

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Fredrick E. Clement
Bankruptcy Judge

2500 Tulare Street, Fifth Floor
Department A, Courtroom 11
Fresno, California

WEDNESDAY

FEBRUARY 11, 2015

PRE-HEARING DISPOSITIONS

GENERAL DESIGNATIONS

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

MATTERS RESOLVED BEFORE HEARING

If the court has issued a final ruling on a matter and the parties directly affected by a matter have resolved the matter by stipulation or withdrawal of the motion before the hearing, then the moving party shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter to be dropped from calendar notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860.

ERRORS IN FINAL RULINGS

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 52(b), 59(e) or 60, as incorporated by Federal Rules of Bankruptcy Procedure, 7052, 9023 and 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

9:00 a.m.

1. [14-14706](#)-A-7 STEVE GEISENHEIMER OBJECTION TO DEBTOR'S CLAIM OF
JES-1 EXEMPTIONS
JAMES SALVEN/MV
12-18-14 [[21](#)]
PETER BUNTING/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

2. [11-15407](#)-A-7 CALIFORNIA HOME CARE AND TRUSTEE'S FINAL REPORT (TFR)
HOSPICE, INC. 8-13-14 [[90](#)]
DENNISE HENDERSON/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

Final Ruling

Motion: Relief from Order Entered by Mistake

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

Disposition: Denied without prejudice

Order: Civil minute order

James Salven, Chapter 7 trustee prays relief from an order fixing his fee in the amount of \$5,154.41 and expenses of \$625.29. Order for Payment of Fees and Expenses, filed September 8, 2014, ECF #99. Apparently, that amount was calculated erroneously and approved compensation of \$5,766.24 and expenses of \$0.00. Salven has done so by filing and serving only a notice of hearing and certificate of service.

DISCUSSION

"On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons...(1) mistake, inadvertence, surprise, or excusable neglect..." Fed. R. Civ. P. 60(b)(1), incorporated by Fed. R. Bankr. P. 9034.

Salven seeks an order correcting the amount of this compensation and expenses. "A request for an order, except when an application is authorized by the rules, shall be by written motion, unless made during a hearing. The motion shall state with particularity the grounds therefor, and shall set forth the relief or order sought. Every written motion, other than one which may be considered ex parte, shall be served by the moving party within the time determined under Rule 9006(d). The moving party shall serve the motion on: (a) the trustee or debtor in possession and on those entities specified by these rules; or (b) the entities the court directs if these rules do not require service or specify the entities to be served." Fed. R. Bankr. P. 9013.

But Salven has not proceeded by motion. Instead, he has filed a notice of hearing and a certificate of service. No other supporting document has been filed. At the minimum a request for an order must include the following pleadings: (1) motion, Fed. R. Bankr. P. 9013;

CIVIL MINUTE ORDER

It is hereby ordered that motion is denied without prejudice.

- JERRY LOWE/Atty. for dbt.

Order: Civil minute order

COMPENSATION AND EXPENSES

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.

Klein, DeNatale, Goldner, Cooper, Rosenlieb & Kimball, LLP's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$2,970.00 and reimbursement of expenses in the amount of \$0.00.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

4. [14-16110](#)-A-7 JOSEPH/SUZAN O'BRIEN MOTION TO COMPEL ABANDONMENT
RLF-1 1-14-15 [[14](#)]
JOSEPH O'BRIEN/MV
JEFF REICH/Atty. for dbt.

Final Ruling

The motion withdrawn, the matter is dropped as moot.

5. [13-17413](#)-A-7 LEWIS DUNIGAN MOTION TO COMPROMISE
DRJ-2 CONTROVERSY/APPROVE SETTLEMENT
JAMES SALVEN/MV AGREEMENT WITH LEWIS ALLEN
DUNIGAN, RICHARD MALCOLM, AND
GO EXPRESS, LLC
12-31-14 [[39](#)]
JUSTIN HARRIS/Atty. for dbt.
DAVID JENKINS/Atty. for mv.

Final Ruling

Motion: Approve Compromise or Settlement of Controversy

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

Disposition: Granted

Order: Prepared by moving party

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

In determining whether to approve a compromise under Federal Rule of Bankruptcy Procedure 9019, the court determines whether the compromise was negotiated in good faith and whether the party proposing the compromise reasonably believes that the compromise is the best that can be negotiated under the facts. *In re A & C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1982). More than mere good faith negotiation of a compromise is required. The court must also find that the compromise is fair and equitable. *Id.* "Fair and equitable" involves a consideration of four factors: (i) the probability of success in the litigation; (ii) the difficulties to be encountered in collection; (iii) the complexity of the litigation, and expense, delay and inconvenience necessarily attendant to litigation; and (iv) the paramount interest of creditors and a proper deference to the creditors' expressed wishes, if any. *Id.* The party proposing the compromise bears the burden of persuading the court that the compromise is fair and equitable and should be approved. *Id.*

Based on the motion and supporting papers, the court finds that the compromise is fair and equitable considering the relevant A & C *Properties* factors. The compromise will be approved.

6. [14-15726](#)-A-7 JANITZY FLORES
APN-1
SANTANDER CONSUMER USA INC./MV
SCOTT LYONS/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
12-29-14 [[15](#)]

Final Ruling

Motion: Stay Relief

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

Disposition: Granted

Order: Prepared by moving party

Subject: 2012 Chrysler 200

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 362(d)(2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective reorganization. 11 U.S.C. § 362(d)(2). Chapter 7 is a mechanism for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982). In this case, the aggregate amount due all liens exceeds the value of the collateral and the debtor has no equity in the property. The motion will be granted, and Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

7. [14-16127](#)-A-7 CLARISA MENDEZ

ORDER TO SHOW CAUSE - FAILURE

TO PAY FEES
1-15-15 [[11](#)]

JOEL WINTER/Atty. for dbt.
\$335.00 FEE PAID 1/16/15

Final Ruling

The fee paid in full, the order to show cause is discharged.

8. [11-60828](#)-A-7 DEBRA BRABANT
JES-5
JAMES SALVEN/MV
11-21-14 [[76](#)]
DAVID ADALIAN/Atty. for dbt.
DAVID JENKINS/Atty. for mv.

MOTION FOR COMPENSATION FOR
JAMES E. SALVEN, ACCOUNTANT(S)

Final Ruling

Application: Allowance of Final Compensation and Expense Reimbursement

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

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

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.

James E. Salven's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$1,282.50 and reimbursement of expenses in the amount of \$142.61.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

9. [13-11829](#)-A-7 TRINIDAD CORTEZ CONTINUED MOTION TO COMPROMISE
RH-4 CONTROVERSY/APPROVE SETTLEMENT
PETER FEAR/MV AGREEMENT WITH TRINIDAD CORTEZ
12-17-14 [[37](#)]
TIMOTHY SPRINGER/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

[This matter will be called subsequent to the motion to approve compromise with Inderjit Singh and Farmers Insurance Company, RH-4.]

Tentative Ruling

Motion: Approve Compromise or Settlement of Controversy

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

Disposition: Granted

Order: Civil Minute Order

Parties to Compromise: (1) Estate; and (2) Trinidad Cortez

Dispute Compromised: Debtors entitled to exempt personal injury claim for \$100,000, Code of Civil Procedure § 704.140

Summary of Material Terms: Estate to retain \$50,000 and debtor to retain the remainder

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

DISCUSSION

In determining whether to approve a compromise under Federal Rule of Bankruptcy Procedure 9019, the court determines whether the compromise was negotiated in good faith and whether the party proposing the compromise reasonably believes that the compromise is the best that can be negotiated under the facts. *In re A & C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1982). More than mere good faith negotiation of a compromise is required. The court must also find that the compromise is fair and equitable. *Id.* "Fair and equitable" involves a consideration of four factors: (i) the probability of success in the litigation; (ii) the difficulties to be encountered in collection; (iii) the complexity of the litigation, and expense, delay and inconvenience necessarily attendant to litigation; and (iv) the paramount interest of creditors and a proper deference to the creditors' expressed wishes, if any. *Id.* The party proposing the compromise bears the burden of persuading the court that the compromise is fair and equitable and should be approved. *Id.*

Based on the motion and supporting papers, the court finds that a compromise of Trinidad Cortez' exemption claim of \$100,000 to allocate the settlement \$50,000 to the estate and the remainder, i.e. \$60,000, to Trinidad Cortez is fair and equitable considering the relevant A & C Properties factors. The compromise will be approved.

CIVIL MINUTE ORDER

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The motion to approve compromise with debtor Trinidad Cortez filed by Peter L. Fear having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

It is hereby ordered that: (1) the motion is granted; (2) Chapter 7 trustee Peter L. Fear may compromise the personal injury exemption claim dispute with Trinidad Cortez by retaining \$50,000 for the estate and relinquishing the estate's interest in the remainder, i.e. \$60,000, to debtor Trinidad Cortez; and (3) all other relief is denied.

10. [13-11829](#)-A-7 TRINIDAD CORTEZ
RH-5
PETER FEAR/MV

CONTINUED MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH TRINIDAD CORTEZ
12-17-14 [[43](#)]

TIMOTHY SPRINGER/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

Tentative Ruling

Motion: Approve Compromise or Settlement of Controversy

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

Disposition: Granted

Order: Civil minute order

Parties to Compromise: (1) Estate; and (2) Inderjit Singh and Farmers Insurance

Dispute Compromised: Personal Injury (Automobile Accident)

Summary of Material Terms: Payment of \$110,000 to the estate

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

DISCUSSION

In determining whether to approve a compromise under Federal Rule of Bankruptcy Procedure 9019, the court determines whether the compromise was negotiated in good faith and whether the party proposing the

compromise reasonably believes that the compromise is the best that can be negotiated under the facts. *In re A & C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1982). More than mere good faith negotiation of a compromise is required. The court must also find that the compromise is fair and equitable. *Id.* "Fair and equitable" involves a consideration of four factors: (i) the probability of success in the litigation; (ii) the difficulties to be encountered in collection; (iii) the complexity of the litigation, and expense, delay and inconvenience necessarily attendant to litigation; and (iv) the paramount interest of creditors and a proper deference to the creditors' expressed wishes, if any. *Id.* The party proposing the compromise bears the burden of persuading the court that the compromise is fair and equitable and should be approved. *Id.*

Based on the motion and supporting papers, the court finds that a policy limits settlement of \$110,000 between the estate on one hand and Inderjit Singh and Farmers Insurance on the other hand is fair and equitable considering the relevant *A & C Properties* factors. The compromise will be approved. But no other relief will be granted.

CIVIL MINUTE ORDER

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The motion to approve compromise with Inderjit Singh and Farmers Insurance filed by Chapter 7 trustee Peter L. Fear having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

It is hereby ordered that: (1) the motion is granted; (2) Chapter 7 trustee Peter L. Fear is authorized to settle a personal injury action against Inderjit Singh and Farmers Insurance for \$110,000; and (3) all other relief is denied.

11. [14-11537](#)-A-7 GUILLERMO RIOS AND GINA MOTION FOR RELIEF FROM
APN-1 MORALES AUTOMATIC STAY
SANTANDER CONSUMER USA INC./MV 1-5-15 [[42](#)]
MONA PATEL/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.
DISCHARGED

Final Ruling

Motion: Stay Relief

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

Disposition: Granted as to estate, denied as to debtor

Order: Prepared by moving party

Subject: 2007 GMC Sierra 1500

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).

AS TO THE DEBTOR

The motion is denied as moot. The stay that protects the debtor terminates at the entry of discharge. 11 U.S.C. § 362(c)(2). In this case, discharge has been entered. As a result, the motion is moot as to the debtor.

AS TO THE ESTATE

Section 362(d)(2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective reorganization. 11 U.S.C. § 362(d)(2). Chapter 7 is a mechanism for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982). In this case, the aggregate amount due all liens exceeds the value of the collateral and the debtor has no equity in the property. The motion will be granted, and Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

12. [13-15938](#)-A-7 KEVIN WRIGHT
JTW-2
JANZEN, TAMBERI & WONG
ACCOUNTANCY CORPORATION/MV

JOEL WINTER/Atty. for dbt.

MOTION FOR COMPENSATION FOR
JANZEN, TAMBERI AND WONG
ACCOUNTANCY CORPORATION,
ACCOUNTANT(S)
1-13-15 [[19](#)]

Final Ruling

Application: Allowance of Final Compensation and Expense Reimbursement
Notice: LBR 9014-1(f)(1); written opposition required
Disposition: Approved
Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. *See id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

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.

Janzen, Tamberi & Wong's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$943.50 and reimbursement of expenses in the amount of \$6.44.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

13. [14-14742](#)-A-7 MARTHA FLORES CONTINUED OBJECTION TO DEBTOR'S
RHT-1 CLAIM OF EXEMPTIONS
ROBERT HAWKINS/MV 11-7-14 [[18](#)]
THOMAS GILLIS/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.
WITHDRAWN

Final Ruling

The objection withdrawn, the matter is dropped as moot.

14. [11-17945](#)-A-7 KRIKOR/LENA ATACHIAN MOTION FOR COMPENSATION FOR
SAS-2 SHERYL A. STRAIN, ACCOUNTANT(S)
SHERYL STRAIN/MV 1-13-15 [[52](#)]
PETER BUNTING/Atty. for dbt.

Final Ruling

Application: Allowance of Final Compensation and Expense Reimbursement

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

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. *See id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

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.

Sheryl A. Strain's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the

well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$1,117.50 and reimbursement of expenses in the amount of \$283.25.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

15. [12-19851](#)-A-7 ROBERT OWENS MOTION FOR COMPENSATION FOR
SAS-2 SHERYL A. STRAIN, ACCOUNTANT(S)
SHERYL STRAIN/MV 1-7-15 [[47](#)]
THOMAS ARMSTRONG/Atty. for dbt.

Final Ruling

Application: Allowance of Final Compensation and Expense Reimbursement

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

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. *See id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

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.

Accountant's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$1,185.00 and reimbursement of expenses in the amount of \$169.60.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

16. [14-15452](#)-A-7 ARACELI CRUZ
CJO-1
U.S. BANK TRUST, N.A./MV
THOMAS GILLIS/Atty. for dbt.
CHRISTINA O/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-16-15 [[21](#)]

Tentative Ruling

Motion: Stay Relief

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

Disposition: Granted

Order: Prepared by moving party

Subject: 2585 South Claremont Avenue, Fresno, California

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 362(d)(2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective reorganization. 11 U.S.C. § 362(d)(2). Chapter 7 is a mechanism for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982). In this case, the aggregate amount due all liens exceeds the value of the collateral and the debtor has no equity in the property. The motion will be granted, and Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

17. [12-19661](#)-A-7 JORGE/MARY LOU SANTOS
RILEY WALTER/Atty. for dbt.
PETER FEAR/Atty. for mv.
REPORT WITHDRAWN, OBJECTION
WITHDRAWN

TRUSTEE'S FINAL REPORT
12-23-14 [[499](#)]

Final Ruling

Both the Trustee's Final Report and the limited objection withdrawn, the matter is dropped as moot.

18. [14-13667](#)-A-7 KAO YANG
JES-1
JAMES SALVEN/MV
JAMIE XIONG-VANG/Atty. for dbt.

MOTION TO SELL
12-3-14 [[29](#)]

Tentative Ruling

Motion: Sell Property

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

Disposition: Granted

Order: Prepared by moving party

Property: 2009 Honda Civic

Buyer: Debtor

Sale Price: \$10,256 (consisting of \$2,500 cash plus \$2,900 exemption credit and accounting for \$4,856 lien to which the sale is made subject)

Sale Type: Private sale subject to overbid opportunity

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 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

19. [13-14769](#)-A-7 JARED/FELICITAS HOWE
CINDY MORSE/Atty. for dbt.

TRUSTEE'S FINAL REPORT
11-12-14 [[44](#)]

Final Ruling

Application: Allowance of 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

The court finds (1) that the compensation requested by the trustee is consistent with 11 U.S.C. § 326(a); (2) that no extraordinary circumstances are present in this case, *see In re Salgado-Nava*, 473 B.R. 911 (B.A.P. 9th Cir. 2012); and (3) that expenses for which reimbursement is sought are actual and necessary. The court approves the application and allows compensation in the amount of \$1,199.63 and reimbursement of expenses in the amount of \$246.99.

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.

James E. Salven's application for allowance of compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows to the trustee compensation in the amount of \$1,199.63 and reimbursement of expenses in the amount of \$246.99.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

20. [12-17478](#)-A-7 BERTHA SALAZAR
JES-3
JAMES SALVEN/MV
BRET ADAMS/Atty. for dbt.

MOTION FOR COMPENSATION FOR
JAMES E. SALVEN, ACCOUNTANT(S)
11-21-14 [[61](#)]

Final Ruling

Application: Allowance of Final Compensation and Expense Reimbursement

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

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

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.

James E. Salven's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$1,102.50 and reimbursement of expenses in the amount of \$137.66.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

21.	14-15982 -A-7 WILLIAM/JENNIFER STIMPEL SL-1 WILLIAM STIMPEL/MV SCOTT LYONS/Atty. for dbt.	CONTINUED MOTION TO COMPEL ABANDONMENT 12-31-14 [9]
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Tentative Ruling

Motion: Compel Abandonment of Business Assets

Notice: Continued from original hearing date on January 13, 2015

Disposition: Dropped from calendar as moot

Order: Civil minute order if appropriate

The debtor filed another motion to compel abandonment docketed at no. 28. This motion appears to abandon the same two businesses described in the present motion: a remodeling business and a plumbing business. In addition, the list of business assets in the motion docketed at no. 28 appears the same as the list of business assets listed in the present motion.

As a result, the court will drop the present motion from calendar as moot given the existence of an amended motion that seeks the same

relief requested by this motion.

22. [10-62383](#)-A-7 SHARON BANUELOS
JTW-2
JANZEN, TAMBERI & WONG/MV

MOTION FOR COMPENSATION FOR
JANZEN, TAMBERI & WONG,
ACCOUNTANT(S)
7-30-14 [[29](#)]

PETER BUNTING/Atty. for dbt.

Final Ruling

Application: Allowance of Final Compensation and Expense Reimbursement

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

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

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.

Janzen, Tamberi & Wong's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$962.00 and reimbursement of expenses in the amount of \$0.00.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the

distribution priorities of § 726.

23. [14-15490](#)-A-7 MARIA GARCIA MOTION FOR RELIEF FROM
APN-1 AUTOMATIC STAY
WELLS FARGO FINANCIAL/MV 1-13-15 [[15](#)]
AUSTIN NAGEL/Atty. for mv.

Final Ruling

Motion: Stay Relief

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

Disposition: Granted

Order: Prepared by moving party

Subject: 2008 Toyota Highlander

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 362(d)(2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective reorganization. 11 U.S.C. § 362(d)(2). Chapter 7 is a mechanism for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982). In this case, the aggregate amount due all liens exceeds the value of the collateral and the debtor has no equity in the property. The motion will be granted, and Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

24. [14-14793](#)-A-7 PATRICIA ZUNIGA OBJECTION TO DEBTOR'S CLAIM OF
JES-1 EXEMPTIONS
JAMES SALVEN/MV 11-18-14 [[30](#)]
SCOTT LYONS/Atty. for dbt.

Final Ruling

Objection: Objection to Claim of Exemptions in Motor Vehicle [C.C.P. § 704.010]

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

Disposition: Sustained

Order: Prepared by objecting party

Unopposed objections are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c); LBR 9001-1(d), (n) (contested matters include objections). Written opposition to the sustaining of this objection was required not less than 14 days before the hearing on this motion. 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 has claimed an exemption in a motor vehicle under section 704.020 of the California Code of Civil Procedure. The court believes the debtor intended to claim the exemption under § 704.010. Cal. Civ. Proc. Code § 704.010.

The debtor's claim of exemption exceeds the amount the debtor is permitted to claim. The exemption amount permitted for the debtor's aggregate equity in motor vehicles is \$2,900. Cal. Civ. Proc. Code § 704.010. The court sustains the objection.

25. [13-16495](#)-A-7 JAMES/SHIRLEY PARKER MOTION FOR COMPENSATION FOR
JTW-2 JANZEN, TAMBERI AND WONG/MV
ACCOUNTANT(S)
6-19-14 [[28](#)]
PHILLIP GILLET/Atty. for dbt.

Final Ruling

Application: Allowance of Final Compensation and Expense Reimbursement

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

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

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.

Janzen, Tamberi & Wong's application for allowance of final compensation and reimbursement of expenses has been presented to the

court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$980.50 and reimbursement of expenses in the amount of \$0.00.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

26. [14-13796](#)-A-7 EDGAR SALAZAR
JES-2
JAMES SALVEN/MV
ROSALINA NUNEZ/Atty. for dbt.
RESPONSIVE PLEADING

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
12-18-14 [[31](#)]

No tentative ruling.

27. [15-10310](#)-A-7 CHARLES/MARY EWING
GEG-1
CHARLES EWING/MV
GLEN GATES/Atty. for dbt.
OST 2/5/15

MOTION TO COMPEL ABANDONMENT
2-4-15 [[10](#)]

Tentative Ruling

Motion: Compel Abandonment of Property of the Estate

Notice: LBR 9014-1(f)(3) and order shortening time; no written opposition required

Disposition: Granted only as to the business and such business assets described in the motion

Order: Prepared by moving party pursuant to the instructions below

Business Description: a dental laboratory, a sole proprietorship operated by Debtor Charles Ewing

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Property of the estate may be abandoned under § 554 of the Bankruptcy Code if property of the estate is "burdensome to the estate or of inconsequential value and benefit to the estate." See 11 U.S.C. § 554(a)-(b); Fed. R. Bankr. P. 6007(b). Upon request of a party in interest, the court may issue an order that the trustee abandon property of the estate if the statutory standards for abandonment are fulfilled.

The business described above is either burdensome to the estate or of

inconsequential value to the estate. An order compelling abandonment of such business is warranted.

The order will compel abandonment of the business and the assets of such business only to the extent described in the motion. The order shall state that any exemptions claimed in the abandoned business or the assets of such business may not be amended without leave of court given upon request made by motion noticed under Local Bankruptcy Rule 9014-1(f)(1).

10:00 a.m.

1. [14-12200](#)-A-7 ALVIN SOUZA, JR. AND STATUS CONFERENCE RE: COMPLAINT
 [14-1150](#) ROBYN SOUZA 12-9-14 [[1](#)]
 SALVEN V. 4 K DAIRY FAMILY
 PARTNERSHIP ET AL
 TRUDI MANFREDO/Atty. for pl.
 SUMMONS REISSUED, STATUS
 CONFERENCE TO BE HELD
 3/11/15

Final Hearing

The summons reissued and the status conference set for March 11, 2015, this hearing is dropped as moot.

2. [14-15855](#)-A-7 ALANNA BRADSHAW STATUS CONFERENCE RE: COMPLAINT
 [14-1151](#) 12-15-14 [[1](#)]
 BRADSHAW V. PERSOLVE, LLC
 TIMOTHY SPRINGER/Atty. for pl.

Final Ruling

This matter is continued to April 15, 2015, at 10:00 a.m. Not later than February 25, 2015, the plaintiff shall serve a reissued summons and a copy of the complaint on the defendant. Plaintiff's previous attempted service was invalid. A summons must be served no later than 7 days after issuance. Fed. R. Bankr. P. 7004(e)(commencing December 1, 2014). Failure to do so renders service ineffective. Fed. R. Bankr. P. 7012(a). Here, the summons issued December 16, 2014, but was not served until December 30, 2014.

Without leave of court, the plaintiff shall not enlarge time for the defendant to file a responsive pleading.

The reissued summons shall contain a status conference date and time of April 15, 2015, at 10:00 a.m.

10:30 a.m.

1. [14-15203](#)-A-7 ANGEL/ROSA GARCIA REAFFIRMATION AGREEMENT WITH
 CONSUMER PORTFOLIO SERVICES
 1-20-15 [[17](#)]

 MARK ZIMMERMAN/Atty. for dbt.

 No tentative ruling.

2. [14-15911](#)-A-7 YADIRA MEZA REAFFIRMATION AGREEMENT WITH
 TOYOTA MOTOR CREDIT CORPORATION
 1-8-15 [[14](#)]

 VARDUHI PETROSYAN/Atty. for dbt.

 No tentative ruling.

3. [14-15364](#)-A-7 NARANN CHEA AND SEK VANN REAFFIRMATION AGREEMENT WITH
 AMERICAN HONDA FINANCE CORP.
 1-6-15 [[15](#)]

 GARY HUSS/Atty. for dbt.

 No tentative ruling.

4. [14-15489](#)-A-7 NANCY GOMEZ PRO SE REAFFIRMATION AGREEMENT
 WITH SPRINGLEAF FINANCIAL
 SERVICES, INC.
 1-15-15 [[14](#)]

 No tentative ruling.

1:30 p.m.

1. [13-17744](#)-A-11 SREP V, LLC MOTION FOR REVIEW OF FEES
UST-1 1-14-15 [[195](#)]
TRACY DAVIS/MV
PETER FEAR/Atty. for dbt.
GREGORY POWELL/Atty. for mv.
RESPONSIVE PLEADING

Final Ruling

This matter is continued to April 15, 2015, at 2:15 p.m. A separate order will issue from chambers.

2. [09-15064](#)-A-11 ALEXANDRU/CLAUDIA DENES MOTION TO BORROW
PLF-13 1-14-15 [[218](#)]
ALEXANDRU DENES/MV
PETER FEAR/Atty. for dbt.

Final Ruling

Motion: Borrow by Post-Confirmation Chapter 11 debtor

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

Disposition: Granted

Order: Prepared by moving party

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Post-confirmation debtors Alexandru and Claudia Denes seek an order authorizing a loan in the amount of \$440,000 at 11%. Collateral for the loan will be 7075 North Chestnut Avenue, Fresno, California. Proceeds of the loan will be used to retire an existing loan against the property (which is about to mature), pay property taxes and for working capital. No subordination is prayed. The debtors' confirmed Chapter 11 plan does require the debtor to continue payments to the current holder, i.e. Bank of America, of the secured loan against that property. See Chapter 11 plan §§ 2.1, 6.01, filed December 4, 2009, ECF #99; see also Order Confirming Chapter 11 plan, filed March 9, 2010, ECF #136. Save the catchall provision authorizing the debtor to do all things necessary to effectuate the plan, the plan contains no specific authorization for the debtor to borrow funds. Chapter 11 plan § 7.03(g), filed December 4, 2009, ECF #99. But the request is consistent with the treatment of the Bank of America Claim §§ 2.01, 6.01. Moreover, such a course of action is consistent with 11 U.S.C. § 364(c)(2),(3)(authorizing a debtor to borrow). For each of these reasons, the motion is granted, provided no subordination of any lien, e.g. deed of trust held by the Bank of America or its successor, or ad valorem real property tax lien, is authorized.

2:00 p.m.

1. [10-62315](#)-A-11 BEN ENNIS
[13-1108](#) LRP-8
STAPLETON ET AL V. NICHOLSON
ET AL
MICHAEL GOMEZ/Atty. for mv.
OST 1/24/15

MOTION TO COMPEL
1-21-15 [[151](#)]

No tentative ruling.

2. [10-62315](#)-A-11 BEN ENNIS
[13-1108](#) LRP-9
STAPLETON ET AL V. NICHOLSON
ET AL

MOTION TO COMPEL, MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF LANG, RICHET & PATCH FOR
SYDNEY A. SMITH, PLAINTIFFS
ATTORNEY(S), MOTION TO EXTEND
THE DEADLINE FOR COMPLETION OF
FACT DISCOVERY
1-28-15 [[168](#)]

MICHAEL GOMEZ/Atty. for mv.

Final Ruling

The matter is deemed submitted. An order will issue from chambers.