



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

February 20, 2024 at 1:30 p.m.

Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/RemoteAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued medical credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

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1. [23-23636](#)-C-13 LISA/SEAN BYRD CONTINUED OBJECTION TO
[LGT](#)-1 Peter Maclauso CONFIRMATION OF PLAN BY LILIAN
G. TSANG
12-6-23 [[29](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 34 days' notice was provided. Dkt. 32.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The 341 Meeting has not been concluded;
2. Debtor, Lisa Byrd, has failed to provide the Trustee with a copy of her 2022 income tax returns;
3. Debtors have failed to amend their Schedules I and J; and
4. Debtors have failed to explain how the loss of DSO payments within the pendency of the Chapter 13 case will be supplemented.

A review of the docket shows that the debtors appeared at the continued 341 meeting on January 26, 2024, and the Meeting of Creditors has now been concluded.

The Trustee filed a supplemental objection representing that the debtors have amended their Schedule I and Statement of Financial Affairs. Dkt. 53. The other issues still remain unresolved, and the debtors are currently delinquent in plan payments.

At the prior hearing on February 5, 2024, the Trustee represented that the only remaining issue was the failure to provide copies of the 2022 income tax returns.

DISCUSSION

The debtor has not provided the trustee with all required tax

returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

2. [23-21562](#)-C-13 EMILIA/EMIL ARDELEAN
[NFS-1](#) Stephan Brown

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
12-29-23 [[103](#)]

LAND HOME FINANCIAL
SERVICES, INC. VS.

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 38 days' notice was provided. Dkt. 109.

The Motion for Relief from the Automatic Stay is xxxxxx.

Land Home Financial Services, Inc. ("Movant") filed this Motion seeking relief from the automatic stay as to the debtors' real property commonly known as 6035 Glenbrook Lane, Carmichael, California (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtors are delinquent 3 postpetition payments. Declaration, Dkt. 105.

DEBTORS' OPPOSITION

Debtors filed an Opposition on January 22, 2024. Dkt. 125. Debtors assert that the Movant is adequately protected because there is a 59% equity cushion in the property. Debtors further declare that they intend to be current on their payments at the time of the hearing. Declar. Dkt. 126.

At the prior hearing on February 5, 2024, the parties agreed to continue the hearing to allow the debtors' payment to be processed.

DISCUSSION

At the hearing xxxxxxxx

Based on the foregoing, the Motion is xxxxxxxxxx

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests, for no particular reason, that the court grant relief from the Rule as adopted by the United States Supreme Court. With no grounds for such relief specified, the court will not grant additional relief merely stated in the prayer.

Movant has not pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is not granted.

No other or additional relief is granted by the court.

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 for Relief from the Automatic Stay filed by Land Home Financial Services, Inc. ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the automatic stay provisions of 11 U.S.C. § 362(a) are **XXXXXXXX**

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is not waived for cause.

No other or additional relief is granted.

3. [23-22893](#)-C-13 CHERYL RYCE MOTION TO CONFIRM PLAN
[WLG](#)-2 Nicholas Wajda 1-3-24 [[61](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 48 days' notice was provided. Dkt. 67.

The Motion to Confirm is ~~xxxxxxxxxx~~

The debtor filed this Motion seeking to confirm the Second Amended Chapter 13 Plan (Dkt. 65) filed on January 3, 2024.

Creditor, Ariela Rotschild, Trustee of the Rotschild Trust Dated November 21, 2001 ("Creditor"), filed an Opposition (Dkt. 70) on February 5, 2024, opposing confirmation on the following grounds:

1. The plan relies on a sale of property without a hard date for the property to be sold; and
2. The plan provides that postpetition mortgage fees and expenses of Creditor would not be paid at the time of sale through escrow.

DISCUSSION

At the hearing xxxxxxxx

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 Confirm filed by the debtor, Cheryl Ann Ryce, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is ~~xxxxxxxxxx~~