confirmation is denied. While the parties argue numerous issues, the court need only reach the question of whether the debtor may propose a "pot plan," rather than a "percentage plan." The Federal Rules of Bankruptcy Procedure require Chapter 13 plans to conform to one of two formats: (1) Form 113, Fed. R. Bankr. P. 3015(c)(1); or (2) by mandatory form plan that complies with certain minimum requirements. Fed. R. Bankr. P. 3015.1. The Eastern District of California has adopted a local rule requiring use of a conforming Chapter 13 plan. LBR 3015-1(a); EDC 3-080 § 1.01. That plan is described as EDC Form 3-080. The mandatory form Chapter 13 plan requires Chapter 13 plans to specify a percentage, i.e., specifying a minimum percentage that unsecured creditors will receive. See Chapter 13 plan § 3.14. Here, the debtor has proposed a "pot plan," not a "percentage plan." First Amended Chapter 13 plan §§ 3.14, 7.02, ECF No. 37.

Two matters warrant further comment. First, *In re Sisk*, 962 F.3d 1133 (9th Cir. 2020), cited by the debtor, does not hold otherwise. *Sisk* ruled on the narrow issue of whether a Chapter 13 plan must include a fixed duration.

Second, while the debtor may propose plan that includes other provisions not inconsistent with title 11, 11 U.S.C. § 1322(b)(11), pot plans often violate § 1325(a)(4) and the debtor has not demonstrated that this plan does not do so. Longstanding circuit law imposes the burden of proof for confirmation on the debtor. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32

F.3d 405, 407-08 (9th Cir. 1994). Section 1325(a)(4) requires that "the value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under chapter 7 of this title on such date." Chapter 13 commentator Keith Lundin notes that at least prior to the claims bar date, it is not possible to know whether the plan satisfies the liquidation test.

The simple base or pot plan has a fatal defect: Because it does not require a minimum percentage repayment of unsecured claims, the plan will often fail the best-interests-of-creditors test for confirmation. This will be true whenever the hypothetical liquidation value of the estate would produce a dividend for allowed unsecured claims that is greater than the percentage of allowed unsecured claims that can be paid from the base or pot. In districts that confirm plans before the claims bar date, the actual distribution to allowed unsecured claim holders under a simple pot or base plan can't be known at confirmation. Because it is the debtor's burden to prove the conditions for confirmation in § 1325(a)—including the best-interests-of-creditors test in § 1325(a)(4)—a simple pot plan cannot be confirmed over objection, except perhaps when the hypothetical liquidation value of the estate is clearly zero or when the pot is clearly large enough to pay a percentage of unsecured claims that will always be greater than the distribution in a hypothetical Chapter 7 case even if all unsecured claims are ultimately allowed. There will always be a substantial percentage of Chapter 13 cases that fall in the gray area where satisfaction of the best-interests-of-creditors test can't be determined with any assurance before the claims bar date when the plan provides nothing more specific than a simple base or pot amount.

Keith M. Lundin, *Lundin on Chapter 13* § 101.3 at para. 7.

Here, the claims bar date has passed. But the debtor has not made a factual showing that her plan actually complies with § 1325(a)(4). See Garcia decl. ¶¶ 2, 3 and 8. The debtor, apparently not a lawyer, declares "My unsecured creditors will receive at least what they would receive in the event of a Chapter 7 liquidation." This court does not accept as credible this conclusory statement by someone apparently not well versed in Chapter 13 practice.

Confirmation is denied. A civil minute order shall issue.

18. [25-26939](#)-A-13 **IN RE: GARY/KATHLEEN TRIMBLE**
[LSL-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-12-2026 [\[12\]](#)

THOMAS AMBERG/ATTY. FOR DBT.
LEO SPANOS/ATTY. FOR MV.
JULIE RENTNER AND CHRISTOPHER HARRISON VS.

Final Ruling

Motion: Relief from Automatic Stay
Disposition: Denied without prejudice
Order: Civil minute order

The court will deny the motion without prejudice on grounds of insufficient service of process.

A motion for relief from stay is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4001(a)(1), 9014(b). Under Rule 7004, service on an individual must be made by first class mail addressed to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession." Fed. R. Bankr. P. 7004(b)(1). A debtor in bankruptcy may be served before the case is dismissed or closed "at the address shown in the petition or to such other address as the debtor may designate in a filed writing." Fed. R. Bankr. P. 7004(b)(9).

Here, service of the motion was insufficient.

The court is unable to determine if the motion and supporting papers were served properly on the debtor or any other parties in interest. A certificate of service has not been filed with this motion as required. LBR 9014-1(e).

CIVIL MINUTE ORDER

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

Movant's motion for stay relief 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.

19. [25-24740](#)-A-13 **IN RE: JOSEPH/MELISSA COONEY**
[PGM-2](#)

CONTINUED MOTION TO CONFIRM PLAN
11-19-2025 [[32](#)]

PETER MACALUSO/ATTY. FOR DBT.

No Ruling

20. [25-24946](#)-A-13 **IN RE: JESSE BUGGS**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
11-4-2025 [[13](#)]

STEVEN ALPERT/ATTY. FOR DBT.

Final Ruling

Objection: Confirmation of Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); written opposition filed by the trustee

Disposition: Continued to February 24, 2026, at 9:00 a.m.

Order: Civil minute order if appropriate

The trustee's objection to plan confirmation relies on the motion to value collateral. As such, the objection to plan confirmation will be continued to February 24, 2026, at 9:00 a.m. to coincide with the debtor's motion to value collateral. No later than 14 days before the hearing, the trustee and debtor shall file status reports stating if all issues have been resolved or clarify which issues are still outstanding.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the motion is continued to February 24, 2026, at 9:00 a.m. No later than 14 days before the hearing, the trustee and debtor shall file status reports stating if all issues have been resolved or clarify which issues are still outstanding.

21. [25-25447](#)-A-13 **IN RE: MICHAEL GILLASPIE**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
1-6-2026 [\[25\]](#)

PAULDEEP BAINS/ATTY. FOR DBT.
1/13/2026 FILING FEE PAID \$28

Final Ruling

As the fee has been paid in full, the order to show cause is discharged.

22. [25-25050](#)-A-13 **IN RE: WENDELL DELA CRUZ**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
11-12-2025 [\[27\]](#)

RHONDA WALKER/ATTY. FOR DBT.

Final Ruling

Matter: Objection to Confirmation of Chapter 13 Plan
Notice: LBR 3015-1(c)(4); no written opposition required
Disposition: Overruled as moot
Order: Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified plan after this objection to confirmation was filed. The objection will be overruled as moot.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the objection to confirmation is overruled as moot.

23. [25-25051](#)-A-13 **IN RE: JOELLE/DOMINIC DEGRANDE**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
11-5-2025 [[14](#)]

PETER MACALUSO/ATTY. FOR DBT.
DEBTOR NON-OPPOSITION

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: Continued from December 2, 2025

Disposition: Sustained

Order: Civil minute order

The hearing on the Chapter 13 trustee's objection to confirmation was continued to allow the parties to augment the evidentiary record.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The debtor has filed a statement indicating that the trustee's objection should be sustained. Non-opposition, ECF No. 27. Accordingly, the court will sustain this objection.

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 objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses, and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained.

24. [25-25051](#)-A-13 **IN RE: JOELLE/DOMINIC DEGRANDE**
[PGM-1](#)

MOTION TO VALUE COLLATERAL OF QUANTUM3 GROUP LLC
12-29-2025 [\[20\]](#)

PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Value Collateral [Personal Property; Non-vehicular]

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

Disposition: Granted

Order: Civil minute order

Subject Property: House HVAC system: Heat pump, Air Conditioner,
Heat Breaker, Whole House Fan

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).

VALUATION OF COLLATERAL

Chapter 13 debtors may value collateral by noticed motion. Fed. R. Bankr. P. 3012. Section 506(a) of the Bankruptcy Code provides, "An allowed claim of a creditor secured by a lien on property in which the estate has an interest . . . is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property" and is unsecured as to the remainder. 11 U.S.C. § 506(a). For personal property, value is defined as "replacement value" on the date of the petition. *Id.* § 506(a)(2). For "property acquired for personal, family, or household purposes, replacement value shall mean 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." *Id.* The costs of sale or marketing may not be deducted. *Id.*

The right to value non-vehicular, personal property collateral in which the creditor has a purchase money security interest is limited to such collateral securing a debt that was incurred more than one year before the date of the petition. 11 U.S.C. §1325(a) (hanging paragraph).

In this case, the debtor seeks to value collateral consisting of personal property described as a heat pump, air conditioner, heat breaker, and a whole house fan. The debt secured by such property was not incurred within the 1-year period preceding the date of the petition. The court values the collateral at \$3,525.00.

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 debtor's motion to value non-vehicular, personal property collateral 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 personal property collateral described as a heat pump, air conditioner, heat breaker, and a whole house fan has a value of \$3,525.00. No senior liens on the collateral have been identified. The respondent has a secured claim in the amount of \$3,525.00 equal to the value of the collateral that is unencumbered by senior liens. The respondent has a general unsecured claim for the balance of the claim.

25. [25-25151](#)-A-13 **IN RE: LANCE JENSEN**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
11-12-2025 [\[20\]](#)

Final Ruling

Objection: Chapter 13 Plan Confirmation/Modification

Notice: Continued; written opposition required

Disposition: Sustained

Order: Civil minute order

This is a motion to confirm the debtor(s) original/modified Chapter 13 plan. Written opposition to this motion was required. None has been filed. Any opposition to the relief sought has been waived. See *id.* ("Failure of the responding party to timely file written opposition may be deemed a waiver of any opposition to the granting of the motion or may result in the imposition of sanctions.").

CHAPTER 13 PLAN CONFIRMATION

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. Modified Chapter 13 plans are subject to additional scrutiny. 11 U.S.C. § 1329; Fed. R. Bankr. P. 3015(h). The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994). Here, the debtor(s) has not sustained its burden. The Chapter 13 trustee objected to plan confirmation. Because that

objection was set under LBR 9014-1(f)(2), no written response was required. This court continued this matter and required the debtor to do one of the following: (1) file a statement of non-opposition to the objection; (2) filing a written response to the objection; or (3) file, set, and serve a modified plan. The debtor has not responded to this court's order. As a consequence, the debtor(s)' default is entered, and the objection is sustained.

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.

Chapter 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

26. [25-25151](#)-A-13 **IN RE: LANCE JENSEN**
[JDS-5](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY NEWREZ LLC
11-4-2025 [\[15\]](#)

JACQUELINE SERRAO/ATTY. FOR MV.

Final Ruling

Objection: Chapter 13 Plan Confirmation/Modification

Notice: Continued; written opposition required

Disposition: Sustained

Order: Civil minute order

This is a motion to confirm the debtor(s) original/modified Chapter 13 plan. Written opposition to this motion was required. None has been filed. Any opposition to the relief sought has been waived. See *id.* ("Failure of the responding party to timely file written opposition may be deemed a waiver of any opposition to the granting of the motion or may result in the imposition of sanctions.").

CHAPTER 13 PLAN CONFIRMATION

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. Modified Chapter 13 plans are subject to additional scrutiny. 11 U.S.C. § 1329; Fed. R. Bankr. P. 3015(h). The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d

1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994). Here, the debtor(s) has not sustained its burden. Creditor objected to plan confirmation. Because that objection was set under LBR 9014-1(f)(2), no written response was required. This court continued this matter and required the debtor to do one of the following: (1) file a statement of non-opposition to the objection; (2) filing a written response to the objection; or (3) file, set, and serve a modified plan. The debtor has not responded to this court's order. As a consequence, the debtor(s)' default is entered, and the objection is sustained.

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.

Creditor's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

27. [24-23052](#)-A-13 **IN RE: SHANE/STACI STEFFEN**
[DPC-1](#)

MOTION TO DISMISS CASE
12-31-2025 [\[50\]](#)

RABIN POURNAZARIAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition filed by debtors

Disposition: Continued to March 11, 2026, at 9:30 a.m. before the Honorable Rene Lastreto II, Courtroom 13, Fifth Floor, 2500 Tulare Street, Fresno

Order: Civil minute order

Opposition Due: January 20, 2026

Opposition Filed: January 20, 2026- timely

Motion to Modify Plan Filed: January 27, 2026

The chapter 13 trustee moves to dismiss this case, asserting that cause exists under § 1307(c)(1) and (6) as the debtor has failed to make all payments due under the plan. The trustee contends that the debtor is delinquent in the amount of \$2,400.00, with one payment(s) of \$2,400.00 due prior to the hearing date on this motion.

A modified plan has been timely filed and set for hearing in this case. The scheduled hearing on the modification is March 11, 2026, at 9:30 a.m. before the Honorable Rene Lastreto II, Courtroom 13, Fifth Floor, 2500 Tulare Street, Fresno. The court will continue the hearing on this motion to dismiss to coincide with the hearing on the plan modification. If the modification is disapproved, and the motion to dismiss has not been withdrawn or otherwise resolved, the court may dismiss the case at the continued hearing.

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.

IT IS ORDERED that the chapter 13 trustee's motion to dismiss is continued to March 11, 2026, at 9:30 a.m. before the Honorable Rene Lastreto II Courtroom 13, Fifth Floor, 2500 Tulare Street, Fresno.

IT IS FURTHER ORDERED that if the trustee elects to oppose the debtor's motion to modify, then not later than 14 days prior to the continued hearing date the trustee shall file a status report updating this motion to dismiss. The status report shall provide a concise list explaining the remaining issues in the motion to

dismiss and indicate the amount of any plan delinquency. The status report shall be succinct and shall not consist of a cut and paste of the opposition filed by the trustee in response to a motion to amend or modify the debtor's plan.

28. [25-20057](#)-A-13 **IN RE: STEVEN BUSHER**
[DPC-3](#)

CONTINUED MOTION TO DISMISS CASE
9-24-2025 [\[43\]](#)

KEVIN TANG/ATTY. FOR DBT.

No Ruling

29. [25-20057](#)-A-13 **IN RE: STEVEN BUSHER**
[TAA-2](#)

MOTION TO CONFIRM PLAN
12-15-2025 [\[53\]](#)

KEVIN TANG/ATTY. FOR DBT.
RESPONSIVE PLEADING

Tentative Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); written opposition filed by the trustee

Disposition: Denied

Order: Civil minute order

The motion requests confirmation of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1323, 1325; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(1)-(2). The Chapter 13 trustee opposes the motion, objecting to confirmation.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

PLAN FEASIBILITY

The proposed plan must be feasible. 11 U.S.C. § 1325(a)(6). Feasibility is a "factual determination" as to the plan's "reasonable likelihood of success." *First Nat'l Bank of Boston v. Fantasia (In re Fantasia)*, 211 B.R. 420, 423 (B.A.P. 1st Cir. 1997). The bankruptcy court needs to "be satisfied that the debtor has the present as well as the future financial capacity to comply with the

terms of the plan." *Id.* As one court summarized feasibility, "Thus, a plan is not feasible and is not confirmable if a debtor's income will not support the plan's proposed payments. *In re Barnes*, 275 B.R. 889, 894 (Bankr. E.D. Cal.2002) ("[T]he debtors showed no disposable income with which to fund a plan.... [T]he debtors have been unable to actually pay the amount projected ... to the trustee."); *In re Bernardes*, 267 B.R. 690, 695 (Bankr. D.N.J. 2001) ("While the feasibility requirement is not rigorous ... the plan proponent must, at minimum, demonstrate that the Debtor's income exceeds expenses by an amount sufficient to make the payments proposed by the plan."); *In re Wilkinson*, 99 B.R. 366, 369 (Bankr. N.D. Ohio 1989) ("[D]ebtors will not be able to comply with the plan and make all payments thereunder."). *In re Buccolo*, 397 B.R. 527, 530 (Bankr. D.N.J. 2008), *aff'd*, 2009 WL 2132435 (D.N.J. July 13, 2009).

Failure to Provide Income Information

The debtor has failed to provide the trustee with required income tax returns under 11 U.S.C. § 521(e)(2)(A). The tax returns are essential to the trustee's review of the proposed plan prior to the meeting of creditors.

The debtor admitted at the meeting of creditors that he has not filed tax returns for 2022 and 2023. The debtor's declaration on this motion seems to state that the tax returns have still not been filed, as debtor was "diligently working to file all required tax returns." Declaration of Debtor, ECF No. 55. The failure to provide tax returns makes it impossible for the chapter 13 trustee to accurately assess the debtor's ability to perform the proposed plan. As such, the trustee cannot represent that the plan, in his estimation is feasible, under 11 U.S.C. § 1325(a)(6).

The court notes that the failure to timely provide the tax returns is also a basis for the dismissal of the case as the debtor is required to provide the trustee with a tax return (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).

PLAN NEEDS CLARIFICATION

The debtor's mortgage creditor has been placed in Class 1, which the trustee believes is proper. Debtor was to make post-petition mortgage payments directly to the creditor from months 1-12 and then the trustee is to disburse the post-petition mortgage payments from months 13-60. It is unclear how many payments the debtor has disbursed to the creditor. This would need clarification before plan confirmation.

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 debtor's motion to confirm a chapter 13 plan has been presented to the court. Having considered the motion together with papers filed in support and opposition to it, and having heard the arguments of counsel, if any, and good cause appearing, presented at the hearing,

IT IS ORDERED that the motion is denied. The court denies confirmation of the chapter 13 plan.

30. [25-26160](#)-A-13 **IN RE: BILLY SPURGIN**
[RDW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-5-2026 [\[50\]](#)

PETER MACALUSO/ATTY. FOR DBT.
REILLY WILKINSON/ATTY. FOR MV.
GOLDEN 1 CREDIT UNION VS.
DEBTOR NON-OPPOSITION

Final Ruling

Motion: Stay Relief

Disposition: Denied as moot

Order: Civil minute order

The moving party seeks relief from the automatic stay. This case, however, is subject to the Bankruptcy Code provisions that terminate or negate the stay in cases involving repeat individual bankruptcy filers. See 11 U.S.C. § 362(c)(3)-(4).

Upon request of a party in interest, the court may extend the automatic stay where the debtor has had one previous bankruptcy case that was pending within the 1-year period prior to the filing of the current bankruptcy case but was dismissed. See 11 U.S.C. § 362(c)(3)(B). In such a case, the automatic stay may be extended only if both notice and the hearing on such motion are "completed before the expiration of" the 30-day period after the filing of the petition in the later case. 11 U.S.C. § 362(c)(3)(B). Otherwise, if notice and the hearing are not completed before the end of the 30-day period, "the automatic stay terminates in its entirety 30 days after the petition date for a repeat filer." *In re Reswick*, 446 B.R. 362, 365, 371-73 (B.A.P. 9th Cir. 2011).

The debtor had a previous case pending within the one-year period prior to the filing of this case and such case was dismissed. The petition in this case was filed on November 2, 2025. The motion to extend the stay was denied by the court. Order, ECF No. 37. Accordingly, the automatic stay terminated 30 days after the petition date. See 11 U.S.C. § 363(c)(3)(A). The motion will be denied as moot.

CIVIL MINUTE ORDER

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

Movant's motion for relief from the automatic stay has been presented to the court. Having considered the motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the motion is denied as moot.

31. [25-26560](#)-A-13 **IN RE: RAQUEL BURKE**
[AP-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY, , MOTION TO CONFIRM
TERMINATION OR ABSENCE OF STAY , MOTION FOR RELIEF FROM
CO-DEBTOR STAY
12-26-2025 [\[16\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.
WENDY LOCKE/ATTY. FOR MV.
U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION VS.
RESPONSIVE PLEADING

Final Ruling

Motion: Confirm Absence of Automatic Stay

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

Disposition: Granted

Order: Civil minute order

Previous Case: 25-21565 [In re Raquel Helen Burke]

-Date filed: April 2, 2025

-Date dismissed: September 24, 2025

Present Case:

-Date filed: November 21, 2025

-Deadline for hearing on motion to extend stay: December 21, 2025

-Motion to extend stay: not filed

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).

CONFIRMATION OF THE STAY'S TERMINATION

If a debtor who files a petition has had one bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay terminates with respect to the debtor on the 30th day after the filing of the later case, unless the stay is extended. 11 U.S.C. § 362(c)(3)(A). Upon request of a party in interest, the court may extend the automatic stay where the debtor has had one previous bankruptcy case that was pending within the 1-year period prior to the filing of the current bankruptcy case but was dismissed. See *id.* § 362(c)(3)(B). And a party in interest may request an order confirming that no stay is in effect. *Id.* § 362(j) (authorizing the court to issue orders confirming the termination of the automatic stay). In this case, the debtor has had 1 case pending within the preceding 1-year period that was dismissed. More than 30 days have passed since the petition date. The stay has terminated.

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.

Movant's motion to confirm the termination of the stay has been presented to the court. Having considered the motion, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the motion is granted. The court hereby confirms that the automatic stay is not in effect in this case.

32. [25-26560](#)-A-13 **IN RE: RAQUEL BURKE**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-12-2026 [\[23\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Continued to April 15, 2026, at 9:30 a.m. before the Honorable Rene Lastreto II in Courtroom 13, Fifth Floor, 2500 Tulare Street, Fresno

Order: Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the hearing on this objection will be continued to April 15, 2026, at 9:30 a.m. before the Honorable Rene Lastreto II in Courtroom 13, Fifth Floor, 2500 Tulare Street, Fresno. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than March 11, 2026, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the trustee's objection to

confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the trustee shall file and serve a reply, if any, no later than April 1, 2026. The evidentiary record will close after April 1, 2026; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

33. [25-26560](#)-A-13 **IN RE: RAQUEL BURKE**
[FW-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK TRUST
COMPANY, NATIONAL ASSOCIATION
1-20-2026 [\[27\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.
WENDY LOCKE/ATTY. FOR MV.

Final Ruling

Objection: Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Overruled

Order: Civil minute order

When the chapter 13 plan is filed within 14 days of the petition and no motion to confirm is required, see LBR 3015-1(c)(1), the court's local rules require an objection to plan confirmation to be filed and served within 7 days after the first date set for the meeting of creditors, see LBR 3015-1(c)(4). The notice of the meeting of creditors includes notice of this deadline.

The deadline for filing an objection to confirmation was January 16, 2026. But the objection was filed on January 20, 2026. The court will overrule this objection as untimely.

CIVIL MINUTE ORDER

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

Creditor's objection to plan confirmation has been presented to the court. Having considered the objection together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the objection is overruled.

34. [25-25161](#)-A-13 **IN RE: LAURENCE/CHRISTINE FERNANDEZ**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
11-12-2025 [\[14\]](#)

MIKALAH LIVIAKIS/ATTY. FOR DBT.
RESPONSIVE PLEADING

Tentative Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: Continued from December 2, 2025

Disposition: Sustained and confirmation denied

Order: Civil minute order

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

SECURED DEBT

11 U. S. C. § 1325(a)(5)(B)(ii): Improper Classification of Secured Claim

The Chapter 13 trustee objects to confirmation, contending that as residential home mortgage payments were delinquent on the date of the petition that classification of that claim in Class 4 (direct payment) is improper.

Section 1325(a)(5) prescribes the treatment of an allowed secured claim provided for by the plan. This treatment must satisfy one of three alternatives described in paragraph (5) of § 1325(a). In summary, these mandatory alternatives are: (1) the secured claim holder's acceptance of the plan; (2) the plan's providing for both (a) lien retention by the secured claim holder and (b) payment distributions on account of the secured claim having a present value "not less than the allowed amount of such claim"; or (3) the plan's providing for surrender of the collateral to the secured claim holder. See 11 U.S.C. § 1325(a)(5).

In most instances, the validity and amount of a secured debt is determined by state, not federal, law. 11 U.S.C. § 502(b)(1),

§1322(e) ("the amount necessary to cure the default, shall be determined in accordance with the underlying agreement and applicable nonbankruptcy law"). Where, as here, the claim arises from a secured claim against the debtor's residence the "allowed amount of the secured claim" will be determined by the underlying note and deed of trust. A creditor expresses that "allowed amount" by filing a Proof of Claim; absent objection, the amount stated in the Proof of Claim, including the amount of the ongoing mortgage payment and any arrearage, is "deemed" allowed. 11 U.S.C. § 502(a).

Here, the plan places the secured creditor's claim in Class 4, yet the claim is in default and includes a pre-petition arrearage in the amount of \$3,457.17. Compare Claim No. 7-1 (reflecting delinquency) with 11 U.S.C. 502(a) (deemed allowance).

Two principles control this analysis. First, Chapter 13 debtors do not have an absolute right to make payments to unimpaired claims directly to the creditor effected. *In re Giesbrecht*, 429 B.R. 682, 685-86 (B.A.P. 9th Cir. 2010); *Cohen v. Lopez (In re Lopez)*, 372 B.R. 40 (9th Cir. BAP 2007), *aff'd*, and adopted by *Cohen v. Lopez (In re Lopez)*, 550 F.3d 1202 (9th Cir.2008) ("a debtor has no absolute right to make such [direct] payments"). The decision to allow, or to not allow, a Chapter 13 payments directly has always been discretionary. *Giesbrecht*, 429 B.R. at 690.

Thus, bankruptcy courts have been afforded the discretion to make the determination of when direct payments may or may not be appropriate based upon the confirmation requirements of § 1325, policy reasons, and the factors set forth by case law, local rules or guidelines. *Lopez*, 372 B.R. at 46-47 ("Reflecting the discretion granted by the Code, different courts and different circuits have different rules on the permissibility of direct payment, a fact unchanged by or since [*Fulkrod v. Barmettler (In re Fulkrod)*, 126 B.R. 584 (9th Cir. BAP 1991) *aff'd sub. nom.*, *Fulkrod v. Savage (In re Fulkrod)*, 973 F.2d 801 (9th Cir.1992)].")

In re Giesbrecht, 429 B.R. at 690 (emphasis added).

Second, at least where a residential mortgage is delinquent on the petition date, merely providing in the plan that the debtor will pay the claim directly does not satisfy § 1325(a)(5). As Judge Lundin commented:

A bald statement that a creditor will be dealt with "outside the plan" fails to satisfy any of the statutory ways in which the Chapter 13 plan can provide for an allowed secured claim under 11 U.S.C. § 1325(a)(5)-- unless the creditor "accepts" being "outside" for whatever it might mean. "Outside" does not preserve the lien of the affected creditor and does not guarantee present value of collateral--rights the secured creditor otherwise has at confirmation under § 1325(a)(5). Placing a secured claim "outside the plan" cannot rescue

confirmation of a plan that does not satisfy the confirmation tests for treatment of secured claims.

Keith M. Lundin, *Lundin On Chapter 13*, § 74.8, at ¶ 5.

Argument might be interposed to distinguish the classification problem described by Judge Lundin with respect to § 1325(a)(5) where the residential mortgage is not delinquent on the petition date because as a matter of law those mortgages cannot be modified. 11 U.S.C. § 1322(b)(2), (b)(5), (c)(2) (prohibiting a debtor from modifying a deed of trust applicable to their principal residence, except to cure a delinquency or extending the "last original payment schedule" to a date not later than plan completion).

Moreover, the mandatory form plan in the Eastern District of California Bankruptcy Court specifically contemplates and addresses this eventuality. LBR 3015-1(a). It provides:

Class 1 includes all delinquent secured claims that mature after the completion of this plan, including those secured by Debtor's principal residence.

(a) Cure of defaults. All arrears on Class 1 claims shall be paid in full by Trustee. The equal monthly installment specified in the table below as the Arrearage dividend shall pay the arrears in full.

...

(b) Maintaining payments. Trustee shall maintain all post-petition monthly payments to the holder of each Class 1 claim whether or not this plan is confirmed or a proof of claim is filed.

Chapter 13 Plan § 3.07, EDC 3-080.

In contrast, Class 4 of the plan for the Eastern District of California contemplates a debtor whose mortgage is fully current on the date the case is filed. It provides:

Class 4 includes all secured claims paid directly by Debtor or third party. Class 4 claims mature after the completion of this plan, are not in default, and are not modified by this plan. These claims shall be paid by Debtor or a third person whether or not a proof of claim is filed[,] or the plan is confirmed.

Id. at § 3.10.

Here, the treatment of the delinquent mortgage in Class 4 (direct payment by the debtor) does not satisfy § 1325(a)(5). See 11 U.S.C. § 1325(a)(5)(B)(ii); *Lundin On Chapter 13* at § 74.8. The creditor has not expressly accepted this treatment in the plan; this court will not infer acceptance from the creditor's silence. 11 U.S.C. § 1325(a)(5)(A); *In re Pardee*, 218 B.R. 916, 939-40 (B.A.P. 9th Cir.

1998), aff'd, 193 F.3d 1083 (9th Cir. 1999) (Klein, J. concurring and dissenting) ("[I]mplied acceptance is a troublesome theory that has been largely discredited in all but one application: the formality of acceptance of a chapter 13 plan by a secured creditor whose claim is not being treated in accord with statutory standards may be implied from silence"). In the alternative, the plan does not provide for payment of the allowed amount of the claim, i.e., ongoing mortgage plus the arrearage. 11 U.S.C. § 1325(a)(5)(B). Finally, the plan does not provide for surrender of the collateral. 11 U.S.C. § 1325(a)(5)(C). Moreover, the classification does not comply with the terms of the mandatory form plan for the Eastern District. Plan § 3.07, EDC 03-080; LBR 3015-1(a).

Debtor's Response

Debtors have filed a response contending that they are current and thus the creditor is properly placed in Class 4. Response, ECF No. 23. However, the debtors have not filed any further evidence showing that they are current with the creditor, nor have they filed an objection to the creditor's claim. The proof of claim is presumptively valid and states that there are pre-petition arrears. Thus, the secured claim has been improperly placed in Class 4.

As a result, the plan does not comply with § 1325(a)(5) and will not be confirmed.

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 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

35. [23-24665](#)-A-13 **IN RE: BLAKE/STEPHANIE BORCHERS**
[DPC-3](#)

CONTINUED MOTION TO DISMISS CASE
9-10-2025 [\[40\]](#)

MATTHEW GILBERT/ATTY. FOR DBT.

No Ruling

36. [25-26367](#)-A-13 **IN RE: WENDY/DONALD SMITH**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-13-2026 [\[25\]](#)

DAVID FOYIL/ATTY. FOR DBT.

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Continued to April 15, 2026, at 9:30 a.m. before the Honorable Rene Lastreto II in Courtroom 13, Fifth Floor, 2500 Tulare Street, Fresno

Order: Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the hearing on this objection will be continued to April 15, 2026, at 9:30 a.m. before the Honorable Rene Lastreto II in Courtroom 13, Fifth Floor, 2500 Tulare Street, Fresno. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than March 11, 2026, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the trustee's objection to

confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the trustee shall file and serve a reply, if any, no later than April 1, 2026. The evidentiary record will close after April 1, 2026; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

37. [25-26069](#)-A-13 **IN RE: LISA MANGINO**
[PSB-1](#)

MOTION TO CONFIRM PLAN
12-23-2025 [\[21\]](#)

PAULDEEP BAINS/ATTY. FOR DBT.
TRUSTEE NON-OPPOSITION

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 movant, approved by the trustee

Subject: First Amended Chapter 13 Plan, filed December 23, 2025

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).

The debtor seeks confirmation of the First Amended Chapter 13 Plan, ECF No. 25. The plan is supported by Schedules I and J filed December 23, 2025, ECF No. 26. The Chapter 13 trustee has filed a non-opposition to the motion, ECF No. 31.

CHAPTER 13 PLAN CONFIRMATION

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

38. [25-26569](#)-A-13 **IN RE: DIEGO PINA CABALLERO AND MARIA**
PINA-MENDOZA
[KMM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TOYOTA MOTOR CREDIT
CORPORATION
1-13-2026 [\[14\]](#)

JULIUS CHERRY/ATTY. FOR DBT.
KIRSTEN MARTINEZ/ATTY. FOR MV.

Final Ruling

Objection: Creditor's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Continued to April 15, 2026, at 9:30 a.m. before the Honorable Rene Lastreto II in Courtroom 13, Fifth Floor, 2500 Tulare Street, Fresno

Order: Civil minute order

Creditor, Toyota Motor Credit Corporation, objects to confirmation of the debtor(s) plan.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the hearing on this objection will be continued to April 15, 2026, at 9:30 a.m. before the Honorable Rene Lastreto

II in Courtroom 13, Fifth Floor, 2500 Tulare Street, Fresno. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than March 11, 2026, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the creditor's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagrees with the creditor's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the creditor's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the trustee shall file and serve a reply, if any, no later than April 1, 2026. The evidentiary record will close after April 1, 2026; or

(C) File a Modified Plan. If the debtor(s) wishes to resolve the creditor's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that any stipulation between the parties resolving this matter must be approved and signed by the Chapter 13 trustee prior to filing with the court. The trustee's signature on the stipulation warrants that the terms of the proposed stipulation do not impact the plan's compliance with 11 U.S.C. § 1325(a).

39. [25-23470](#)-A-13 **IN RE: KIRAN SANWAL**
[DPC-2](#)

CONTINUED MOTION TO DISMISS CASE
11-18-2025 [\[50\]](#)

PETER MACALUSO/ATTY. FOR DBT.

Final Ruling

Motion: Trustee's Motion to Dismiss or Convert Chapter 13 Case

Notice: Continued from January 6, 2026

Disposition: Granted

Order: Civil minute order

This motion to dismiss was continued to allow the debtor to procure and distribute funds to the trustee. The court stated during the last hearing that if the debtor does not file a status report, if the funds are still pending, or if no new plan is proposed, the Court may grant the motion to dismiss the case without further notice or hearing.

The funds are still pending according to the debtor, Status Report, ECF No. 98, and no new plan has been proposed. As such, the court will grant the motion to dismiss.

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's motion to dismiss has been presented to the court. Having considered the motion, oppositions, and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the motion is granted.

40. [25-26570](#)-A-13 **IN RE: MARK VIZCARRA AND LORRAINE**
ALEGRIA-VIZCARRA
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-14-2026 [\[14\]](#)

JULIUS CHERRY/ATTY. FOR DBT.

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Continued to April 15, 2026, at 9:30 a.m. before the Honorable Rene Lastreto II in Courtroom 13, Fifth Floor, 2500 Tulare Street, Fresno

Order: Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the hearing on this objection will be continued to April 15, 2026, at 9:30 a.m. before the Honorable Rene Lastreto II in Courtroom 13, Fifth Floor, 2500 Tulare Street, Fresno. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than March 11, 2026, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall

specifically address each issue raised in the trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the trustee shall file and serve a reply, if any, no later than April 1, 2026. The evidentiary record will close after April 1, 2026; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

41. [23-23872](#)-A-13 **IN RE: BRENDA/NAI SAEPHANH**
[DPC-1](#)

CONTINUED MOTION TO DISMISS CASE
11-19-2025 [\[38\]](#)

SCOTT JOHNSON/ATTY. FOR DBT.

Final Ruling

Motion: Dismiss Case

Disposition: Denied

Order: Civil minute order

The trustee filed a motion to dismiss based on delinquency. The trustee has since filed a status stating that the debtors are current under the modified plan and requests that the motion be denied, ECF No. 50. The motion will be denied.

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 considered the motion, the opposition, responses, and good cause appearing,

IT IS ORDERED that the motion is denied.

42. [23-23872](#)-A-13 **IN RE: BRENDA/NAI SAEPHANH**
[SMJ-1](#)

MOTION TO MODIFY PLAN
12-23-2025 [\[43\]](#)

SCOTT JOHNSON/ATTY. FOR DBT.

Final Ruling

Motion: Modify Chapter 13 Plan

Notice: LBR 3015-1(d)(2), 9014-1(f)(1); written opposition filed by the trustee

Disposition: Denied

Order: Civil minute order

The motion requests modification of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1325, 1329; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(2). The Chapter 13 trustee opposes the motion, objecting to the modification.

Chapter 13 plan modification 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. “[T]he only limits on modification are those set forth in the language of the Code itself, coupled with the bankruptcy judge’s discretion and good judgment in reviewing the motion to modify.” *In re Powers*, 202 B.R. 618, 622 (B.A.P. 9th Cir. 1996).

FAILURE TO INDICATE NON-STANDARD PROVISIONS

The trustee has opposed the plan due to debtor’s failure to check off the box in § 1.02 of the plan, indicating that there are non-standard provisions attached. The debtor has attached a separate page with non-standard provisions to the plan, but failure to indicate this on § 1.02 is a violation of the Federal Rules of Bankruptcy Procedure 3015.

(c) Form of a Chapter 13 Plan.

(1) *In General*. In filing a Chapter 13 plan, the debtor must use Form 113, unless the court has adopted a local form under Rule 3015.1.

(2) *Nonstandard Provision*. **With either form, a nonstandard provision is effective only if it is included in the section of the form that is designated for nonstandard provisions and is identified in accordance with any other requirements of the form.** A nonstandard provision is one that is not included in the form or deviates from it.

Fed. R. Bankr. Pro. 3015(c) (emphasis added).

The court has adopted a local form under Rule 3015.1; however, as stated under Rule 3015, regardless of which form is utilized, the nonstandard provision is effective only if it is indicated on the form. Since the nonstandard provisions were not indicated under §

1.02, the provisions would not go into effect. Thus, the trustee raises the issue that the debtor is delinquent \$9,062.50 when not considering the non-standard provisions. For this reason, the motion will not be granted.

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 debtor's motion to modify a chapter 13 plan has been presented to the court. Having considered the motion together with papers filed in support and opposition to it, and having heard the arguments of counsel, if any, and good cause appearing, presented at the hearing,

IT IS ORDERED that the motion is denied. The court denies modification of the chapter 13 plan.

43. [25-25072](#)-A-13 **IN RE: DANIEL BENAVIDEZ AND LAURA CORTINAS**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
11-12-2025 [\[18\]](#)

JULIUS CHERRY/ATTY. FOR DBT.
RESPONSIVE PLEADING

Tentative Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: Continued from December 2, 2025

Disposition: Overruled

Order: Civil minute order

This objection to confirmation was continued from December 2, 2025, to allow the parties to augment the evidentiary record. In that time, Trustee's objections were resolved, the largest issue being that the plan relied on a motion to value collateral. That issue has been resolved by stipulation, JCW-1. As such, the trustee states that the objection can be overruled. Response, ECF No. 42.

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 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is overruled.

44. [25-25072](#)-A-13 **IN RE: DANIEL BENAVIDEZ AND LAURA CORTINAS**
[JCW-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY CAPITAL ONE
AUTO FINANCE
11-12-2025 [\[14\]](#)

JULIUS CHERRY/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.

Final Ruling

The parties have resolved the matter by stipulation. The matter will be dropped from calendar.

45. [25-26472](#)-A-13 **IN RE: DAVID CANNAVO**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-14-2026 [\[38\]](#)

ANTHONY EGBASE/ATTY. FOR DBT.

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Continued to April 15, 2026, at 9:30 a.m. before the Honorable Rene Lastreto II in Courtroom 13, Fifth Floor, 2500 Tulare Street, Fresno

Order: Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the hearing on this objection will be continued to April 15, 2026, at 9:30 a.m. before the Honorable Rene Lastreto II in Courtroom 13, Fifth Floor, 2500 Tulare Street, Fresno. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than March 11, 2026, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the trustee shall file and serve a reply, if any, no later than April 1, 2026. The evidentiary record will close after April 1, 2026; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

46. [25-25475](#)-A-13 **IN RE: GABRIEL/TIFFANY SNOOK**
[CYB-1](#)

AMENDED MOTION TO VALUE COLLATERAL OF COMMUNITY FIRST CREDIT
UNION
1-12-2026 [\[41\]](#)

CANDACE BROOKS/ATTY. FOR DBT.

Final Ruling

Motion: Value Collateral [Personal Property; Motor Vehicle]

Disposition: Denied without prejudice

Order: Civil minute order

Chapter 13 debtors may value collateral by noticed motion. Fed. R. Bankr. P. 3012. Section 506(a) of the Bankruptcy Code provides, "An allowed claim of a creditor secured by a lien on property in which the estate has an interest . . . is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property" and is unsecured as to the remainder. 11 U.S.C. § 506(a). For personal property, value is defined as "replacement value" on the date of the petition. *Id.* § 506(a)(2). For "property acquired for personal, family, or household purposes, replacement value shall mean 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." *Id.* The costs of sale or marketing may not be deducted. *Id.*

A debtor's ability to value collateral consisting of a motor vehicle is limited by the terms of the hanging paragraph of § 1325(a). See 11 U.S.C. § 1325(a) (hanging paragraph). Under this statute, a lien secured by a motor vehicle cannot be stripped down to the collateral's value if: (i) the lien securing the claim is a purchase money security interest, (ii) the debt was incurred within the 910-day period preceding the date of the petition, and (iii) the motor vehicle was acquired for the debtor's personal use. 11 U.S.C. § 1325(a) (hanging paragraph).

In this case, the debtor seeks to value collateral consisting of a motor vehicle. The court cannot determine whether the hanging paragraph of 11 U.S.C. § 1325(a) applies to the respondent creditor's claim in this case.

The court continued the matter and specifically asked that the debtor file a supplemental declaration indicating "whether the respondent creditor has a purchase money security interest in the vehicle to secure its claim, whether the debt owed on such claim was incurred within the 910-day period preceding the date of the debtors' petition, and whether the vehicle was acquired for debtor's personal use." Order, ECF No. 38. The debtor has not stated in their most recent declaration if the vehicle was purchased for debtor's personal use. Thus, the motion does not sufficiently demonstrate an entitlement to the relief requested. See LBR 9014-1(d)(7). Factual information relevant to the hanging paragraph of § 1325(a) is also an essential aspect of the grounds for the relief sought that should

be contained in the motion itself and stated with particularity.
See Fed. R. Bankr. P. 9013.

CIVIL MINUTE ORDER

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

Debtor's motion to value collateral 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.

47. [25-25475](#)-A-13 **IN RE: GABRIEL/TIFFANY SNOOK**
[CYB-2](#)

CONTINUED MOTION TO CONFIRM PLAN
12-15-2025 [\[20\]](#)

CANDACE BROOKS/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); written opposition filed by the trustee

Disposition: Denied

Order: Civil minute order

The motion requests confirmation of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1323, 1325; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(1)-(2). The Chapter 13 trustee opposes the motion, objecting to confirmation.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

PLAN RELIES ON MOTION TO VALUE COLLATERAL

LBR 3015-1(i) provides that "[t]he hearing on a valuation motion or motion to avoid lien must be concluded before or in conjunction with the confirmation of the plan. If a motion is not filed, or it is unsuccessful, the Court may deny confirmation of the plan."

The debtor's motion to value collateral, CYB-2, has been denied due to procedural issues. Therefore, the plan may not be confirmed.

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 debtor's motion to confirm a chapter 13 plan has been presented to the court. Having considered the motion together with papers filed in support and opposition to it, and having heard the arguments of counsel, if any, and good cause appearing, presented at the hearing,

IT IS ORDERED that the motion is denied. The court denies confirmation of the chapter 13 plan.

48. [25-26775](#)-A-13 **IN RE: TERESA STOLZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
1-6-2026 [\[20\]](#)

1/15/2026 INSTALLMENT FEE PAID \$79

Final Ruling

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

49. [25-24479](#)-A-13 **IN RE: MARGARET SOMKOPULOS**
[DPC-2](#)

CONTINUED MOTION TO DISMISS CASE
11-4-2025 [\[40\]](#)

ARETE KOSTOPOULOS/ATTY. FOR DBT.

Final Ruling

The motion to confirm was continued to allow debtor to become fully current by January 25, 2026. The court informed the debtor that if they did not become current, the case would be dismissed without further notice or hearing. The trustee has filed a status report stating the debtor is still delinquent \$24,991.26. Status Report, ECF No. 70. As such, the motion to dismiss is granted.

50. [25-24479](#)-A-13 **IN RE: MARGARET SOMKOPULOS**
[KLG-2](#)

CONTINUED MOTION TO CONFIRM PLAN
11-25-2025 [\[51\]](#)

ARETE KOSTOPOULOS/ATTY. FOR DBT.

Final Ruling

This case was dismissed on this calendar in the prior pre-hearing disposition, DPC-2. Accordingly, the motion will be removed from the calendar as moot. No appearances are required.

51. [25-25179](#)-A-13 **IN RE: AARON/MELISSA HODGES**
[NLG-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY CARRINGTON
MORTGAGE SERVICES, LLC
11-7-2025 [\[14\]](#)

MIKALAH LIVIAKIS/ATTY. FOR DBT.
NICHOLE GLOWIN/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

52. [25-26480](#)-A-13 **IN RE: NICHOLAS DESTFINO**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P CUSICK
1-12-2026 [\[20\]](#)

PETER MACALUSO/ATTY. FOR DBT.

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Continued to April 16, 2026, at 9:30 a.m. before the Honorable Jennifer Niemann in Courtroom 11, Fifth Floor, 2500 Tulare Street, Fresno

Order: Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

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 has the burden of proving that the plan complies with all statutory requirements of confirmation.

In re Andrews, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

CIVIL MINUTE ORDER

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

IT IS ORDERED that the hearing on this objection will be continued to April 16, 2026, at 9:30 a.m. before the Honorable Jennifer Niemann in Courtroom 11, Fifth Floor, 2500 Tulare Street, Fresno. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than March 12, 2026, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) files a response under paragraph 3(B) of this order, then the trustee shall file and serve a reply, if any, no later than April 2, 2026. The evidentiary record will close after April 2, 2026; or

(C) File a Modified Plan. If the debtor(s) wishes to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

53. [25-22484](#)-A-13 **IN RE: PAOLA RESCINO**
[RPH-4](#)

CONTINUED MOTION TO CONFIRM PLAN
11-15-2025 [\[74\]](#)

ROBERT HUCKABY/ATTY. FOR DBT.

Final Ruling

The motion to confirmation was continued to allow the debtor to file a declaration consenting to a provision in the Plan stating that, unless the Debtor demonstrates reinvestment into an exempt asset with admissible evidence, the Debtor will distribute all remaining proceeds from the sale to the Chapter 13 Trustee no later than July 1, 2026. The debtor has not filed the necessary declaration. The court notified the debtor that without sufficient evidence, the Court will deny confirmation of the plan without further notice or hearing. As such, the motion to confirm will be denied. Civil minute order to issue.

54. [25-20686](#)-A-13 **IN RE: KAITLIN BAND**
[SMJ-2](#)

MOTION TO INCUR DEBT
1-20-2026 [\[25\]](#)

SCOTT JOHNSON/ATTY. FOR DBT.

Final Ruling

Motion: Approve New Debt

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

Disposition: Denied without prejudice

Order: Civil minute order

The debtor seeks an order approving a motion to incur debt. The Chapter 13 trustee opposes the motion.

The debtor's motion will be denied without prejudice because the debtor has failed to file sufficient evidence in support of the motion as required. LBR 9014-1(d)(3)(D). There are no recent Schedules I and J that show debtor can afford to incur this debt. It is unclear from the debtor's declaration if debtor is working multiple jobs and what her income is. Declaration of Debtor, ECF No. 27. Debtor's declaration also stated that supplemental schedules I and J would be filed, but at the time of this ruling, no schedules have been filed.

This information is part of the debtor's prima facie case for the relief requested and must be filed at the outset of the motion and not in response to the trustee's opposition to the motion.

CIVIL MINUTE ORDER

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

Debtor's motion to incur debt 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.

55. [25-26886](#)-A-13 **IN RE: BRENDOLYNN CHAMPLAIE**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
1-12-2026 [\[26\]](#)

PETER MACALUSO/ATTY. FOR DBT.

Tentative Ruling

If the filing fee has not been paid in full by the time of the hearing, the case may be dismissed without further notice or hearing.

56. [25-24788](#)-A-13 **IN RE: SHANTINA WARD**
[CCR-2](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
12-2-2025 [\[71\]](#)

ARETE KOSTOPOULOS/ATTY. FOR DBT.
CHERYL ROUSE/ATTY. FOR MV.
SUMMIT RIDGE CONDOMINIUM HOMEOWNERS ASSOCIATION VS.
RESPONSIVE PLEADING

No Ruling

57. [25-25890](#)-A-13 **IN RE: DONALD CLEVELAND**
[SW-1](#)

MOTION TO AVOID LIEN OF WELLS FARGO BANK, NA
1-2-2026 [\[32\]](#)

JAMES SHEPHERD/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Avoid Lien that Impairs Exemption

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

Disposition: Granted in part, denied in part

Order: Prepared by the moving party

Judicial Lien Avoided: \$11,587.48 (Wells Fargo Bank, N.A.)

All Other Liens:

- [First Mortgage] \$350,000.00 (Wells Fargo Bank, N.A.)
- [Second Mortgage] \$55,446.00 (Wells Fargo Bank, N.A.)
- [Tax Lien] \$16,008.00 (Internal Revenue Service)

Exemption: \$119,859.00

Value of Property: \$552,900.00

Extent Judicial Lien Not Avoided: \$11,587.00

Extent Judicial Lien Avoided: \$0.48

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 court finds that the liens, exemption amount, and property's value are as set forth above. 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 by an amount equal to the respondent's judicial lien. The responding party's judicial lien is not avoided to \$11,587.00 of the lien, and the remaining balance of \$0.48 is avoided.

58. [20-25391](#)-A-13 **IN RE: MICHELE DENHAM**
[PSB-1](#)

MOTION TO MODIFY PLAN
12-18-2025 [\[38\]](#)

PAULDEEP BAINS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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 movant, approved by the trustee

Subject: First Modified Chapter 13 Plan, filed December 18, 2025

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).

The debtor(s) seek approval of the proposed modified Chapter 13 Plan. The plan is supported by Schedules I and J filed on December 18, 2025, ECF No. 43. The Chapter 13 trustee has filed a non-opposition to the motion, ECF No. 48.

CHAPTER 13 PLAN MODIFICATION

Chapter 13 plan modification 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. "[T]he only limits on modification are those set forth in the language of the Code itself, coupled with the bankruptcy judge's discretion and good judgment in reviewing the motion to modify." *In re Powers*, 202 B.R. 618, 622 (B.A.P. 9th Cir. 1996).

Chapter 13 debtors seeking plan modification have the burden of proving that all requirements of § 1322(a) and (b) and § 1325(a) have been met. See 11 U.S.C. §§ 1322(a)-(b), 1325(a), 1329(b)(1); see also *In re Powers*, 202 B.R. at 622 ("[Section] 1329(b)(1) protects the parties from unwarranted modification motions by ensuring that the proposed modifications satisfy the same standards as required of the initial plan."); see also *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994); *In re Andrews*, 49 F.3d 1404, 1408 (9th Cir. 1995).

The court finds that the debtor has sustained this burden of proof. The court will grant the motion and approve the modification.

59. [25-26792](#)-A-13 **IN RE: WILLIAM ANRIG**
[MOH-2](#)

MOTION TO AVOID LIEN OF DISCOVER BANK
1-20-2026 [\[31\]](#)

MICHAEL HAYS/ATTY. FOR DBT.

[Since posting its original rulings, the court has changed its intended ruling on this matter.]

Tentative Ruling

Motion: Avoid Lien that Impairs Exemption

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

Disposition: Granted

Order: Prepared by moving party

Subject: 816 Dias Drive, Chico, California

Judicial Lien Avoided: \$9,540.18 (Discover Bank)

All Other Liens:

Deed of Trust - \$450,151.27 (Nationstar Mortgage)

Judicial Lien- \$5,080.55 (Capital One Bank, N.A.)

Exemption: \$300,000.00

Value of Property: \$647,300.00

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).

LIEN-AVOIDANCE STANDARDS

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).

REVERSE-PRIORITY ANALYSIS

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) Capital One Bank, and (ii) Discover Bank. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$300,000.00 exemption on the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$759,691.45. The value of the property is \$647,300.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien of \$9,540.18. As a result, the respondent's judicial lien will be avoided entirely.

60. [25-26792](#)-A-13 **IN RE: WILLIAM ANRIG**
[MOH-3](#)

MOTION TO AVOID LIEN OF CAPITAL ONE BANK (USA) NA
1-20-2026 [\[35\]](#)

MICHAEL HAYS/ATTY. FOR DBT.

[Since posting its original rulings, the court has changed its intended ruling on this matter.]

Tentative Ruling

Motion: Avoid Lien that Impairs Exemption

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

Disposition: Granted

Order: Prepared by moving party

Subject: 816 Dias Drive, Chico, California

Judicial Lien Avoided: \$5,080.55 (Capital One Bank, N.A.)

All Other Liens:

Deed of Trust - \$450,151.27 (Nationstar Mortgage)

Judicial Lien- \$9,540.18 (Discover Bank)

Exemption: \$300,000.00

Value of Property: \$647,300.00

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).

LIEN-AVOIDANCE STANDARDS

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).

REVERSE-PRIORITY ANALYSIS

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). “[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens.” *Id.*; 11 U.S.C § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) Capital One Bank, and (ii) Discover Bank. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$300,000.00 exemption on the property.

Excluding all liens against the subject real property that are lower in priority than respondent’s lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$769,231.63. The value of the property is \$647,300.00. The respondent’s judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property’s value by an amount greater than or equal to the judicial lien of \$5,080.55. As a result, the respondent’s judicial lien will be avoided entirely.

61. [24-24793](#)-A-13 **IN RE: FELICIA BROWN**
[CRG-1](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF LINCOLN LAW FOR
CARL R. GUSTAFSON, DEBTORS ATTORNEY(S)
12-19-2025 [\[28\]](#)

CARL GUSTAFSON/ATTY. FOR DBT.
RESPONSIVE PLEADING

Tentative Ruling

Application: Allowance of Interim 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, Debtor's counsel Carl R. Gustafson has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$7,212.50 and reimbursement of expenses in the amount of \$90.00.

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 an interim basis. Such amounts shall be perfected, and may be adjusted, by a final application for compensation and expenses, which shall be filed prior to case closure.

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.

Attorney Gustafson's application for allowance of interim 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 an interim basis. The court allows interim compensation in the amount of \$7,212.50 and reimbursement of expenses in the amount of \$90.00. The aggregate allowed amount equals \$7,302.50. As of the date of the application, the applicant held a retainer in the amount of \$3,651.00. The amount of \$3,561.50 shall be allowed as an administrative expense to be paid through the plan, and the remainder of the allowed amounts, if any, shall be paid from the retainer held by the applicant. The applicant is authorized to draw on any retainer held.

IT IS FURTHER ORDERED that the fees and costs are allowed pursuant to 11 U.S.C. § 331 as interim fees and costs, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure.

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.

62. [25-26793](#)-A-13 **IN RE: SIANG PETERS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
1-7-2026 [\[23\]](#)

1/13/2026 FILING FEE PAID \$34

Final Ruling

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

63. [25-24994](#)-A-13 **IN RE: DANIEL REID**
[DPC-2](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
11-5-2025 [\[25\]](#)

DEBTOR DISMISSED: 12/04/25

Final Ruling

This case was dismissed on December 4, 2025. Accordingly, the objection will be removed from the calendar as moot. No appearances are required.

64. [25-24994](#)-A-13 **IN RE: DANIEL REID**
[NLG-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LAKEVIEW LOAN
SERVICING, LLC
10-14-2025 [\[11\]](#)

NICHOLE GLOWIN/ATTY. FOR MV.
DEBTOR DISMISSED: 12/04/25

Final Ruling

This case was dismissed on December 4, 2025. Accordingly, the objection will be removed from the calendar as moot. No appearances are required.