

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Sacramento, California

**March 3, 2015 at 10:00 a.m.**

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**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.**

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|----|---------------|-----------------|------------------------|
| 1. | 14-26614-D-13 | VALERIA LABORDE | MOTION TO CONFIRM PLAN |
|    | PGM-1         |                 | 1-12-15 [67]           |

|    |               |                 |                                |
|----|---------------|-----------------|--------------------------------|
| 2. | 14-26614-D-13 | VALERIA LABORDE | OBJECTION TO CLAIM OF DANIEL   |
|    | PGM-2         |                 | CARLOS CHIRAMBERRO LARRATEGUI, |
|    |               |                 | CLAIM NUMBER 3                 |
|    |               |                 | 1-16-15 [73]                   |

**Final ruling:**

This is the debtor's objection to the claim of Daniel Carlos Chiramberro Larrategui (the "Claimant"). The Claimant has not filed opposition. However, that does not by itself entitle the debtor to the relief requested. "[I]t is black-letter law that entry of default does not entitle a plaintiff to judgment as a

matter of right or as a matter of law." All Points Capital Corp. v. Meyer (In re Meyer), 373 B.R. 84, 88 (9th Cir. BAP 2007), citing Fed. R. Civ. P. 55(b) (2), incorporated herein by Fed. R. Bankr. P. 7055. "Settled precedent establishes that default judgment is a matter of discretion in which the court is entitled to consider, among other things, the merits of the substantive claim, the sufficiency of the complaint, the possibility of a dispute regarding material facts, whether the default was due to excusable neglect, and the 'strong policy' favoring decisions on the merits." Id., citing Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986). Thus, the court will consider the merits of the objection.

As a preliminary matter, the debtor failed to give notice of the objection in strict compliance with LBR 3007-1(c), which requires that an objection to a proof of claim be served on the claimant at the address on the proof of claim and the address listed in the debtor's schedules, if different. Here, the debtor served the Claimant at the address on the proof of claim, but not at the different address on the debtor's Schedule F.

Further, the debtor has failed to submit sufficient evidence to shift the burden to the Claimant to prove the validity of the claim. The claim is for \$60,000 in child support. (The debtor and the Claimant were previously married to each other; they have a minor daughter.) The debtor objects on the grounds that (1) there is no supporting documentation attached to the proof of claim; and (2) the Claimant allegedly "signed an agreement not to seek any further funds for child support while litigating the dispute in U.S. District Court, after the attorney fees pursuant to claim 2-1, and as directed through Judge Mendez in the U.S. District court, case #2:13-cv-01175-JAM-EFB ("U.S. District Case")." Objection to Claim, filed Jan. 16, 2015 ("Obj."), at 2:2-7.1 In regards to the first of these, the Ninth Circuit Bankruptcy Appellate Panel has held:

When a creditor files a proof of claim, that claim is deemed allowed under Sections 501 and 502(a). A proof of claim that lacks the documentation required by Rule 3001(c) does not qualify for the evidentiary benefit of Rule 3001(f) - it is not prima facie evidence of the validity and amount of the claim - but that by itself is not a basis to disallow the claim. Section 502(b) sets forth the exclusive grounds for disallowance of claims . . . .

Heath v. Am. Express Travel Related Servs. Co. (In re Heath), 331 B.R. 424, 426 (9th Cir. BAP 2005) (emphasis added). "Noncompliance with Rule 3001(c) is not one of the statutory grounds for disallowance." Id. at 435.

"Upon objection, [a] proof of claim provides 'some evidence as to its validity and amount' and is 'strong enough to carry over a mere formal objection without more.'" Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. 2000) (citation omitted). "To defeat the claim, the objector must come forward with sufficient evidence and 'show facts tending to defeat the claim by probative force equal to that of the allegations of the proof[] of claim [itself]. . . . If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence.'" Id. (citation omitted, emphasis added).

Thus, the court turns to the evidence submitted by the debtor - a stipulation and order of the United States District Court for this district, filed February 14, 2014 in the case referred to above. The stipulation established a schedule for the

debtor to have periods of visitation with the parties' minor daughter. The language the debtor relies on for her objection to the claim for child support is this: "[Claimant] will not object to any request by [the debtor] to the Argentinian court to vacate earlier orders requiring [the debtor] to pay penalties for not paying support while [the parties' daughter] has been in the United States and/or for retaining [the daughter] in the United States." Stipulation and Order filed Feb. 14, 2014 in U.S. District Court Case No. 2:13-cv-01175. In the claim objection, the debtor characterizes this language as "an agreement not to seek any further funds for child support while litigating the dispute in U.S. District Court . . . ."

The claim for child support was filed September 18, 2014, seven months after the stipulation and order were filed. The court assumes from this timing that the Claimant had some basis when he filed the claim to believe he was owed child support by the debtor, despite the stipulation. The stipulation provides only that the Claimant will not object to the debtor's request, if any, to the Argentinian court to vacate earlier orders requiring the debtor to pay certain penalties, including a penalty for not paying support for a certain time period. There is no evidence the Argentinian court has ever vacated those earlier orders. Further, the stipulation does not indicate whether the debtor otherwise owes child support to the Claimant, such as, for example, for a time period other than that covered by the stipulation. It may be that the debtor owes the Claimant child support for a time period before the period covered by the stipulation or for time after the stipulation and order were filed. The debtor has submitted no evidence on these questions. In short, there is no evidence to support a conclusion that the debtor owes no child support to the Claimant. Thus, there is insufficient evidence to negate the sworn facts in the proof of claim so as to shift the burden to the Claimant to prove the validity of the claim.

As a result of these service and evidentiary defects, the objection will be overruled by minute order. No appearance is necessary.

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1 The Claimant has also filed a claim for attorney's fees, Claim No. 2, to which the debtor has not objected.

3. 14-26115-D-13 LUIS CAVAZOS MOTION TO MODIFY PLAN  
JCK-1 1-23-15 [25]

**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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

4. 14-31818-D-13 MEHRDOD/NICOLE MONTAZEM OBJECTION TO DEBTORS' CLAIM OF  
RDG-1 EXEMPTIONS  
1-23-15 [22]

5. 14-31523-D-13 DIANA CORTINAS OBJECTION TO DEBTOR'S CLAIM OF  
RDG-2 EXEMPTIONS  
1-9-15 [22]

**Final ruling:**

**This case was dismissed on January 28, 2015. As a result the objection will be overruled by minute order as moot. No appearance is necessary.**

6. 14-27325-D-13 RYAN/VICTORIA KAMERZELL MOTION TO CONFIRM PLAN  
AKA-1 1-13-15 [41]

7. 14-32327-D-13 ROGER/TISHA GALLARDO MOTION TO VALUE COLLATERAL OF  
KRW-1 FAST AUTO LOANS, INC.  
1-21-15 [28]

**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.**

8. 14-32327-D-13 ROGER/TISHA GALLARDO  
KRW-2

MOTION TO VALUE COLLATERAL OF  
CALIFORNIA CHECK CASHING  
STORES, LLC  
1-21-15 [33]

**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.

9. 14-31730-D-13 RONNIE/DONNA CASTELLANOS  
MC-1

MOTION TO AVOID LIEN OF STATE  
OF CALIFORNIA - COUNTY OF SAN  
JOAQUIN TREASURER & TAX  
COLLECTOR REVENUE & RECOVERY  
DIVISION  
1-23-15 [19]

**Final ruling:**

This is the debtors' motion to avoid a judicial lien held by the People of the State of California - TTC Revenue & Recovery Division (the San Joaquin County Treasurer & Tax Collector, Revenue & Recovery Division) (the "Creditor"). The motion will be denied because the moving parties failed to serve the Creditor in strict compliance with Fed. R. Bankr. P. 7004(b)(6), as required by Fed. R. Bankr. P. 9014(b).

The bankruptcy rule provides that service on a state or municipal corporation or other governmental organization must be directed to the "person or office upon whom process is prescribed to be served by the law of the state in which service is made when an action is brought against such a defendant in the courts of general jurisdiction of that state . . . ." Fed. R. Bankr. P. 7004(a)(6). In California, the state statute, in turn, provides that service on such an entity must be directed to "the clerk, secretary, president, presiding officer, or other head of [the organization's] governing body." Cal. Code Civ. Proc. § 416.50(a). Here, the moving parties served the Creditor to the attention of an officer, managing or general agent of the Revenue & Recovery Division and of the office of the Treasurer - Tax Collector; to the attention of the County Board of Supervisors; to the attention of the Clerk of the Board Office; and to the Office of the County Counsel. It appears at least one of these complied with the directive of the state statute. However, service on all these individuals and entities was made by certified mail, whereas the bankruptcy rule requires that such service be made by first-class mail. See preamble to Fed. R. Bankr. P. 7004(b).<sup>1</sup> In other words, the bankruptcy rule prescribes the manner of service and refers to the state statute for the persons to whom service must be directed.

As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

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<sup>1</sup> The state statute permitting service by mail in lieu of personal delivery - specifically with reference to service under § 416.50 - also refers to first-class mail, not certified mail. See Cal. Code Civ. Proc. § 415.20(a).

10. 14-31730-D-13 RONNIE/DONNA CASTELLANOS  
MC-2

MOTION TO AVOID LIEN OF PEOPLE  
OF THE STATE OF CALIFORNIA -  
COUNTY OF SAN JOAQUIN TREASURER  
& TAX COLLECTOR REVENUE &  
RECOVERY DIVISION  
1-23-15 [24]

**Final ruling:**

This is the debtors' motion to avoid a judicial lien held by the People of the State of California - TTC Revenue & Recovery Division (the San Joaquin County Treasurer & Tax Collector, Revenue & Recovery Division) (the "Creditor"). The motion will be denied because the moving parties failed to serve the Creditor in strict compliance with Fed. R. Bankr. P. 7004(b)(6), as required by Fed. R. Bankr. P. 9014(b).

The bankruptcy rule provides that service on a state or municipal corporation or other governmental organization must be directed to the "person or office upon whom process is prescribed to be served by the law of the state in which service is made when an action is brought against such a defendant in the courts of general jurisdiction of that state . . . ." Fed. R. Bankr. P. 7004(a)(6). In California, the state statute, in turn, provides that service on such an entity must be directed to "the clerk, secretary, president, presiding officer, or other head of [the organization's] governing body." Cal. Code Civ. Proc. § 416.50(a). Here, the moving parties served the Creditor to the attention of an officer, managing or general agent of the Revenue & Recovery Division and of the office of the Treasurer - Tax Collector; to the attention of the County Board of Supervisors; to the attention of the Clerk of the Board Office; and to the Office of the County Counsel. It appears at least one of these complied with the directive of the state statute. However, service on all these individuals and entities was made by certified mail, whereas the bankruptcy rule requires that such service be made by first-class mail. See preamble to Fed. R. Bankr. P. 7004(b).<sup>1</sup> In other words, the bankruptcy rule prescribes the manner of service and refers to the state statute for the persons to whom service must be directed.

As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

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1 The state statute permitting service by mail in lieu of personal delivery - specifically with reference to service under § 416.50 - also refers to first-class mail, not certified mail. See Cal. Code Civ. Proc. § 415.20(a).

11. 09-34836-D-13 SCOTT/FAYE INOUE  
GMW-3

MOTION FOR HARDSHIP DISCHARGE  
1-30-15 [55]

**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 for hardship discharge under 11 U.S.C. Section 1328(b) is supported by the record. As such the court will grant the motion for hardship discharge under 11 U.S.C. Section 1328(b). Moving party is to submit an appropriate order. No appearance is necessary.

12. 14-30039-D-13 FERNANDO/CATALINA MENDOZA CONTINUED MOTION FOR RELIEF  
DB-1 FROM AUTOMATIC STAY  
8958 E. HIGHWAY 88, LLC VS. 1-20-15 [34]
13. 15-20040-D-13 JUGJEEV/MINERVA MANGAT AMENDED MOTION FOR RELIEF FROM  
PD-1 AUTOMATIC STAY  
PNC BANK, N.A. VS. 1-26-15 [30]
14. 12-26341-D-13 MARIA GUEL MOTION TO MODIFY PLAN  
JCK-2 1-22-15 [38]
15. 14-31741-D-13 RUBEN VALLEJO OBJECTION TO DEBTOR'S CLAIM OF  
RDG-3 EXEMPTIONS  
1-23-15 [21]

**Final ruling:**

This is the trustee's objection to the debtor's claim of exemptions. The trustee objected on the ground that the debtor had failed to file a spousal waiver to allow him to use the exemptions provided by Cal. Code Civ. Proc. § 703.140(b). On January 27, 2015, the debtor filed a spousal waiver in the appropriate form signed by the debtor and his spouse. As a result of the filing of the spousal waiver, the trustee's objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

16. 14-29542-D-13 JENIE ODON AND GRACE CONTINUED MOTION TO VALUE  
JM-1 PAULINO COLLATERAL OF BANK OF AMERICA  
11-13-14 [23]

17. 14-31344-D-13 SANTIAGO/ARGELIA CAMPERO MOTION TO CONFIRM PLAN  
HWW-2 1-15-15 [24]

**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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

18. 14-29046-D-13 SHAHZAN ALI MOTION TO CONFIRM PLAN  
DCJ-1 1-7-15 [41]

**Final ruling:**

This case was dismissed on February 18, 2015. As a result the motion will be denied by minute order as moot. No appearance is necessary.

19. 14-29854-D-13 FABIAN PELAYES AND MOTION TO CONFIRM PLAN  
PLL-1 DEOLINDA MOYANO 1-19-15 [44]

**Final ruling:**

This is the debtors' motion to confirm a chapter 13 plan. The motion will be denied for the following reasons. First, the notice of hearing states only that at the given time and date, at the given location, the court will hear the motion; it says nothing about the requirement to file written opposition. Pursuant to Fed. R. Bankr. P. 2002(b), creditors must be given 28 days' notice of the time fixed for the filing of objections; that is, they must be given notice of the requirement to file written opposition. Further, pursuant to LBR 3015-1(d)(1), the moving parties were required to bring the motion pursuant to LBR 9014-1(f)(1), which provides that opposition, if any, must be filed and served at least 14 days prior to the hearing date. Here, the notice of hearing failed to inform creditors that opposition, if any, was required to be filed and served, failed to inform them of the deadline to file written opposition, and failed to provide the cautions required by LBR 9014-



1(d)(3). Second, the proofs of service of the motion and notice of hearing were filed as attachments to those documents, rather than separately, as required by LBR 9014-1(e)(3), and did not contain a caption or the other information required by the Revised Guidelines for the Preparation of Documents, EDC 2-901 (Rev. 1/17/14). Third, the proofs of service fail to state the date of service, and inexplicably refer to the first-class postage being "attached hereto." Fourth, the moving parties failed to serve the creditor filing Claim No. 2 at the address on its proof of claim, as required by Fed. R. Bankr. P. 2002(g). (For future reference, counsel should note that another creditor has filed a proof of claim since this motion was filed.) Fifth, the moving parties failed to serve the San Joaquin County Court, listed as a creditor on their Schedule E. Thus, the moving parties failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(b).

As a result of these service and notice defects, the motion will be denied, and the court need not reach the issues raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

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|-----|---------------|---------------------|-----------------------|
| 20. | 13-20775-D-13 | JOHN/LYNDA PENAFLOR | MOTION TO MODIFY PLAN |
|     | RAC-1         |                     | 1-22-15 [35]          |

|     |               |                   |                        |
|-----|---------------|-------------------|------------------------|
| 21. | 10-40977-D-13 | MARTIN/ZEYNA MORA | MOTION TO APPROVE LOAN |
|     |               |                   | MODIFICATION           |
|     |               |                   | 1-19-15 [92]           |

**Final ruling:**

This is the debtors' motion for approval of a mortgage loan modification. The motion will be denied for the following reasons. First, the moving parties served only the chapter 13 trustee, the United States Trustee, and Wells Fargo Bank, which is the creditor whose loan is proposed to be modified. The moving parties failed to serve any of the other creditors in this case, whereas it appears they stand to be directly affected by the relief requested. Second, the proof of service of the amended notice of hearing is incorrect, and as a result, the court cannot determine the date that notice was served. The proof of service states that the amended notice was served on January 16, 2015, whereas the amended notice itself was not signed until January 20, 2015. Third, the moving papers do not contain a docket control number in the format required by LBR 9014-1(c)(3).

As a result of these service defects, the motion will be denied, and the court need not reach the issues raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

22. 14-31577-D-13 CAROLYN WILSON  
PD-1

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY  
CREDITOR GMAT LEGAL TITLE TRUST  
2014-1  
1-14-15 [22]

23. 14-31577-D-13 CAROLYN WILSON  
RDG-1

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
1-9-15 [19]

24. 10-41783-D-13 EDWIN SEDILLO  
PLG-4

OBJECTION TO CLAIM OF CAPITAL  
ONE AUTO FINANCE, CLAIM NUMBER  
2  
12-31-14 [73]

**Final ruling:**

This is the debtor's objection to the claim of Capital One Auto Finance (the "Claimant"), Claim No. 2 on the court's claims register. The proof of claim stated a claim for \$18,079.38 secured by the debtor's 2008 Dodge Ram 1500 pickup. The debtor testifies in support of the objection that he made about eight payments directly to the Claimant at the beginning of the case because he thought he needed to make direct payments until his plan was confirmed. (The debtor's confirmed plan calls for payments to be made to the Claimant through the plan.) The debtor adds that as a result of those payments, he believes the claim has been paid in full. Ordinarily, the payment of a claim during a chapter 13 case, whether through the plan or directly, constitutes a treatment of the claim, not a ground for denying the claim. However, the debtor's purpose here is to disallow "the remaining secured balance owed to Claimant in the amount of \$3,328.01 . . . ." Decl., filed Dec. 31, 2014, at 5:8. The debtor provides no calculations to show why he believes there to be a remaining balance due the Claimant, either in the amount of \$3,328.01 or in any amount. He does, however, testify that he has received the title to the vehicle from the Claimant, which he does not believe would have happened had the claim not been paid in full. The debtor has filed a copy of the pink slip to the vehicle, issued December 3, 2014, which, although it does not contain a signature on the signature line for the lienholder's release of any interest in the vehicle, does not include the name of any lienholder. The court finds this to be sufficient evidence that the loan has been paid off, and therefore, would sustain the objection in part

and overrule the claim as to "any amount not already paid." The court would not be prepared to specify a particular amount of the claim as disallowed absent evidence that the particular amount, whether \$3,328.01 or something else, was not paid.

However, the court is not prepared to sustain the objection at this time because the debtor failed to give notice of the objection in strict compliance with LBR 3007-1(c), which requires that an objection to a proof of claim be served on the claimant at the address on the proof of claim and the address listed in the debtor's schedules, if different. Here, the debtor served the Claimant at the address on its proof of claim, but not at the different address on the debtor's Schedule D. As a result, the court will continue the hearing to permit the debtor to serve the Claimant at the address on his Schedule D. As such, the hearing is continued to April 28, 2015 at 10:00 a.m. The debtor will need to give either 30 or 44 days' notice of the continued hearing, as required by LBR 3007-1. No appearance is necessary on March 3, 2015.

25. 14-31086-D-13 CORINTHIAN JONES MOTION TO CONFIRM PLAN  
PGM-1 1-20-15 [34]  
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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

26. 12-41787-D-13 EDDIE/DIANN MANNIE MOTION TO MODIFY PLAN  
JCK-3 1-22-15 [52]  
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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

27. 14-27887-D-13 KENNY JENSEN AMENDED MOTION TO VALUE  
DSH-3 COLLATERAL OF ALLIANCE CREDIT  
UNION  
Final ruling: 1-6-15 [84]

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.

28. 14-27887-D-13 KENNY JENSEN  
DSH-4

AMENDED MOTION TO VALUE  
COLLATERAL OF ALLIANCE CREDIT  
UNION  
1-6-15 [89]

**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.

29. 14-27887-D-13 KENNY JENSEN  
DSH-5

MOTION TO CONFIRM PLAN  
1-6-15 [78]

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the moving party failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(b). The moving party failed to serve the Internal Revenue Service, which has filed a proof of claim in this case and which is provided for by the plan, at all. The moving party also failed to serve the creditor filing Claim No. 17 at the address on its filed proof of claim, as required by Fed. R. Bankr. P. 2002(g).

As a result of these service defects, the motion will be denied by minute order. No appearance is necessary.

30. 14-28090-D-13 JOSEPH CLARK  
PGM-3

MOTION TO CONFIRM PLAN  
1-7-15 [64]

31. 09-44602-D-13 WILL/KRISTINA COCKRELL  
CJY-1

MOTION TO VALUE COLLATERAL OF  
REAL TIME RESOLUTIONS, INC.  
2-11-15 [83]

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|-----|--|---|--|
| 32. | 14-32307-D-13<br>RDG-2                 | JOSE HERNANDEZ                          | OBJECTION TO CONFIRMATION OF<br>PLAN BY RUSSELL D. GREER<br>2-9-15 [25]                                  |
|     |  |   |  |
| 33. | 14-32216-D-13<br>RDG-1                 | ERIC BARBARY AND MARIAN<br>CORK-BARBARY | OBJECTION TO CONFIRMATION OF<br>PLAN BY RUSSELL D. GREER<br>2-9-15 [15]                                  |
|     |  |   |  |
| 34. | 14-32516-D-13<br>SW-1<br>ALLY BANK VS. | TINA VAZQUEZ                            | MOTION FOR RELIEF FROM<br>AUTOMATIC STAY AND/OR MOTION<br>FOR RELIEF FROM CO-DEBTOR STAY<br>2-17-15 [16] |
|     |  |   |  |
| 35. | 14-32327-D-13<br>RDG-2                 | ROGER/TISHA GALLARDO                    | OBJECTION TO CONFIRMATION OF<br>PLAN BY RUSSELL D. GREER<br>2-9-15 [39]                                  |

36. 14-31730-D-13 RONNIE/DONNA CASTELLANOS CONTINUED OBJECTION TO  
RDG-1 CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
1-23-15 [16]

37. 14-29046-D-13 SHAHZAN ALI OBJECTION TO CONFIRMATION OF  
RRM-1 PLAN BY SURAJ PARKASH PURI  
2-6-15 [50]

**Final ruling:**

**This case was dismissed on February 18, 2015. As a result the objection will be overruled by minute order as moot. No appearance is necessary.**

38. 14-31998-D-13 YOLANDA BURGIN OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
2-9-15 [20]

39. 09-34399-D-13 JULIO/SYLVIA HERRERA MOTION TO APPROVE LOAN  
MLP-3 MODIFICATION  
2-10-15 [60]