

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

February 28, 2017 at 10:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.
3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.
4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	16-28104 -D-13	STANLEY/KATHRINE ASBURY	MOTION TO VALUE COLLATERAL OF
	GSJ-1		REAL TIME RESOLUTIONS
			1-24-17 [19]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Real Time Resolutions at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Real Time Resolutions' secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

2. [16-28104](#)-D-13 STANLEY/KATHRINE ASBURY OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
1-30-17 [[31](#)]

3. [10-53010](#)-D-13 MICHAEL/MARGARET GABRIEL MOTION TO VALUE COLLATERAL OF
MM-8 KEYBANK, N.A.
1-11-17 [[115](#)]

Final ruling:

This is the debtors' motion to correct an earlier court order, or alternatively, to value collateral of KeyBank, N.A. ("KeyBank"). KeyBank has filed a statement of non-opposition. For the following reasons, the court will construe the motion as a motion to correct a court order and will grant the motion.

The debtors completed their chapter 13 plan and received their discharge in August of 2016. The case was closed on August 29, 2016. The case was reopened on the debtors' application on November 8, 2016. While the case was pending, on December 19, 2013, the debtors filed a motion to value collateral of KeyBank - a second position deed of trust against the debtors' then residence, and JPMorgan Chase Bank - a third deed of trust against the same property. No opposition was filed and on February 4, 2014, the court issued a minute order; however, the court inadvertently granted the motion only as to JPMorgan Chase Bank and did not mention KeyBank. The present motion is intended to correct that oversight. Thus, the motion is appropriately considered as one made under Fed. R. Civ. P. 60(a), incorporated herein by Fed. R. Bankr. P. 9024, which permits the court to correct its own mistake arising from oversight or omission whenever one is found in a judgment or order.

The court finds that KeyBank's claim was secured by a junior deed of trust on the debtors' property and the amount owed on the senior encumbrance exceeded the value of the property at the time the case was filed and at the time the debtors' original motion to value was filed. The original motion sufficiently informed KeyBank of these allegations and of the debtors' intent that KeyBank's claim be determined to be entirely unsecured. KeyBank has filed a statement advising it has no opposition to the motion and the relief requested in the motion is supported by the record. As such, the court will grant the motion and amend its February 4, 2014 order to set the amount of KeyBank's secured claim at \$0.00. The motion will be granted by minute order, and in addition, the court will issue an order amending its earlier order. No appearance is necessary.

4. [16-24610](#)-D-13 ARMANDO COVARRUBIAS MOTION TO CONFIRM PLAN
TOG-4 1-12-17 [[101](#)]

Final ruling:

This case was dismissed on February 1, 2017. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

5. [16-27112](#)-D-13 ROSA/PABLO AHUMADA OBJECTION TO DEBTORS' CLAIM OF
RDG-4 EXEMPTIONS
1-13-17 [[63](#)]

Final ruling:

This case was dismissed on February 10, 2017. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

6. [16-28416](#)-D-13 CONSTANCE WHITLOCK MOTION TO VALUE COLLATERAL OF
PGM-1 SANTANDER CONSUMER USA, INC.
1-19-17 [[19](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

7. [16-27717](#)-D-13 PAMELA BECKER OBJECTION TO DEBTOR'S CLAIM OF
RDG-3 EXEMPTIONS
1-13-17 [[35](#)]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed. The objection is supported by the record. The court will sustain the trustee's objection to debtor's claim of exemptions. Moving party is to submit an appropriate order. No appearance is necessary.

8. [11-38925](#)-D-13 THOMAS BALDI MOTION FOR ENTRY OF DISCHARGE
PJE-2 1-24-17 [[71](#)]

Final ruling:

This is the debtor's motion for entry of a discharge under § 727 of the Bankruptcy Code. The relief requested is inappropriate because that section applies only in chapter 7 cases whereas this is a chapter 13 case. However, the motion is unnecessary in any event.

This chapter 13 case was closed without a discharge because the debtor had failed to file the required § 1328 certificate. The case was reopened on the debtor's motion and the debtor filed a § 1328 certificate. The clerk's office issued a Notice of Intent to Enter Chapter 13 Discharge, advising parties-in-interest that unless opposition was filed within 14 days of the date of the notice, the court might grant the debtor a discharge without further notice. The 14-day period expired on February 7, 2017, no opposition was filed, and the clerk's office issued a discharge under § 1328(a) on February 13, 2017.

As a result of the entry of the discharge, this motion is unnecessary. It will be denied as unnecessary by minute order. No appearance is necessary.

9. [16-28125](#)-D-13 IGNACIO BECERRA AND MARIA OBJECTION TO CONFIRMATION OF
RDG-1 ALVARADO PLAN BY TRUSTEE RUSSELL D.
GREER
1-30-17 [[18](#)]

10. [16-28037](#)-D-13 FELIX AJAYI OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
1-30-17 [[26](#)]

11. [16-27941](#)-D-13 NORBERT PASCUAL OBJECTION TO CONFIRMATION OF
APN-1 PLAN BY WELLS FARGO BANK, N.A.
2-1-17 [[18](#)]

Final ruling:

This case was dismissed on January 30, 2017. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

12. [16-27941](#)-D-13 NORBERT PASCUAL OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
1-30-17 [[12](#)]

Final ruling:

This case was dismissed on January 30, 2017. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

13. [14-23842](#)-D-13 ANGELA WARREN-BASS CONTINUED MOTION TO MODIFY PLAN
JCK-8 12-20-16 [[141](#)]

14. [16-27542](#)-D-13 RUBEN JIMENEZ AND AIDA MOTION TO CONFIRM PLAN
TOG-1 CASTILLO 12-28-16 [[16](#)]

15. [16-27152](#)-D-13 ROBERT/SUSANA ANGELE MOTION TO CONFIRM PLAN
JM-1 1-10-17 [[32](#)]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

16. [16-28055](#)-D-13 CAROLYN WILSON OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
1-30-17 [[13](#)]
17. [16-27657](#)-D-13 LAUREN/DOUGLAS MILLER OBJECTION TO DEBTORS' CLAIM OF
RDG-2 EXEMPTIONS
1-13-17 [[20](#)]
18. [16-28157](#)-D-13 MARK/JEANETTE WEBER OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
1-30-17 [[22](#)]
19. [16-28163](#)-D-13 KAREN KHAN OBJECTION TO CONFIRMATION OF
EAT-1 PLAN BY WELLS FARGO BANK, N.A.
2-1-17 [[22](#)]

20. [16-25068](#)-D-13 SHANE FRITTS MOTION TO CONFIRM PLAN
LRR-2 1-11-17 [[49](#)]
21. [16-27973](#)-D-13 ROGER/MARIA GOMEZ OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
1-30-17 [[21](#)]
22. [16-28173](#)-D-13 DEBBIE HAYES OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
1-30-17 [[17](#)]
23. [16-27974](#)-D-13 JUAN/BARBARA ROYBAL OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
1-30-17 [[13](#)]

24. [16-27284](#)-D-13 ROBERT VOLK MOTION TO CONFIRM PLAN
JM-1 1-12-17 [[28](#)]
25. [14-29812](#)-D-13 ANDRE COOPER AND KIMBERLY CONTINUED MOTION TO MODIFY PLAN
WMR-110 GILLIAM 1-11-17 [[150](#)]
26. [16-27112](#)-D-13 ROSA/PABLO AHUMADA AMENDED MOTION FOR RELIEF FROM
ASW-1 AUTOMATIC STAY
GMAT LEGAL TITLE TRUST 2-10-17 [[78](#)]
2013-1 VS.
- DEBTOR AND JOINT DEBTOR**
DISMISSED: 02/10/2017
27. [17-20436](#)-D-13 THEODORE MADZEY MOTION FOR RELIEF FROM
HSB-2 AUTOMATIC STAY
STATE FARM BANK, FSB VS. 2-3-17 [[10](#)]

28. [17-20355](#)-D-13 TOMI HUDMON
RDG-1

MOTION TO DISMISS CASE
2-8-17 [[8](#)]

Final ruling:

This case was dismissed on February 9, 2017. As a result the motion will be denied by minute order as moot. No appearance is necessary.

29. [14-24389](#)-D-13 ROSYLIND JASPER
MJD-1

CONTINUED MOTION TO MODIFY PLAN
1-6-17 [[62](#)]