

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

February 6, 2018 at 10:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

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

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

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

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

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

1.	14-90800-D-13	JORGE/ROCIO VIDES	MOTION TO MODIFY PLAN
	TLC-2		12-26-17 [57]

Final ruling:

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

2.	17-90900-D-13	CATHERINE DANTAY	OBJECTION TO DEBTOR'S CLAIM OF
	RDG-2		EXEMPTIONS
			12-29-17 [25]

3.	16-90304-D-13	JOHN DEMING	MOTION TO CONFIRM PLAN
	DCJ-10		12-25-17 [227]

4.	17-90409-D-13	JOHNATHAN MOHR	MOTION TO CONFIRM PLAN
	DCJ-3		12-26-17 [58]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the plan proposes to pay the secured claim of the Franchise Tax Board, filed at \$57,858, only \$7,000 based on the alleged value of its collateral, whereas the debtor has failed to file a motion to value that collateral, as required by LBR 3015-1(i).

For this reason, the motion will be denied and the court need not reach the other issues raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

5.	17-90713-D-13	BRANDY DURKEE	MOTION TO CONFIRM PLAN
	RS-2		12-18-17 [41]

6. 17-90818-D-13 LISA GARCIA
RKW-1

MOTION TO CONFIRM PLAN
12-15-17 [40]

Final ruling:

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

7. 17-90820-D-13 SANDRA NARANJO
RDG-2

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
D. GREER
12-4-17 [27]

8. 17-90438-D-13 KYLE FREITAS
APN-1
CAB WEST, LLC VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-9-18 [86]

Final ruling:

This matter is resolved without oral argument. This is CAB West, LLC's motion for relief from automatic stay. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtor is not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3). Moving party is to submit an appropriate order. There will be no further relief afforded. No appearance is necessary.

9. 17-90839-D-13 ERIC/IRENE DAVIS
TBK-1

MOTION TO CONFIRM PLAN
12-15-17 [28]

10. 17-90654-D-13 MARIO/NORMA MAGANA MOTION TO CONFIRM PLAN
BSH-1 12-14-17 [28]

Final ruling:

This motion, by which the debtors sought confirmation of a chapter 13 plan filed on an incorrect form, appears to have been superseded by their motion DC No. BSH-2 to confirm a plan filed on the correct form. Therefore, this motion will be denied as moot by minute order. No appearance is necessary.

11. 17-90654-D-13 MARIO/NORMA MAGANA MOTION TO CONFIRM PLAN
BSH-2 12-18-17 [33]

12. 17-90956-D-13 JOSE/OLIVIA VALENCIA OBJECTION TO CONFIRMATION OF
MDE-1 PLAN BY THE BANK OF NEW YORK
MELLON
12-18-17 [21]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

13. 17-90962-D-13 ANU SINGH OBJECTION TO CONFIRMATION OF
PPR-1 PLAN BY VERTICAL CAPITAL INCOME
FUND
12-26-17 [15]

14. 17-90963-D-13 ERICK AVILA
APN-1

OBJECTION TO CONFIRMATION OF
PLAN BY TOYOTA MOTOR CREDIT
CORPORATION
12-20-17 [21]

Final ruling:

This is the objection of Toyota Motor Credit to confirmation of the debtor's proposed chapter 13 plan. The hearing will be continued to March 6, 2018, at 10:00 a.m., to be heard with the debtor's motion to value Toyota's collateral. No appearance is necessary on February 6, 2018.

15. 14-90068-D-13 MARIA CARLOS
JAD-1

OBJECTION TO NOTICE OF MORTGAGE
PAYMENT CHANGE AND/OR MOTION
FOR COMPENSATION FOR JESSICA A.
DORN, DEBTOR'S ATTORNEY
12-15-17 [48]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the Objection to Notice of Mortgage Payment Change Filed by Seterus, Inc. And Request for Debtor's Attorney Fees. As such the court will sustain the objection and grant the request for attorney's fees. Moving party is to submit an appropriate order. No appearance is necessary.

16. 14-90068-D-13 MARIA CARLOS
JAD-2

MOTION TO MODIFY PLAN
12-15-17 [52]

17. 17-90869-D-13 KAY PARKER
JCK-3

MOTION TO CONFIRM PLAN
12-18-17 [27]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the debtor failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(b). The moving party filed her schedules of creditors two weeks into the case, and when she did so, she failed to amend her master address list. Thus, when she utilized the PACER matrix for service of this motion, she failed to serve the Stanislaus County Tax Collector, listed on her Schedule D as holding claims against five different real properties totaling more than \$16,000.

As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

18. 14-90587-D-13 PORFIRIO/PATRICIA AGUIRRE MOTION TO MODIFY PLAN
JAD-1 12-26-17 [25]

19. 17-90794-D-13 RUBEN ALVAREZ MOTION TO CONFIRM PLAN
PLG-2 12-26-17 [33]

Final ruling:

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

20. 18-90023-D-13 JOSEPH SHAW AND MARY MOTION TO EXTEND AUTOMATIC STAY
RLF-1INDERBITZIN-SHAW 1-23-18 [11]

21. 17-90932-D-13 JOANN MORGAN OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
1-12-18 [26]

Final ruling:

This case was dismissed on January 23, 2018. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

22. 17-90956-D-13 JOSE/OLIVIA VALENCIA
RDG-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
1-12-18 [37]

Final ruling:

This is the trustee's objection to confirmation of the debtors' proposed chapter 13 plan. On January 12, 2018, the debtors filed an amended plan and a motion to confirm it. As a result of the filing of the amended plan, this objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

23. 17-90959-D-13 ERIC BURKE
RDG-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
1-12-18 [25]

Final ruling:

This is the trustee's objection to confirmation of the debtor's proposed chapter 13 plan. On January 16, 2018, the debtor filed an amended plan and a motion to confirm it. As a result of the filing of the amended plan, this objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

24. 14-90587-D-13 PORFIRIO/PATRICIA AGUIRRE
JAD-2

MOTION TO INCUR DEBT
1-16-18 [37]