

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

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

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: February 10, 2026

CALENDAR: 1:00 P.M. CHAPTER 13

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

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

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

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

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

2. [25-22504](#)-B-13 RUBEN/ROSEMARIE ALVAREZ MOTION TO CONFIRM PLAN
[MMM](#)-2 Mohammad M. Mokarram 12-29-25 [[65](#)]

Final Ruling

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

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

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

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

The court will issue an order.

3. [22-90008](#)-B-13 JONATHAN RETZLAFF MOTION TO EMPLOY EXIT REALTY
[SSH-1](#) Simran Singh Hundal CONSULTANTS AS BROKER(S)
Thru #4 1-20-26 [[48](#)]

Final Ruling

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

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

The court's decision is to deny the motion to employ.

Debtor seeks to employ real estate broker Martin Cunha of EXIT Realty Consultants ("Broker") pursuant to 11 U.S.C. § 327(a). Debtor asserts that Broker's appointment and retention is necessary to assist Debtor in establishing the fair market value of property located at 2375 Oxford Ave, Turlock, California ("Property") and to sell the Property for the benefit of the Debtor and all creditors in interest. The motion is treated as a retroactive request since the Property has already been listed for sale and an offer was accepted by Debtor.

In consideration for the aforementioned services, Broker will receive, upon consummation of any sale and approval of this motion, a real estate broker's commission equal to 3.00% of the purchase price.

Discussion

Pursuant to § 327(a) a trustee or debtor in possession is authorized, with court approval, to engage the services of professionals to represent or assist the trustee in carrying out the trustee's duties under Title 11. To be so employed by the trustee or debtor in possession, the professional must not hold or represent an interest adverse to the estate and be a disinterested person.

Some courts hold that § 327 applies to the employment of professionals by Chapter 13 trustees and Chapter 13 debtors. See e.g., *Wright v. Csabi (In re Wright)*, 578 B.R. 570 (Bankr. S.D. Tex. 2017) (§ 327(e)); *In re Goines*, 465 B.R. 704 (Bankr. N.D. Ga. 2012) (§ 327(e)); *In re Jenkins*, 406 B.R. 817 (Bankr. N.D. Ind. 2009) ("the term 'trustee' in 11 U.S.C. § 327(e) is to be read as 'Chapter 13 debtor'"). However, a majority of courts hold that § 327 applies only when Chapter 13 trustees seek to employ professionals and it is inapplicable to the employment of professionals by Chapter 13 debtors. See e.g., *In re Gilliam*, 582 B.R. 459, 465-66 (Bankr. N.D. Ill. 2018) (§ 327 does not apply to Chapter 13 debtors); *In re Scott*, 531 B.R. 640, 644-45 (Bankr. N.D. Miss. 2015) (nothing suggests that "trustee" in § 327(e) means debtor); *In re Jones*, 505 B.R. 229, 231 (Bankr. E.D. Wis. 2014) ("[A]n individual chapter 13 debtor . . . is not a 'trustee' for purposes of § 327."); *In re Maldonado*, 483 B.R. 326, 330 (Bankr. N.D. Ill. 2012) (§ 327 does not apply to debtors in Chapter 13 cases); *In re Tirado*, 329 B.R. 244, 250 (Bankr. E.D. Wis. 2005) ("Therefore, § 327 of the Bankruptcy Code simply does not apply to chapter 13 debtors who seek to employ professionals.").

The majority consider the limitation of § 327 to a "trustee" and the omission of reference to Chapter 13 debtors significant. As the court in *Tirado* explained in the context of the debtor's request to employ a professional to assist the debtor in the sale of real property:

[Section] 327 does not apply to the employment of attorneys or other professional chapter 13 debtor. Section 327 applies to trustees, and, pursuant to § 1107 of the Bankruptcy Code, when § 327 refers to the trustee, the reference includes the debtor in possession. [Internal citation omitted].

Each subsection of § 327 either focuses on the

trustee or excludes chapter 13. See 11 U.S.C. §§ 327(a) ("the trustee ... may employ ..."); 327(b) ("the trustee may retain or replace ..."); 327(c) ("In a case under chapter 7, 12, or 11 of this title ..."); 327(d) ("the court may authorize the trustee to act as attorney or accountant"); 327(e) ("The trustee ... may employ ..."); and 327(f) ("The trustee may not employ ..."). Congress, through the use of plain and unambiguous language, has limited the scope of § 327 to trustees. Although chapter 11 debtors in possession have also been included under § 327 via § 1107, and chapter 12 debtors must comply with § 327 pursuant to § 1203, there is no corresponding section of chapter 13 making § 327 applicable to chapter 13 debtors.

Therefore, § 327 of the Bankruptcy Code simply does not apply to chapter 13 debtors who seek to employ professionals. The requirements of § 327 would be triggered by a chapter 13 trustee's application to employ a professional, but in this case, [the professional's] services were rendered to the Debtor, not the Trustee. For, unlike chapter 11 and 12 in which the debtor in possession has the same rights and duties when selling property and employing professionals as a trustee, "the [chapter 13] debtor shall have, *exclusive of the trustee*, the rights and powers of a trustee [to use, sell, or lease property]." 11 U.S.C. § 1303 (emphasis supplied).

Tirado, 329 B.R. at 250.

This court has previously followed the majority and found § 327 inapplicable to a debtor's request to employ a professional to assist the debtor in the sale of his residence. See *e.g.*, *In re Slagle*, Case No. 18-27555 (Bankr. E.D. Cal. 2018), Dkts. 22 & 52. In so doing, the court applied *Tirado's* reasoning.

There does not appear to be any controlling case law on this matter in the Ninth Circuit. Nevertheless, the court has considered the pros and cons of each approach to arrive at a result that is consistent with the plain language of § 327 in particular and the intent of the Bankruptcy Code generally. And so in that regard, the court finds *Tirado's* reasoning and the majority position to be the better and better reasoned approach. Accordingly, the court concludes that it is not necessary for the Debtor's real estate professional's employment to be approved under § 327 in order to permit Broker to assist Debtor in the sale of the Property. The Debtor's motion is therefore denied.

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

The court will issue an order.

4. [22-90008](#)-B-13 JONATHAN RETZLAFF MOTION TO SELL
[SSH-2](#) Simran Singh Hundal 1-20-26 [[52](#)]

Final Ruling

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

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

The court's decision is to **conditionally grant the motion to sell and continue the matter to February 17, 2026, at 1:00 p.m.**

The Bankruptcy Code permits Chapter 13 debtors to sell property of the estate after a noticed hearing. 11 U.S.C. §§ 363(b) and 1303. Debtor proposes to sell property described as 2375 Oxford Ave, Turlock, California ("Property").

Proposed purchasers Wayne Fry and Charlene Fry have agreed to purchase the Property for \$415,000.00. Debtor states that the sale of the Property will allow him to make a lump sum payment to pay off the first mortgage and all filed general unsecured claims at 100 percent.

The Chapter 13 Trustee filed a response stating that specific language be included in the order should the motion be granted, and first deed of trust holder Rocket Mortgage, LLC s/b/m Nationstar Mortgage LLC filed a non-opposition contingent on its first priority lien being paid in full, its lien will not be released on the Property until its claim is paid in full, that it is authorized to submit an updated payoff demand to the appropriate escrow company, and in the event the sale does not place that Rocket shall retain its lien for the full amount due under the loan.

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

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

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, February 3, 2026, to file and serve an opposition or other response to the motion. See Local Bankr. R. 3007-1(b)(2). Any opposition or response shall be served on the Chapter 13 Trustee and creditor by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on February 17, 2026, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on February 17, 2026, at 1:00 p.m.

5. [25-23708](#)-B-13 BRIAN RUSSELL MOTION TO CONFIRM PLAN
[RUS](#)-1 Yasha Rahimzadeh 12-19-25 [[53](#)]

Final Ruling

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

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

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

The plan does not provide for all of Debtor's projected disposable income to be applied to unsecured creditors under the plan. 11 U.S.C. § 1325(b) (1) (B). Form 122C-2 line 45 shows that Debtor should have \$1,275.43 remaining to pay to general unsecured creditors per month, or \$76,525.80 over the 60-month plan duration. Debtor's plan proposes paying only \$37,702.50 to general unsecured creditors.

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

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

The court will issue an order.

6. [25-25920](#)-B-13 JAIME/RHONDA MCPHEE
[DEF](#)-2 David Foyil

CONTINUED MOTION TO CONFIRM
PLAN
11-21-25 [[23](#)]

CONTINUED TO 2/24/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 2/11/26.

Final Ruling

No appearance at the February 10, 2026, hearing is required. The court will issue an
order.

7. [25-25926](#)-B-7 FREDDRIECK/CHRISTINA OBJECTION TO DEBTOR'S CLAIM OF
[LGT](#)-2 ANDERSON EXEMPTIONS
Thomas L. Amberg 1-2-26 [[17](#)]
CASE CONVERTED: 01/09/26

Final Ruling

The case having been converted to one under Chapter 7, the objection to Debtors' claim of exemptions is overruled as moot.

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

The court will issue an order.

8. [25-25033](#)-B-13 JUAN VASQUEZ-RAMIREZ CONTINUED OBJECTION TO
[LGT-1](#) Lars Fuller CONFIRMATION OF PLAN BY LILIAN
Thru #9 G. TSANG
10-24-25 [[13](#)]

CASE CONVERTED: 01/29/26

Final Ruling

The case having been converted to one under Chapter 7, the objection to confirmation of plan is overruled as moot.

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

The court will issue an order.

9. [25-25033](#)-B-13 JUAN VASQUEZ-RAMIREZ CONTINUED OBJECTION TO
[RAS-1](#) Lars Fuller CONFIRMATION OF PLAN BY HSBC
BANK USA, NATIONAL ASSOCIATION
10-30-25 [[16](#)]

CASE CONVERTED: 01/29/26

Final Ruling

The case having been converted to one under Chapter 7, the objection to confirmation of plan is overruled as moot.

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

The court will issue an order.

10. [25-24738](#)-B-13 JUAN PEREZ
[PGM-1](#) Peter G. Macaluso

MOTION TO CONFIRM PLAN
1-6-26 [[36](#)]

Final Ruling

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

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

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

First, Debtor's Amended Schedule I reflects business income of \$2,000.00 for Debtor and \$1,600.00 for his non-filing spouse. The Attachment to Schedule I, which provides for Debtor's business income and expenses, needs to be filed. Without this document, it cannot be determined whether Debtor's plan is feasible and pays all projected disposable income for the applicable commitment period to Debtor's general unsecured creditors.

Second, an amended Statement of Financial Affairs needs to be filed to reflect at Line 27 that Debtor owns a business or has a connection to a business.

Third, Schedule I reflects current monthly income from operation of a business. However, this income is not listed on Form 122C-1. Amended documents must be filed to accurately reflect Debtor's monthly income from the operation of a business or, in the alternative, a declaration explaining the discrepancy.

Fourth, Debtor has filed a Business Income and Expense sheet that evidences gross monthly income of \$400.00. However, the document does not identify the nature of the business, and the number on the document does not match either of the business income numbers listed on Debtor's amended Schedule I. Therefore, Debtor must provide current profit and loss statements, bank statements, and business case questionnaires for both businesses indicated on the amended schedule I.

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

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

The court will issue an order.

11. [25-25644](#)-B-13 JAMES BRUMMELL
[LGT](#)-1 Pro Se

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
11-21-25 [[19](#)]

CASE DISMISSED: 01/28/26

Final Ruling

The case having been dismissed, the objection to confirmation of plan is overruled as moot.

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

The court will issue an order.

12. [25-21075](#)-B-13 JOSEPH POTPROCKY
[WLG-2](#) Nicholas Wajda

MOTION TO MODIFY PLAN
1-2-26 [[58](#)]

Final Ruling

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

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

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

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

The court will issue an order.

13. [22-21184](#)-B-13 BERTHA VALENTINE
Fred A. Ihejirika

NOTICE OF DEFAULT AND MOTION TO
DISMISS CASE FOR FAILURE TO
MAKE PLAN PAYMENTS
12-4-25 [[83](#)]

Final Ruling

The Chapter 13 Trustee having filed a reply requesting the court to withdraw the Trustee's Notice of Default and Intent to Dismiss Case, the notice is deemed withdrawn. The matter is removed from calendar.

The notice is ORDERED WITHDRAWN for reasons stated in the minutes.

The court will issue an order.

14. [23-90500](#)-B-13 JANET CHILDRESS CONTINUED MOTION TO INCUR DEBT
[SSH](#)-1 Simran Singh Hundal 1-7-26 [[30](#)]

Final Ruling

This matter was continued from February 3, 2026, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, February 6, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 34, granting the motion, shall become the court's final decision. The continued hearing on February 10, 2026, at 1:00 p.m. is vacated.

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

The court will issue an order.

15. [25-26413](#)-B-13 SHAUN CARR-GILDEA
[LGT](#)-1 David C. Johnston

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
12-30-25 [[26](#)]

Final Ruling

This matter was continued from February 3, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, February 6, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 32, sustaining the objection, shall become the court's final decision. The continued hearing on February 10, 2026, at 1:00 p.m. is vacated.

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

The court will issue an order.

16. [22-21817](#)-B-13 GARY SPARKS
[MET](#)-3 Mary Ellen Terranella

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

DEBTOR DISMISSED: 12/18/25

Final Ruling

This matter was continued from February 3, 2026, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, February 6, 2026.

The Chapter 13 Trustee timely filed a response stating that it does not oppose the motion to reconsider but has advised Debtor's counsel that Debtor must be current as of March 6, 2026, under the confirmed plan or a subsequent modified plan. This language is to be provided in the order, to which Debtor's counsel agreed.

Therefore, the court's conditional ruling at dkt. 157, granting the motion to motion to vacate dismissal, shall be conditional and modified to include that Debtor must be current with plan payments as of March 6, 2026. The continued hearing on February 10, 2026, at 1:00 p.m. is vacated.

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

IT IS FURTHER ORDERED that Debtor shall be current with all plan payments as of March 6, 2026.

The court will issue an order.

17. [25-26447](#)-B-13 KAREEM SYKES
[LGT](#)-1 Peter G. Macaluso

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

Final Ruling

This matter was continued from February 3, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, February 6, 2026. Debtor filed a response stating that he has provided all requested documents and is current on plan payments. However, the issues raised in the court's civil minutes, dkt. 31 - specifically the unfiled tax returns for 2020 through 2024, needing to file an amended Statement of Financial Affairs, and the filing a change of address - do not appear to have been resolved based on a review of the court's docket. Therefore, the court's conditional ruling at dkt. 31, sustaining the objection, shall become the court's final decision. The continued hearing on February 10, 2026, at 1:00 p.m. is vacated.

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

The court will issue an order.

18. [25-26566](#)-B-13 KNOWLTON HARRISON
[LGT](#)-1 Keith R. Wood

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

Final Ruling

This matter was continued from February 3, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, February 6, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 21, sustaining the objection, shall become the court's final decision. The continued hearing on February 10, 2026, at 1:00 p.m. is vacated.

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

The court will issue an order.

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

Final Ruling

This matter was continued from February 3, 2026, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, February 6, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 47, granting the motion to sell, shall become the court's final decision. The continued hearing on February 10, 2026, at 1:00 p.m. is vacated.

Debtors' attorney shall submit an order consistent with the Chapter 13 Trustee's standard sale order. The order shall be approved by the Trustee.