

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Wednesday, February 12, 2014
Place: Department B – Courtroom #12
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

9:00 A.M.

1. [13-14675](#)-B-7 JERRY KUTUMIAN CONTINUED STATUS CONFERENCE RE:
[13-1112](#) COMPLAINT
ADAMS ET AL V. KUTUMIAN 10-11-13 [[1](#)]
MITCHELL GOLUB/Atty. for pl.
2. [13-14675](#)-B-7 JERRY KUTUMIAN MOTION TO DISMISS ADVERSARY
[13-1112](#) KDG-1 PROCEEDING/NOTICE OF REMOVAL
ADAMS ET AL V. KUTUMIAN 1-3-14 [[12](#)]
CONNIE PARKER/Atty. for mv.
RESPONSIVE PLEADING

10:00 A.M.

1. [08-12601](#)-B-7 DAVID/BARBARA GOULD
CWC-3
CARL COLLINS/MV

GLEN GATES/Atty. for dbt.

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF CARL W. COLLINS
FOR CARL W. COLLINS, TRUSTEE'S
ATTORNEY(S),
8-8-13 [[112](#)]
 2. [13-17603](#)-B-7 THERESE GILL
TMT-1

SCOTT MITCHELL/Atty. for dbt.

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
1-7-14 [[12](#)]
 3. [13-17304](#)-B-7 STEVE OVERMAN
TMT-1
TRUDI MANFREDO/MV
GREG BLEVINS/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS
CASE
1-2-14 [[11](#)]
- This matter will be dropped from calendar. It appears that the meeting of creditors has been concluded and that the debtor's counsel has complied with the court's civil minute order dated January 30, 2014. No appearance is necessary.**
4. [13-17604](#)-B-7 DANETTE VILLALOBOS

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
1-7-14 [[15](#)]
 5. [12-18909](#)-B-7 HARJINDER/JASVIR GILL
PFT-3
PETER FEAR/MV
THOMAS GILLIS/Atty. for dbt.
LISA HOLDER/Atty. for mv.

MOTION TO SELL
1-22-14 [[359](#)]
 6. [13-15819](#)-B-7 RYAN ROLOFF
UST-1
TRACY DAVIS/MV
JEFF REICH/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED MOTION FOR SANCTIONS
11-27-13 [[30](#)]

7. [13-15620](#)-B-7 FRANCES GARONE MOTION TO SELL AND/OR MOTION
JES-2 FOR COMPENSATION .
JAMES SALVEN/MV 12-31-13 [[18](#)]
MARIO LANGONE/Atty. for dbt.
JAMES SALVEN/Atty. for mv.

8. [10-19825](#)-B-7 FRANCISCO/MARIA PARREIRA MOTION TO PAY
HAR-6 1-8-14 [[268](#)]
SHERYL STRAIN/MV
RILEY WALTER/Atty. for dbt.
HILTON RYDER/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted as to the South Lakes Dairy Sale, the Machado Sale, and the Silva Sale, without oral argument for cause shown. As to the Verwey Sale, the motion will be denied as moot because payment of that commission was previously approved by order of the court dated January 13, 2014. The moving party shall submit a proposed order. No appearance is necessary.

9. [13-13027](#)-B-7 DEAN/JANNETH RUSSELL MOTION TO SELL
JES-2 12-4-13 [[28](#)]
JAMES SALVEN/MV
MICHAEL SHAMBROOK/Atty. for dbt.
JAMES SALVEN/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

10. [13-17129](#)-B-7 JAVIER REYES AND MINERVA MOTION TO AVOID LIEN OF
TOG-4 SORIANO FINANCIAL CREDIT NETWORK, INC.
JAVIER REYES/MV 1-15-14 [[23](#)]
THOMAS GILLIS/Atty. for dbt.

The motion will be denied without prejudice. No appearance is necessary. The record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

11. [14-10139](#)-B-7 JOHN/NICKOLINA TROYAN
SL-1
JOHN TROYAN/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT
1-29-14 [[14](#)]

12. [13-16448](#)-B-7 MARK SKOMSVOLD
KDG-1
MARK SKOMSVOLD/MV

HAGOP BEDOYAN/Atty. for dbt.

MOTION TO AVOID LIEN OF
NORTHERN CALIFORNIA COLLECTION
SERVICE, INC.
1-13-14 [[16](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

13. [13-16448](#)-B-7 MARK SKOMSVOLD
KDG-2
MARK SKOMSVOLD/MV
HAGOP BEDOYAN/Atty. for dbt.

MOTION TO AVOID LIEN OF
AMERICAN EXPRESS CENTURION BANK
1-13-14 [[21](#)]

The motion will be denied without prejudice. No appearance is necessary. The record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(1) (service on an individual), 7004(b)(3) (corporation, partnership or unincorporated association) or 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Information regarding service on a corporation may be obtained from the California Secretary of State's Internet Website, see <http://kepler.sos.ca.gov/>. For a directory of FDIC Insured Institutions, see <http://www3.fdic.gov/idasp/main.asp>. Litigants are encouraged to attach a copy of their information source (web page, etc.) to the proof of service to assist the court in evaluating compliance with Rule 7004.

14. [13-16448](#)-B-7 MARK SKOMSVOLD
KDG-3
MARK SKOMSVOLD/MV
HAGOP BEDOYAN/Atty. for dbt.

MOTION TO AVOID LIEN OF J. E.
HIGGINS LUMBER
1-13-14 [[26](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

15. [13-15250](#)-B-7 DENNIS GAI AND EILEEN MOTION TO SELL
TMT-2 BLANCARTE-GAI 1-14-14 [[17](#)]
TRUDI MANFREDO/MV
MARIO LANGONE/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

16. [14-10253](#)-B-7 DANIEL/NELDYN MOLINA MOTION TO COMPEL ABANDONMENT
JDP-1 1-22-14 [[5](#)]
DANIEL MOLINA/MV
JAMES PITNER/Atty. for dbt.

17. [13-16155](#)-B-7 MICHAEL WEILERT AND MOTION TO SELL
PLF-3 GENEVIEVE DE MONTREMARE 1-22-14 [[101](#)]
JAMES SALVEN/MV
RILEY WALTER/Atty. for dbt.
PETER FEAR/Atty. for mv.

18. [13-17257](#)-B-7 MARY MORENO MOTION TO EMPLOY COLDWELL
JES-2 BANKER GONELLA REALTY AS
JAMES SALVEN/MV BROKER(S)
1-23-14 [[18](#)]
TIMOTHY SPRINGER/Atty. for dbt.
JAMES SALVEN/Atty. for mv.

19. [13-13759](#)-B-7 JOHNNY GOLI MOTION TO COMPEL
TMT-2 1-13-14 [[34](#)]
TRUDI MANFREDO/MV
TRUDI MANFREDO/Atty. for mv.

20. [13-14059](#)-B-7 HILDA PEREZ MOTION TO SELL
JES-2 1-15-14 [[19](#)]
JAMES SALVEN/MV
JAMES SALVEN/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

21. [13-16967](#)-B-7 JAE/NELIDA MARKHAM
UST-1
TRACY DAVIS/MV
SHAWN DOAN/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.

MOTION TO DISMISS CASE PURSUANT
TO 11 U.S.C. SECTION 707(B)
1-15-14 [[18](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

22. [13-16981](#)-B-7 SILVIA PADILLA
JES-1
JAMES SALVEN/MV
GEORGE LOGAN/Atty. for dbt.
JAMES SALVEN/Atty. for mv.

MOTION TO EMPLOY COLDWELL
BANKER AS BROKER(S)
1-23-14 [[13](#)]

23. [13-17082](#)-B-7 RONALD RUSHING
TMT-1
TRUDI MANFREDO/MV

CONTINUED MOTION TO DISMISS
CASE FOR UNREASONABLE DELAY
THAT IS PREJUDICIAL TO
CREDITORS AND/OR MOTION TO
EXTEND TIME TO FILE OBJECTIONS
TO DISCHARGE AND MOTIONS TO
DISMISS
12-12-13 [[23](#)]

RYAN ELLIS/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.
RESPONSIVE PLEADING

This matter will be continued to March 26, 2014, at 10:00 a.m., to monitor compliance with the court's January 16, 2014, civil minute order, pending completion of the meeting of creditors. The court will prepare a minute order. No appearance is necessary.

24. [13-16787](#)-B-7 JOSE GUERRERO AND MARIA
TMT-1 GARCIA
TRUDI MANFREDO/MV

MOTION TO EXTEND DEADLINE TO
FILE A COMPLAINT OBJECTING TO
DISCHARGE OF THE DEBTOR
1-13-14 [[18](#)]

THOMAS GILLIS/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.
RESPONSIVE PLEADING

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The time set forth in FRBP 4004(b) to object to the debtors' discharge is extended for the chapter 7 trustee and the U.S. Trustee to April 24, 2014. The trustee shall submit a proposed order. No appearance is necessary.

10:30 A.M.

1. [13-17801](#)-B-7 ERIC SALDIVAR
APN-1
GATEWAY ONE LENDING AND
FINANCE/MV
DAVID JENKINS/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-9-14 [[9](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

2. [13-17403](#)-B-7 JERRY/TERESA CRAIN
DRJ-1
BANCFIRST/MV
MARK ZIMMERMAN/Atty. for dbt.
DAVID JENKINS/Atty. for mv.
NON-OPPOSITION

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-13-14 [[25](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

3. [13-16812](#)-B-7 JOSE/MARIA SIGUENZA
ASW-1
NAVY FEDERAL CREDIT UNION/MV
MARK ZIMMERMAN/Atty. for dbt.
DANIEL FUJIMOTO/Atty. for mv.
NON-OPPOSITION, DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-10-14 [[18](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

4. [13-17420](#)-B-7 BRANDON SHOOK
TJP-1
CALIFORNIA REPUBLIC BANK/MV
RICHARD BAMBL/Atty. for dbt.
THOMAS PRENOVOST/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-10-14 [[15](#)]

This motion for relief from the automatic stay will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion. No appearance is necessary.

5. [13-14833](#)-B-7 STEPHEN GARCIA
PD-1
CITIMORTGAGE, INC/MV
GARY HUSS/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
12-31-13 [[33](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

6. [14-10042](#)-B-7 ANDRES MELGOZA AND MARTHA
SW-1 ZARAGOZA
WELLS FARGO BANK, N.A./MV
BERNARD KORNBERG/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-23-14 [[17](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

7. [13-17553](#)-B-7 DANIEL/JOAN LANGPAAP MOTION FOR RELIEF FROM
DJP-1 AUTOMATIC STAY
EDUCATIONAL EMPLOYEES CREDIT 1-29-14 [[14](#)]
UNION/MV
KARNEY MEKHITARIAN/Atty. for dbt.
DON POOL/Atty. for mv.

8. [13-17455](#)-B-7 LINDA LOGAN MOTION FOR RELIEF FROM
DJP-1 AUTOMATIC STAY
EDUCATIONAL EMPLOYEES CREDIT 1-27-14 [[12](#)]
UNION/MV
PETER BUNTING/Atty. for dbt.
DON POOL/Atty. for mv.

This motion for relief from the automatic stay will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion. No appearance is necessary.

9. [12-13787](#)-B-7 JAIME GONZALES MOTION FOR RELIEF FROM
RWR-1 AUTOMATIC STAY
WELLS FARGO BANK, NATIONAL 1-7-14 [[45](#)]
ASSOCIATION/MV
DAVID JENKINS/Atty. for dbt.
RUSSELL REYNOLDS/Atty. for mv.

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

11:00 A.M.

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| 1. | 13-16515 -B-7 | YVONNE MILLER | PRO SE REAFFIRMATION AGREEMENT
WITH AMERICAN HONDA FINANCE
CORP.
1-15-14 [15] |
| 2. | 13-15439 -B-7 | JONI WILSON | PRO SE REAFFIRMATION AGREEMENT
WITH CIG FINANCIAL
1-23-14 [35] |
| 3. | 13-17655 -B-7 | MANUEL/SUSAN MERCADO | PRO SE REAFFIRMATION AGREEMENT
WITH MERCED SCHOOL EMPLOYEES
FCU
1-17-14 [13] |

This hearing on a reaffirmation agreement has been rescheduled at the debtors' request to March 12, 2014, at 11:00 a.m. No appearance is necessary on February 12, 2014.

4. [13-17261](#)-B-13 ALVIN/YOLANDA HEYNE PRO SE REAFFIRMATION AGREEMENT
WITH TOYOTA MOTOR CREDIT
CORPORATION
1-9-14 [9]

JANINE OJI/Atty. for dbt.

The hearing will be dropped from calendar. The court is not approving or denying approval of the reaffirmation agreement. Debtors were represented by counsel when they entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The reaffirmation agreement, in the absence of a declaration by debtor's counsel, does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable. In addition, both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary

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| 5. | 13-17164 -B-7 | RAUL/CLARA GONZALEZ | PRO SE REAFFIRMATION AGREEMENT
WITH WELLS FARGO DEALER
SERVICES
1-21-14 [20] |
| 6. | 13-17888 -B-7 | KATHLEEN BRANT | PRO SE REAFFIRMATION AGREEMENT
WITH SANTANDER CONSUMER USA
INC.
1-22-14 [12] |

7. [13-17891](#)-B-7 JACQUELINE KITCHENS

PRO SE REAFFIRMATION AGREEMENT
WITH FRESNO COUNTY FEDERAL
CREDIT UNION
1-23-14 [[11](#)]