

**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 18, 2020

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.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

February 18, 2020 at 1:00 p.m.

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1. [19-26701](#)-B-13 MICHAEL/TRACY GRAHAM CONTINUED OBJECTION TO
[DPC](#)-1 Bruce Charles Dwiggins CONFIRMATION OF PLAN BY DAVID
P. CUSICK
12-18-19 [[21](#)]

Tentative Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

The court's decision is to sustain the objection and deny confirmation of the plan.

This matter was continued from January 14, 2020, to be heard after the continued meeting of creditors held February 13, 2020. As of February 14, 2020, the court's docket does not reflect whether the Debtors were present at the continued meeting of creditors.

Nonetheless, the Debtors are delinquent to the Chapter 13 Trustee in the amount of \$4,250.00, which represents approximately 1 plan payment starting November 25, 2019. An additional payment of \$4,250.00 was due December 25, 2019. If the Debtors are not current by the date of the confirmation hearing, 11 U.S.C. § 1325(a)(6) is not satisfied.

The plan filed November 12, 2019, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

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

The court will enter a minute order.

February 18, 2020 at 1:00 p.m.

2. [18-24402](#)-B-13 CORTNEY CAMPBELL MOTION TO MODIFY PLAN
[MRI](#)-2 Mikalah R. Liviakis 12-13-19 [[69](#)]

No Ruling

3. [19-27805](#)-B-13 PHILLIP ROBERTS
[ALF](#)-2 Ashley R. Amerio

MOTION TO VALUE COLLATERAL OF
REGIONAL ACCEPTANCE CORPORATION
1-17-20 [[26](#)]

Final Ruling

The motion has been set for hearing on the 28-days notice required by Local Bankruptcy Rule 9014-1(f)(1). 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). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties and other parties in interest are entered. The matter will be resolved without oral argument.

The court's decision is to value the secured claim of Regional Acceptance Corporation at \$8,132.00.

Debtor's motion to value the secured claim of Regional Acceptance Corporation ("Creditor") is accompanied by Debtor's declaration. Debtor is the owner of 2015 Kia Rio ("Vehicle"). The Debtor seeks to value the Vehicle at a replacement value of \$8,132.00 as of the petition filing date. Given the absence of contrary evidence, the Debtor's opinion of value may be accepted as conclusive. *See Fed. R. Evid. 701; see also Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

Proof of Claim Filed

The court has reviewed the Claims Registry for this bankruptcy case. It appears that Claim No. 1-1 filed by Regional Acceptance Corporation is the claim which may be the subject of the present motion.

Discussion

The lien on the Vehicle's title secures a purchase-money loan incurred on November 19, 2014, which is more than 910 days prior to filing of the petition, to secure a debt owed to Creditor with a balance of approximately \$17,452.84. Therefore, the Creditor's claim secured by a lien on the asset's title is under-collateralized. The Creditor's secured claim is determined to be in the amount of \$8,132.00. *See* 11 U.S.C. § 506(a). The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is granted.

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

The court will enter a minute order.

4. [19-21306](#)-B-13 JOSE/MERCEDES MORALES MOTION TO MODIFY PLAN
[MRL](#)-2 Mikalah R. Liviakis 12-10-19 [[36](#)]

No Ruling

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to deny the motion to extend automatic stay.

Debtor seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(c)(3) extended beyond 30 days in this case. This is the Debtor's second bankruptcy petition pending in the past 12 months. The Debtor's prior bankruptcy case was dismissed on December 3, 2019, due to delinquency in plan payments and failure to file a confirmable plan (case no. 19-23982, dkt. 69-72). Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end in their entirety 30 days after filing of the petition. See e.g., *Reswick v. Reswick (In re Reswick)*, 446 B.R. 362 (9th Cir. BAP 2011) (stay terminates in its entirety); accord *Smith v. State of Maine Bureau of Revenue Services (In re Smith)*, 910 F.3d 576 (1st Cir. 2018).

Discussion

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond 30 days if the filing of the subsequent petition was in good faith. 11 U.S.C. § 362(c)(3)(B). The subsequently filed case is presumed to be filed in bad faith if there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13. *Id.* at § 362(c)(3)(C)(i)(III). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* at § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-210 (2008).

The Debtor asserts that the filing of bankruptcy is necessary to save her home from foreclosure. She states that her circumstances have changed from the prior bankruptcy because she won an unrelated disability retirement hearing but does not state the amount of proceeds. The Debtor also states that she has sufficient income to make monthly plan payments. Her income consists of \$2,000.00 in rental income, \$3,743.72 in social security, and \$3,620.00 in contributions from her daughter for a total net income of \$9,363.72. The Debtor states that she can pay \$8,843.00 per month toward plan payments. The Debtor also contends that she believes she and the secured creditor on her residence will be able to settle on an appropriate value for the real property "if they will meet in the middle to a fair, honest[,] true value." Dkt. 14, p. 2, para. 3.

The Debtor has not sufficiently rebutted, by clear and convincing evidence, the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay. Debtor's income from third parties, specifically a renter and her daughter, are unsupported by any declarations and they make up the majority of her monthly income. Additionally, Debtor's contention that the secured creditor on her residence will settle on an appropriate value for the real property is speculative, particularly in light of the fact that there was a \$450,000 difference in valuation disputed by the Debtor and creditor in the prior bankruptcy. See case no. 19-23982, dkt. 67.

The motion is denied without prejudice.

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

The court will enter a minute order.

6. [17-26011](#)-B-13 MICHEL FALZON
[MC-3](#) Muoi Chea

MOTION TO MODIFY PLAN
1-7-20 [[62](#)]

No Ruling

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). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record there are no disputed material factual issues and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

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 Debtor has 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 ruling appended to the minutes. Counsel for the Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

The court will enter a minute order.

8. [20-20124](#)-B-13 MARZETT STAKLEY
[MRL](#)-1 Mikalah R. Liviakis

MOTION FOR COMPENSATION FOR
MIKALAH RAYMOND LIVIAKIS,
DEBTORS ATTORNEY(S)
1-16-20 [[8](#)]

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by Local Bankruptcy Rule 9014-1(f)(1). 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 will address the merits of the motion at the hearing.

The court's decision is to deny without prejudice the motion for compensation.

The court has before it an *Application for Compensation Based on Flat Fee Agreement* filed by debtor Marzet Stakley ("Debtor") in which the attorney for the Debtor "seeks allowance and payment of \$5,500, which represents the flat fee that Debtor has agreed to pay Attorney for work in this case." Dkt. 8 at 1:20-21. The court notes that except for the amount deposited with the Debtor's attorney, the amount the Debtor's attorney is to be paid through a Chapter 13 plan, and the dates of the respective deposits the fee application filed in this case is identical to the fee application the Debtor's attorney recently filed in *In re Yoder*, case no. 19-27786, in which he is also the attorney of record. Compare dkt. 8 with case no. 19-27786, dkt. 15.

The Chapter 13 Trustee ("Trustee") filed a response to the Debtor's fee application. Dkt. 17. The Trustee's response to the fee application filed in this case mirrors the Trustee's response to the fee application filed in the *Yoder* case. Compare dkt. 17 with case no. 19-27786, dkt. 19. The fee applications filed in this case and in the *Yoder* case were also filed at or very close to the respective petition dates. This case was filed on January 9, 2020, and the fee application was filed on January 16, 2020. The *Yoder* case was filed on December 17, 2019, and the fee application in that case was filed on January 1, 2020. And the Chapter 13 plans in both cases provide for mortgage payments in Class 1. Compare dkt. 2 at § 3.07 with case no. 19-27786, dkt. 2 at § 3.07.

In a thorough and well-reasoned decision, Chief Judge Ronald Sargis recently denied the fee application requesting a \$5,500.00 flat fee in the *Yoder* case. This court agrees with Chief Judge Sargis' decision and, because there is no material difference between the fee applications filed in this case and in the *Yoder* case, will follow and adopt it. Therefore, for the reasons stated in the Civil Minutes filed at docket 22 in case no. 19-27786, which are adopted and by this reference incorporated herein, the motion for compensation at docket 8 is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

9. [19-23355](#)-B-13 STEVEN SLATER
Richard Kwun

ORDER TO SHOW CAUSE
1-28-20 [[39](#)]

No Ruling

10. [19-27157](#)-B-13 LYNDA LLOYD
[DPC](#)-1 Michael O'Dowd Hays

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

Tentative Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

The court's decision is to sustain the objection and deny confirmation of the plan.

This matter was continued from February 4, 2020, to be heard after the continued meeting of creditors held February 13, 2020, at which time the Debtor was to have filed and provide a copy of her 2018 tax returns to the Chapter 13 Trustee. As of February 14, 2020, the court's docket does not reflect whether the Debtor was present at the continued meeting of creditors or resolved the tax return issue.

The Debtor has not provided the Trustee with a copy of an income tax return for the most recent tax year a return was filed. The Debtor has not complied with 11 U.S.C. § 521(e)(2)(A)(1).

The plan filed November 19, 2019, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

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

The court will enter a minute order.

11. [19-27160](#)-B-13 DEANDRA JACKSON
[DPC](#)-1 Pro Se

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
1-7-20 [[25](#)]

CONTINUED TO 3/03/2020 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF
CREDITORS SET FOR 2/27/2020.

Final Ruling

No appearance at the February 18, 2020 hearing is required. The court will enter a
minute order.

12. [19-27461](#)-B-13 RICHARD ACOSTA
[DPC](#)-1 Michael O'Dowd Hays

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
1-15-20 [[25](#)]

Tentative Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C).

The court's decision is to overrule the objection as moot.

Subsequent to the filing of the Trustee's objection, the Debtor filed an amended plan on February 13, 2020. The confirmation hearing for the amended plan is scheduled for April 7, 2020. The earlier plan filed December 4, 2019, is not confirmed.

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

The court will enter a minute order.

13. [17-22863](#)-B-13 CAITLIN MILLS
[LBG](#)-5 Lucas B. Garcia

MOTION TO MODIFY PLAN
1-14-20 [[57](#)]

No Ruling

14. [19-21063](#)-B-13 ANGELA BOOTH ORDER TO SHOW CAUSE
Thru #15 Eric John Schwab 1-29-20 [[48](#)]

Final Ruling

The court has reviewed and accepts the response filed February 11, 2020, to the order to show cause. The order to show cause is discharged and no further sanctions are ordered.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

15. [19-21063](#)-B-13 ANGELA BOOTH CONTINUED MOTION TO DISMISS
DPC-1 Eric John Schwab CASE
12-12-19 [[34](#)]

Final Ruling

Subsequent to the filing of the Trustee's motion to dismiss case for delinquency in plan payments, the Debtor filed a modified plan on January 29, 2020, to resolve the issue of delinquency. The confirmation hearing for the modified plan is scheduled for March 10, 2020.

Cause does not exist to dismiss the case. The motion is denied without prejudice and the case is not dismissed.

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

The court will enter a minute order.

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). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record there are no disputed material factual issues and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

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 Debtor has 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 ruling appended to the minutes. Counsel for the Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

The court will enter a minute order.

17. [19-27493](#)-B-13 ROGELIO VILLAR
[DPC](#)-1 Peter G. Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID P
CUSICK
1-16-20 [[20](#)]

Tentative Ruling

This matter was continued from February 4, 2020, to allow the Debtor to supplement the record as to the necessity of retaining a 2019 Mercedes Benz C 300 with monthly payments of \$724.69. No supplemental declaration was filed as of February 14, 2020.

The court's decision is to sustain the objection and deny confirmation of the plan.

First, it is unclear whether the Debtor can afford to make plan payments pursuant to 11 U.S.C. § 1325(a)(6). Specifically, the declarations of Debtor's children, dkts. 17-19, fail to state the duration of their financial contribution to Debtor and their income source; Debtor fails to provide the income of his "significant other" on Schedule I, Statement of Affairs, or Means Test; Debtor fails to provide income information on Form 122C-1, dkt. 1, p. 38; and Debtor may be over the median family income if his household size is four rather than three.

Second, the Debtor's plan may not be proposed in good faith pursuant to 11 U.S.C. § 1325(a)(3). The Debtor entered into a lease for a 2019 Mercedes Benz C 300 on September 29, 2019, and filed his petition on December 3, 2019. Monthly lease payments total \$724.69 per month and plan payments are proposed at \$2,860.00 for 60 months with 11.5% dividend to unsecured creditors.

The plan filed December 3, 2019, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

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

The court will enter a minute order.

18. [19-27497](#)-B-13 JONI SUPERTICIOSO
Nicholas Wajda

OBJECTION TO CONFIRMATION OF
PLAN BY THE MONEY SOURCE INC.
1-13-20 [[21](#)]

Tentative Ruling

The objections were properly filed by Money Source Inc. and the Chapter 13 Trustee at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

The court's decision is to sustain the objection and deny confirmation of the plan.

First, objecting creditor Money Source Inc. holds a deed of trust secured by the Debtor's residence. The creditor has filed a timely Claim No. 2-1 in which it asserts \$31,470.27 in pre-petition arrearages. The plan does not propose to cure these arrearages. Because the plan does not provide for the surrender of the collateral for this claim, the plan must provide for payment in full of the arrearage as well as maintenance of the ongoing note installments. See 11 U.S.C. §§ 1322(b)(2), (b)(5) and 1325(a)(5)(B). Because it fails to provide for the full payment of arrearages, the plan cannot be confirmed.

Second, taking into account Claim No. 2-1 and according to the Chapter 13 Trustee's calculations, the plan needs an additional \$34.75 per month for 60 months in order to cash flow.

The plan filed December 18, 2019, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

The objections are ORDERED SUSTAINED for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

19. [19-27562](#)-B-13 KENNETH SMITHOUR CONTINUED OBJECTION TO
[DPC](#)-1 Mary Ellen Terranella CONFIRMATION OF PLAN BY DAVID
P. CUSICK
1-22-20 [[13](#)]

CONTINUED TO 3/03/2020 AT 1:00 P.M. TO BE HEARD IN CONJUNCTION WITH MOTIONS TO
VALUE COLLATERAL OF TRAVIS CREDIT UNION.

Final Ruling

No appearance at the February 18, 2020 hearing is required. The court will enter a
minute order.

20. [19-27775](#)-B-13 RANKIN LYMAN
[DPC](#)-1 Peter G. Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
1-30-20 [[17](#)]

Tentative Ruling

This matter was continued from February 11, 2020, to provide the Debtor additional time to provide insurance documents related to his roofing business and as a Lyft driver. No supplemental declaration or evidence was filed as of February 14, 2020.

The court's decision is to sustain the objection and deny confirmation of the plan.

First, the plan cannot be assessed for feasibility because Debtor failed to file a detailed statement showing gross receipts and ordinary and necessary expenses related to net income from his self-employment as a roofer and Lyft driver.

Second, the Debtor has not provided the Trustee with requested copies of certain items in connection with his business, including 6-months profit and loss statements, proof of all required insurance or permits, or a written statement that no such documentation exists. It cannot be determined whether the business is solvent and necessary for reorganization. The Debtor has not complied with 11 U.S.C. § 521.

The plan filed December 17, 2019, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

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

The court will enter a minute order.