



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

February 20, 2025 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.

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

February 20, 2025 at 1:30 p.m.

1. [24-24007](#)-C-13 DANIEL/LANA SINYAYEV
[KMT](#)-2 Mark Shmorgon

MOTION FOR COMPENSATION FOR
LORIS BAKKEN, CHAPTER 7
TRUSTEE (S)
1-17-25 [[55](#)]

Thru #3

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 34 days' notice was provided. Dckt. 59.

The Motion for Allowance of Professional Fees is xxxxxxxx

The Chapter 7 trustee Loris L. Bakken filed this first and final request seeking approval of compensation for services provided to as Trustee to the estate.

Fees are requested for the period September 8, 2024, through December 17, 2024. The Chapter 7 trustee requests fees in the amount of \$1,400.00 for tasks the Trustee completed prior to conversion to Chapter 13.

DISCUSSION

At the hearing xxxxxxxx

The court shall issue an 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 Allowance of Fees and Expenses filed by the Chapter 7 trustee Loris L. Bakken having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Loris L. Bakken is xxxxxxxx

2. [24-24007](#)-C-13 DANIEL/LANA SINYAYEV
[KMT](#)-3 Mark Shmorgon

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF KRONICK,
MOSKOVITZ, TIEDEMANN & GIRARD
FOR GABRIEL P. HERRERA,
TRUSTEES ATTORNEY(S)
1-17-25 [[60](#)]

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 34 days' notice was provided. Dckt. 65.

The Motion for Allowance of Professional Fees is xxxxxx.

Gabriel P. Herrera, of Kronick, Moskovitz, Tiedman & Girard filed this first and final request seeking approval of compensation for attorney services provided to the Chapter 7 Trustee.

Fees are requested for the period October 21, 2024, through January 16, 2024. The order of the court approving employment was entered on October 21, 2024. Dkt. 16. The movant requests fees in the amount of \$1,995.00 and costs in the amount of \$17.94 for tasks completed prior to conversion to Chapter 13.

DISCUSSION

At the hearing xxxxxxxxxx

The court shall issue an 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 Allowance of Fees and Expenses filed by Kronick, Moskovitz, Tiedman & Girard ("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 Movant is xxxxxxxxxx

3. [24-24007](#)-C-13 DANIEL/LANA SINYAYEV OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Mark Shmorgon PLAN BY LILIAN TSANG, CHAPTER
13 TRUSTEE
1-29-25 [[78](#)]

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 22 days' notice was provided. Dkt. 80.

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 plan fails to provide for the claims of the Chapter 7 Trustee and her attorney; and
2. The plan is not feasible.

DISCUSSION

The plan does not provide for the administrative claims of the Chapter 7 Trustee or her counsel. Before the court enters an order on those claims, the plan's feasibility is uncertain.

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.

4. [24-25533](#)-C-13 JOSEPHINE NAKAYAMA
[JCW](#)-1 Candace Brooks

OBJECTION TO CONFIRMATION OF
PLAN BY U.S. BANK NATIONAL
ASSOCIATION
1-14-25 [[15](#)]

No 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 37 days' notice was provided. Dkt. 18.

The Objection to Confirmation of Plan is xxxxxxxxxx

Creditor U.S. Bank National Association ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to provide the arrearages owed to Creditor.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on February 5, 2025. Dkt. 20. Debtor contends that as of the petition date she was current with her payments to Creditor. Debtor asserts that any shortage of her escrow amount will be included in the contractual payments, and if there is a further shortage then Creditor can file an appropriate Notice and increase the mortgage payment.

DISCUSSION

At the hearing xxxxxxxxxx

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 U.S. Bank National Association, 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 xxxxxxxxxx.

5. [24-20665](#)-C-13 EMIL GALABOV
[SCC-1](#) Pro Se

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-4-24 [[53](#)]

DEBTOR DISMISSED: 06/29/24
COUNTY OF SACRAMENTO VS.

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 28 days' notice was provided. Dkt. 68.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion for Relief from the Automatic Stay is denied in part as moot and granted in part.

The instant case was dismissed on June 29, 2024, for failure to pay fees. Dkt. 38.

The applicable Bankruptcy Code provision for the matter before the court is 11 U.S.C. § 362(c)(1) and (2). That section provides:

In relevant part, 11 U.S.C. § 362(c) provides:

(c) Except as provided in subsections (d), (e), (f), and (h) of this section—

(1) the stay of an act against property of the estate under subsection (a) of this section continues until such **property is no longer property of the estate;**

(2) the stay of any other act under subsection (a) of this section continues until the earliest of—

(A) the time the case is closed;

(B) **the time the case is dismissed;** or

(C) if the case is a case under chapter 7 of this title concerning an individual or a case under chapter 9, 11, 12, or 13 of this title, the time a discharge is granted or denied;

11 U.S.C. § 362(c) (emphasis added).

When a case is dismissed, 11 U.S.C. § 349 discusses the effect of dismissal. In relevant part, 11 U.S.C. § 349 states:

(b) Unless the court, for cause, orders otherwise, a dismissal of a case other than under section 742 of this title—

(1) reinstates—

(A) any proceeding or custodianship superseded under section 543 of this title;

(B) any transfer avoided under section 522, 544, 545, 547, 548, 549, or 724(a) of this title, or preserved under section 510(c)(2), 522(i)(2), or 551 of this title; and

(C) any lien voided under section 506(d) of this title;

(2) vacates any order, judgment, or transfer ordered, under section 522(i)(1), 542, 550, or 553 of this title; and

(3) **revests the property of the estate in the entity in which such property was vested immediately before the commencement of the case under this title.**

11 U.S.C. § 549(c) (emphasis added).

Therefore, as of June 29, 2024, the automatic stay as it applies to the Property, and as it applies to Debtor, was terminated by operation of law. At that time, the Property ceased being property of the bankruptcy estate and was abandoned, by operation of law, to Debtor.

The court shall issue an order confirming that the automatic stay was terminated and vacated as to Debtor and the Property on June 29, 2024.

Additionally, Movant argues cause exists pursuant to 11 U.S.C. § 362(d)(4) because the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved multiple bankruptcy filings affecting the property commonly known as 7643 23rd St., Sacramento, California.

Movant asserts that Debtor has failed to pay annual property taxes for the past fifteen years for property commonly known as 7643 23rd St., Sacramento, California, while also having filed six petitions in the past seven years.

The court finds cause exists pursuant to 11 U.S.C. § 362(d)(4) because the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved multiple bankruptcy filings affecting the Property.

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 County of Sacramento ("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 Motion is denied without prejudice as moot.

IT IS FURTHER ORDERED that the above relief is granted pursuant to 11 U.S.C. § 362(d)(4), the court having found that the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved multiple bankruptcy filings affecting the Property. If recorded in compliance with applicable State laws governing notices of interests or liens in real property, this order shall be binding in any other case under this title purporting to affect the Property filed not later than 2 years after the date of the entry of this Order.

6. [24-25578](#)-C-13 WANDA COOPER
[EAT](#)-1 Mark Wolff

OBJECTION TO CONFIRMATION OF
PLAN BY ONSLOW BAY FINANCIAL,
LLC
1-9-25 [[12](#)]

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 37 days' notice was provided. Dkt. 16.

The Objection to Confirmation of Plan is sustained.

Creditor Onslow Bay Financial, LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to cure prepetition arrearages to Creditor.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

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 Onslow Bay Financial, LLC, 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.

7. [24-25578](#)-C-13 WANDA COOPER
[LGT](#)-1 Mark Wolff

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
1-27-25 [[19](#)]

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 24 days' notice was provided. Dkt. 21.

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. Meeting of Creditors has not yet concluded;
2. Debtor has failed to provide tax returns; and
3. Debtor has failed to provide payment advices.

DEBTOR'S NON-OPPOSITION

The debtor filed a Non-Opposition on February 10, 2025, representing that she would be filing a new plan when her attorney returns to the state on February 25, 2025. Dkt. 28.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

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).

The debtor has not provided the trustee with all required pay advices. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). 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.

8. [24-25685](#)-C-13 SUSANA ORTIZ
[LGT](#)-1 Steven Alpert

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
1-24-25 [[13](#)]

Final 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 27 days' notice was provided. Dkt. 16.

The Objection to Confirmation of Plan is overruled.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposed confirmation of the Chapter 13 plan, but subsequently withdrew her opposition February 14, 2025. Dkt. 26.

DISCUSSION

No other grounds for objection remaining, it appears the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Objection is overruled, and the plan is confirmed.

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 overruled, and the debtor's Chapter 13 Plan (Dkt. 3), is confirmed. 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.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(3) notice which requires an order shortening time. An order shortening time was entered by the court on February 12, 2025. Dkt. 32.

The Motion to Sell is granted.

Debtor Dalea Gaye Milligan filed this Motion pursuant to 11 U.S.C. §§ 363 and 1303 seeking to sell property commonly known as 3628 Pullman Drive, Sacramento, California ("Property").

The proposed purchaser of the Property is Debtor's daughter, Alejandra Contreras Milligan, and the proposed purchase price is \$175,000.00.

DISCUSSION

At the time of the hearing, the court announced the proposed sale and requested that all other persons interested in submitting overbids present them in open court. At the hearing, the following overbids were presented in open court: ~~XXXXXXXXXXXXXXXXXX~~.

Based on the evidence before the court, the court determines that the proposed sale is in the best interest of the Estate because the proceeds from the sale will allow for a 100% payout to unsecured creditors.

Broker's Commission

Movant has estimated that a 2.5 percent broker's commission from the sale of the Property will equal approximately \$4,375.00. As part of the sale in the best interest of the Estate, the court permits Movant to pay the broker an amount not more than 2.5 percent commission.

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 6004(h) stays an order granting a motion to sell for fourteen days after the order is entered, unless the court orders otherwise.

Movant has 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 6004(h), and this part of the requested relief is granted.

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 Sell Property filed by Dalea Gaye Milligan ("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 Motion is granted. The debtor's counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 trustee for approval as to form, and if so approved, submit the proposed order to the court.

IT IS FURTHER ORDERED that Movant is authorized to pay a real estate broker's commission in an amount not more than 2.5 percent of the actual purchase price upon consummation of the sale.

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 6004(h) is waived for cause.