

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Wednesday, March 1, 2017
Place: Department B – Courtroom #13
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 an 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.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

9:30 A.M.

1.	11-62500 -B-7 MANUEL DA SILVEIRA AND THA-2 ANA BELA SILVEIRA TRUDI MANFREDO/MV	MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT WITH MANUEL JOSE SOARES DA SILVEIRA AND ANA BELA B. DA SILVEIRA 1-27-17 [35]
	PETER FEAR/Atty. for dbt. THOMAS ARMSTRONG/Atty. for mv.	

This motion to compromise a controversy will be denied as moot. The court will enter an order neither approving nor disapproving the agreement. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rules of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought.

Based on the moving papers there is no case or controversy from the estate's perspective because all timely filed claims, administrative expenses, and a portion of the tardily filed claims, will be paid.

2. [17-10004](#)-B-7 INES SMITH
APN-1
SANTANDER CONSUMER USA,
INC./MV
DAVID JENKINS/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-30-17 [[12](#)]

The motion will be granted without oral argument for cause shown. Movant shall submit a proposed order as specified below. No appearance is necessary.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtor's and the trustee's defaults will be entered. 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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will be granted. It appears the movant's collateral is uninsured.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

3. [17-10305](#)-B-7 NOVA PIMENTEL

GLEN NAVIS/Atty. for dbt.
CASE DISMISSED

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-13-17 [[12](#)]

This case has already been dismissed. No appearance is necessary.

4. [17-10217](#)-B-7 REFUGIO ZAVALA

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-7-17 [[11](#)]

This matter will be dropped from calendar. No appearance is necessary. The record shows that an order for paying the filing fee in installments has been entered and the first payment is not yet due.

5. 16-14423-B-7 DOUGLAS/JONA KOPHAMER
RAS-1
U.S. BANK NATIONAL
ASSOCIATION/MV
LEONARD WELSH/Atty. for dbt.
MATTHEW CLARK/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-2-17 [13]

The motion will be granted without oral argument for cause shown. Movant shall submit a proposed order as specified below. No appearance is necessary.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtors' and the trustee's defaults will be entered. 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 record shows that cause exists to terminate the automatic stay.

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 California Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will be granted.

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. The movant has failed to prove there is any equity in the collateral and thus no fees can be awarded pursuant to §506(b). Adequate protection is unnecessary in light of the relief granted herein.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

6. [16-13924](#)-B-7 MICHAEL FAIRBANKS
RCO-1
WELLS FARGO BANK, N.A./MV

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
1-18-17 [[16](#)]

MARK ZIMMERMAN/Atty. for dbt.
BRETT RYAN/Atty. for mv.
DISCHARGED, NON-OPPOSITION

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice. There was no opposition and the debtor filed a notice of non-opposition. The motion will be denied as moot as to the debtor because his discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. Movant shall submit a proposed order. No appearance is necessary.

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 California Civil Code § 2923.5. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will not be granted.

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. The movant has failed to prove there is any equity in the collateral and thus no fees can be awarded pursuant to §506(b). Adequate protection is unnecessary in light of the relief granted herein.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

7. [15-13932](#)-B-7 VICTOR PASNICK
DSH-2
RAY BERGMAN/MV
PETER FEAR/Atty. for dbt.
DAVID HAMILTON/Atty. for mv.

OBJECTION TO CLAIM OF DUSTIN
PASNICK, CLAIM NUMBER 11
1-3-17 [[117](#)]

The objection will be denied without prejudice. The court will enter an order. No appearance is necessary.

The exhibits filed in support of the objection do not comply with the Local Rules of Practice for the U.S. Bankruptcy Court, Eastern District of California, Appendix II, EDC.002-901, E.D. Cal. Bankruptcy Court's Guidelines for the Preparation of Documents (effective August 12, 2015), Sections IV.B. and IV.C.

The court notes that the claimant's opposition suffers from the same defects.

The court further notes that the resolution of this controversy will require an adversary proceeding. See, FRBP 3007(b); 7001(2). The objection hinges on ownership of an Olympic Torch of historical significance ("Torch"). The court is being asked to determine an interest in property that is traceable to the Torch and, thus, an adversary proceeding will be required. Objections to claims may be included in an adversary proceeding. See, FRBP 3007(b).

8. [15-13932](#)-B-7 VICTOR PASNICK
DSH-3
RAY BERGMAN/MV
PETER FEAR/Atty. for dbt.
DAVID HAMILTON/Atty. for mv.

OBJECTION TO CLAIM OF DUSTIN
PASNICK, CLAIM NUMBER 12
1-3-17 [[122](#)]

The objection will be denied without prejudice. The court will enter an order. No appearance is necessary.

The exhibits filed in support of the objection do not comply with the Local Rules of Practice for the U.S. Bankruptcy Court, Eastern District of California, Appendix II, EDC.002-901, E.D. Cal. Bankruptcy Court's Guidelines for the Preparation of Documents (effective August 12, 2015), Sections IV.B. and IV.C.

The court notes that the claimant's opposition suffers from the same defects.

The court further notes that the resolution of this controversy will require an adversary proceeding. See, FRBP 3007(b); 7001(2). The objection hinges on which 1998 Nissan is owned by the debtor and which is owned by claimant. Further evidence of the terms of the alleged rental and defenses thereto involve the determination of an interest in the 1998 Nissans. The court is being asked to determine an interest in property and, thus, an adversary proceeding will be required. Objections to claims may be included in an adversary proceeding. See, FRBP 3007(b).

9. 15-13932-B-7 VICTOR PASNICK
DSH-4
RAY BERGMAN/MV
PETER FEAR/Atty. for dbt.
DAVID HAMILTON/Atty. for mv.

OBJECTION TO CLAIM OF DUSTIN
PASNICK, CLAIM NUMBER 13
1-3-17 [127]

The objection will be denied without prejudice. The court will enter an order. No appearance is necessary.

The exhibits filed in support of the objection do not comply with the Local Rules of Practice for the U.S. Bankruptcy Court, Eastern District of California, Appendix II, EDC.002-901, E.D. Cal. Bankruptcy Court's Guidelines for the Preparation of Documents (effective August 12, 2015), Sections IV.B. and IV.C.

The court notes that the claimant's opposition suffers from the same defects.

The court further notes that the resolution of this controversy will require an adversary proceeding. See, FRBP 3007(b); 7001(2). The objection hinges on tracing the ownership of 210 East Sussex Way, Fresno, CA. Claimant also asserts the existence of an oral trust agreement with the debtor to support his legal position. Determination of those interests requires an adversary proceeding. The transfer of the property to the estate as part of a settlement does not change the result. The allowance of this claim depends on whether claimant had a legally enforceable interest in 2210 East Sussex Way. Objections to claims may be included in an adversary proceeding. See, FRBP 3007(b).

10. 15-13932-B-7 VICTOR PASNICK
DSH-5
RAY BERGMAN/MV
PETER FEAR/Atty. for dbt.
DAVID HAMILTON/Atty. for mv.

OBJECTION TO CLAIM OF DUSTIN
PASNICK, CLAIM NUMBER 14
1-3-17 [132]

The objection will be denied without prejudice. The court will enter an order. No appearance is necessary.

The exhibits filed in support of the objection do not comply with the Local Rules of Practice for the U.S. Bankruptcy Court, Eastern District of California, Appendix II, EDC.002-901, E.D. Cal. Bankruptcy Court's Guidelines for the Preparation of Documents (effective August 12, 2015), Sections IV.B. and IV.C.

The court notes that the claimant's opposition suffers from the same defects.

The court further notes that the resolution of this controversy will require an adversary proceeding. See, FRBP 3007(b); 7001(2). The objection hinges on whether claimant had an enforceable interest in the property located at 940 Hulbert, Fresno, CA. Claimant does not assert a contractual right to repayment but rather an oral trust agreement with the debtor with respect to their rights. It appears that the debtor and the claimant may have been co-tenants in the Hulbert property but the legal effect of claimant's interest is unclear. Determination of that interest requires an adversary proceeding. The transfer of the property to the estate as part of a settlement does not change the result. The allowance of this claim depends on whether claimant had a legally enforceable interest in 940 Hulbert, Fresno, CA. Objections to claims may be included in an adversary proceeding. See, FRBP 3007(b).

11. 15-13932-B-7 VICTOR PASNICK
DSH-6
RAY BERGMAN/MV
PETER FEAR/Atty. for dbt.
DAVID HAMILTON/Atty. for mv.

OBJECTION TO CLAIM OF DUSTIN
PASNICK, CLAIM NUMBER 15
1-3-17 [137]

The objection will be denied without prejudice. The court will enter an order. No appearance is necessary.

The exhibits filed in support of the objection do not comply with the Local Rules of Practice for the U.S. Bankruptcy Court, Eastern District of California, Appendix II, EDC.002-901, E.D. Cal. Bankruptcy Court's Guidelines for the Preparation of Documents (effective August 12, 2015), Sections IV.B. and IV.C.

The court notes that the claimant's opposition suffers from the same defects.

The court further notes that the resolution of this controversy will require an adversary proceeding. See, FRBP 3007(b); 7001(2). The objection hinges on the nature of claimant's "legal" and "equitable" interests in 210 E. Sussex Way, Fresno, CA; 940 Hulbert, Fresno, CA, and 2431-2461 Alluvial Ave., Clovis, CA. The allowance of this claim depends on whether claimant had legally enforceable interests in 210 East Sussex Way, 940 Hulbert, and 2431-2461 Alluvial Ave. Objections to claims may be included in an adversary proceeding. See, FRBP 3007(b).

12. 15-13932-B-7 VICTOR PASNICK
RHT-10
ROBERT HAWKINS/MV
PETER FEAR/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

MOTION TO SELL
2-3-17 [150]

This matter will proceed as scheduled.

13. 15-13932-B-7 VICTOR PASNICK
RHT-11
ROBERT HAWKINS/MV
PETER FEAR/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

MOTION TO SELL
2-3-17 [155]

This matter will proceed as scheduled.

14. 15-13932-B-7 VICTOR PASNICK
RHT-11
ROBERT HAWKINS/MV
PETER FEAR/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

MOTION TO SELL
2-3-17 [155]

This matter will proceed as scheduled.

15. [16-14043](#)-B-7 MYRNA LOPEZ
TOG-1
MYRNA LOPEZ/MV
THOMAS GILLIS/Atty. for dbt.

MOTION TO AVOID LIEN OF CAVALRY
SPV 1, LLC
1-26-17 [[15](#)]

The motion will be denied without prejudice. The court will issue an order. No appearance is necessary.

While the proof of claim shows that the claimant is Cavalry SPV 1, LLC, the record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(b)(3) (corporation, partnership or unincorporated association). *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.

In addition, the motion was filed without admissible supporting evidence of the value of the property sought to be protected as required by LBR 9014-1(d)(7).

16. [16-10350](#)-B-7 CHRISTINA MORALES
JES-1
JAMES SALVEN/MV
DAVID JENKINS/Atty. for dbt.

MOTION TO SELL
1-26-17 [[26](#)]

The motion will proceed for submission of higher and better bids only. The moving party shall submit a proposed order after the hearing.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

17. 16-14461-B-7 GALEN/DANIELLE STUCKY
DG-1
CIG FINANCIAL, LLC/MV
ROBERT WILLIAMS/Atty. for dbt.
DIXON GARDNER/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-13-17 [9]

The motion will be granted without oral argument for cause shown. Movant shall submit a proposed order as specified below. No appearance is necessary.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtors' and the trustee's defaults will be entered. 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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will be granted because the vehicle was surrendered and is a depreciating asset.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

18. 16-10167-B-7 LAWRENCE/THERESA MCMEEN
RHT-3
ROBERT HAWKINS/MV
JEFF REICH/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

MOTION TO SELL
1-26-17 [45]

The motion will proceed for submission of higher and better bids only. The moving party shall submit a proposed order after the hearing.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

19. 16-14170-B-7 ADRIAN/FLOR QUINTERO
AP-1
DITECH FINANCIAL LLC/MV
ROBERT WILLIAMS/Atty. for dbt.
JAMIE HANAWALT/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-30-17 [20]

The motion will be granted without oral argument for cause shown. Movant shall submit a proposed order as specified below. No appearance is necessary.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtors' and the trustee's defaults will be entered. 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 record shows that cause exists to terminate the automatic stay.

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 California Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will be granted because the real property is scheduled to be surrendered.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

20. 16-14474-B-7 DEBORAH KIRBY

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
1-25-17 [15]

The motion is conditionally denied. No appearance is necessary at this hearing. The court will issue an order.

The debtor shall attend the meeting of creditors rescheduled for March 6, 2017, at 8:30 a.m. If the debtor fails to do so, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

The time prescribed in Rules 1017(e)(1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtor's discharge or to move for dismissal of the case under section 707(b) is extended to 60 days after the conclusion of the meeting of creditors.

21. 10-17476-B-7 MARIA MEJIA
PBB-3
MARIA MEJIA/MV

AMENDED MOTION TO CORRECT ORDER
AVOID JUDICIAL LIEN OF VION
HOLDINGS LLC
1-27-17 [69]

PETER BUNTING/Atty. for dbt.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order correcting the subject property's legal description. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055.

FRCP 60(a) provides for corrections based on clerical mistakes, oversights and omissions. It appears from the record and evidence that the order submitted to the court in the debtor's motion to avoid a judicial lien, entered on April 13, 2016, contained an erroneous legal description, of the property to be protected from the lien, which should be corrected.

22. 16-14478-B-7 EVERADO/CHRISTINE VELASCO MOTION FOR RELIEF FROM
NLG-1 AUTOMATIC STAY
FIRST TECH FEDERAL CREDIT 1-25-17 [18]
UNION/MV
STEPHEN LABIAK/Atty. for dbt.
NICHOLE GLOWIN/Atty. for mv.
NON-OPPOSITION

The motion will be granted without oral argument for cause shown. Movant shall submit a proposed order as specified below. No appearance is necessary.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice. The debtors filed a notice of non-opposition. There was no other opposition and the trustee's default will be entered. 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 record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will be granted. The vehicle has not been surrendered however the collateral is depreciating and the debtors have filed a notice of non-opposition (Doc. # 26).

If the prayer for relief includes a request for adequate protection, that request will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

23. 16-12185-B-7 LEE/KYMBERLI ZWAHLEN MOTION TO SELL
TMT-1 1-23-17 [17]
TRUDI MANFREDO/MV
MARK ZIMMERMAN/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

The motion will proceed for submission of higher and better bids only. The moving party shall submit a proposed order after the hearing.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

24. 09-12936-B-7 CARL/PATSEY TROUTT MOTION TO AVOID LIEN OF MOHAWK
MJF-2 SERVICING LLC FKA MOHAWK
CARL TROUTT/MV SERVICING INC.
2-15-17 [27]
MICHAEL FLETCHER/Atty. for dbt.

This matter will proceed as scheduled.

It appears from the evidence submitted and the record that the debtors are entitled to avoid this lien that impairs an exemption to which they would otherwise have been entitled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

11:00 A.M.

1. [16-14006](#)-B-7 RONALD/LAPAMLA MADDEN

PRO SE REAFFIRMATION AGREEMENT
WITH GOLDEN 1 CREDIT UNION
2-6-17 [[14](#)]

TIMOTHY SPRINGER/Atty. for dbt.

The hearing will be dropped from calendar. Counsel shall inform his clients that no appearance is necessary at this hearing.

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). In this case, the debtors' attorney affirmatively represented that he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. §524(c) and is not enforceable.

1:30 P.M.

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| 1. | 15-10039-B-12 ANGELA PIMENTEL
16-1086
PIMENTEL V. KENNEDY
DAVID JENKINS/Atty. for pl.
RESPONSIVE PLEADING | CONTINUED STATUS CONFERENCE RE:
COMPLAINT
8-25-16 [1] |
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Based on the court's review of the plaintiff's status conference statement, filed February 25, 2017, this matter will be continued to March 29, 2017, at 9:30 a.m. The court will enter an order. No appearance is necessary.

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| 2. | 16-11855-B-7 HARJOT SINGH AND INDERJIT
16-1096 SANDHU
RATTAN V. SINGH ET AL
EDWARD WRIGHT/Atty. for pl.
RESPONSIVE PLEADING | CONTINUED STATUS CONFERENCE RE:
COMPLAINT
9-29-16 [1] |
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This matter will proceed as scheduled.

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| 3. | 16-11855-B-7 HARJOT SINGH AND INDERJIT
16-1096 SANDHU BA-1
RATTAN V. SINGH ET AL
EDWARD WRIGHT/Atty. for mv. | MOTION FOR SUBSTITUTION
1-27-17 [21] |
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The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055.

Pursuant to FRCP 25, made applicable here by FRBP 7025, co-debtor Inderjit Sandhu will be substituted as representative for deceased debtor Harjot Singh for all purposes within the bankruptcy case and this related adversary proceeding.

4. 16-12266-B-7 AVTAR SINGH
 16-1109
 U.S. TRUSTEE V. SINGH
 ROBIN TUBESING/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT
12-30-16 [1]

This matter will proceed as scheduled.