



**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Chief Judge Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: TUESDAY
DATE: MARCH 4, 2025
CALENDAR: 9:00 A.M. CHAPTER 13 CASES

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (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 **Court Appearances** page of our website at:

<https://www.caeb.uscourts.gov/Calendar/CourtAppearances>

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 the 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:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- 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 media 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.

PRE-HEARING DISPOSITION INSTRUCTIONS

RULINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling.

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [24-25005](#)-A-13 **IN RE: JAMIE WOLSKY**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE DAVID
P. CUSICK
12-23-2024 [\[13\]](#)

MARK BRIDEN/ATTY. FOR DBT.

Final Ruling

Matter: Objection to Confirmation of Chapter 13 Plan

Notice: Continued from January 22, 2025

Disposition: Overruled as moot

Order: Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified plan after this objection to confirmation was filed. The objection will be overruled as moot.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.

2. [24-25113](#)-A-13 **IN RE: JASON PEREZ AND JENNIFER BECERRA**
[HLG-1](#)

MOTION TO CONFIRM PLAN
1-12-2025 [\[20\]](#)

KRISTY HERNANDEZ/ATTY. FOR DBT.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

Disposition: Denied without prejudice

Order: Civil minute order

The motion requests confirmation of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1323, 1325; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(1)-(2).

The motion will be denied without prejudice as follows.

SERVICE AND NOTICE

As of November 1, 2022, the court adopted Local Bankruptcy Rules 2002-3, 9036-1 and 7005-1 (requiring attorneys and trustees to use a standardized Certificate of Service, EDC 7-005).

The form certificate of service is intended to allow parties to memorialize service efficiently and accurately, and to aid the court in ensuring sufficient service is achieved in each proceeding.

Matrix

Where the Clerk's Matrix of Creditors is attached to the Certificate of Service form, *such list shall be downloaded not more than 7 days prior to the date of serving the pleadings and other documents and shall reflect the date of downloading.* The serving party may download that matrix either in "pdf label format" or in "raw data format." Where the matrix attached is in "raw data format," signature on the Certificate of Service is the signor's representation that no changes, e.g., additions, deletions, modifications, of the data have been made except: (1) formatting of existing data; or (2) removing creditors from that list by the method described in paragraph (c) of this rule.

LBR 7005-1(d) (emphasis added).

In this case, the Clerk's Matrix of Creditors is not attached to the certificate of service. Instead, a list of names and emails are attached to the certificate. See Certificate of Service, ECF No. 25. Accordingly, service of the motion does not comply with LBR 7005-1. The court will deny the motion without prejudice.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to confirm has been presented to the court. Because of the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

3. [23-24215](#)-A-13 **IN RE: SANDRA LYMOND**
[BRL-2](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
10-8-2024 [\[106\]](#)

MARC VOISENAT/ATTY. FOR DBT.
BENJAMIN LEVINSON/ATTY. FOR MV.
CHRISTINA S. DICK, STEVEN P. DICKS, VS.

No Ruling

4. [23-24215](#)-A-13 **IN RE: SANDRA LYMOND**
[RAS-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
10-3-2024 [\[100\]](#)

MARC VOISENAT/ATTY. FOR DBT.
KELLI BROWN/ATTY. FOR MV.
TOWD POINT MORTGAGE TRUST 2019-3,
U.S. BANK NATIONAL ASSOCIATION, VS.

No Ruling

5. [24-25015](#)-A-13 **IN RE: STEVEN/KAREN STRAND**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
12-23-2024 [\[14\]](#)

CATHERINE KING/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: Continued from January 22, 2025

Disposition: Sustained

Order: Civil minute order

The hearing on the Chapter 13 trustee's objection to confirmation was continued to allow the parties to augment the evidentiary record.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation.

In re Andrews, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The debtor has filed a statement indicating that he intends to file an amended plan. Response, ECF No. 20. Accordingly, the court will sustain this objection because the plan is not mathematically feasible due to Debtor's failure to file motions to value collateral, disclose information in the schedules, and provide documents to the trustee. The trustee estimates the plan as proposed is not feasible because the plan depends on two Motions to Value Collateral. 11 U.S.C. § 1325(a)(1), (6).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses, and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained.

6. [25-20016](#)-A-13 **IN RE: MATTHEW MCCANDLESS**
[NAR-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
2-18-2025 [\[30\]](#)

PETER MACALUSO/ATTY. FOR DBT.
NATALI RON/ATTY. FOR MV.
BRITTNEY CLEVINGER VS.

No Ruling

7. [24-20427](#)-A-13 **IN RE: AILEEN GANO SOMERVILLE**
[BLG-1](#)

MOTION TO MODIFY PLAN
1-21-2025 [\[18\]](#)

CHAD JOHNSON/ATTY. FOR DBT.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Modify Chapter 13 Plan

Notice: LBR 3015-1(d)(2), 9014-1(f)(1); written response filed by the trustee

Disposition: Denied

Order: Civil minute order

The motion requests modification of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1325, 1329; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(2). The Chapter 13 trustee responded to the motion, stating that they do not oppose the motion so long as the Motions to Avoid Lien in this matter are granted by the court.

Chapter 13 plan modification is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. "[T]he only limits on modification are those set forth in the language of the Code itself, coupled with the bankruptcy judge's discretion and good judgment in reviewing the motion to modify." *In re Powers*, 202 B.R. 618, 622 (B.A.P. 9th Cir. 1996).

For the following reasons the motion will be denied.

SCHEDULES I AND J

If the debtor's financial condition has materially changed, amended Schedules I and J shall be filed and served with the motion to modify the chapter 13 plan.

LBR 3015-1(g)(3).

This court considers current budget schedules to be part of a debtor's prima facie case for confirmation or modification of a Chapter 13 Plan.

On February 20, 2025, the debtor(s) filed supplemental Schedules I and J in support of the motion to modify the plan, ECF No. 26. The motion and proposed plan were filed two days prior, ECF Nos. 18, 22.

The Schedules I and J have been supplemented and submitted to the court, however, the debtor has not verified the schedules pursuant to Rule 1008.

Rule 1008

A petition, list, schedule, statement, and any amendment *must be verified* or must contain an unsworn declaration under 28 U.S.C § 1746.

Fed. R. Bankr. P. 1008 (emphasis added).

The supplemental schedules were filed without being verified and without an unsworn declaration.

Since the most recently amended schedules were not verified, the debtor has not supported the plan by filing recently amended Schedules I and J. The most recent properly filed budget schedules were filed on February 1, 2024, over a year ago, ECF No. 1. Without current income and expense information the court and the chapter 13 trustee are unable to determine whether the plan is feasible or whether the plan has been proposed in good faith. See 11 U.S.C. § 1325(a) (3), (6).

For the reasons stated above, the debtor's motion to modify plan will be denied.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's Motion to Modify has been presented to the court. Having considered the motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the motion is denied. The court denies modification of the chapter 13 plan.

8. [24-25328](#)-A-13 **IN RE: DENIS GARCIA**
[DPC-2](#)

MOTION TO DISMISS CASE
1-27-2025 [\[21\]](#)

JAMES KEENAN/ATTY. FOR DBT.
DEBTOR NON-OPPOSITION

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Opposition Due: February 18, 2025

Opposition Filed: Unopposed- Debtor Filed Non-Opposition

Cause: 11 U.S.C. § 1307(c)(1) - Plan Delinquency

Best Interests of Creditors/Estate: Dismiss

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). Debtor has filed non-opposition. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CASE DISMISSAL

The chapter 13 trustee moves to dismiss this chapter 13 case for delinquency in payments under the chapter 13 plan. For the reasons stated in the motion, cause exists under § 1307(c)(1) to dismiss the case. Payments under the plan are delinquent in the amount of \$13,200.00 with one payment(s) of \$6,600.00 due prior to the hearing on this motion.

11 U.S.C. § 1307(c)

Except as provided in subsection (f) of this section, on request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause, including—

...

11 U.S.C. § 1307(c).

The court finds that dismissal is in the best interests of the creditors and the estate. This case has not been previously converted from a chapter 7.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss this chapter 13 case has been presented to the court. Having entered the default of respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted because of the delinquency under the chapter 13 plan in this case. The court hereby dismisses this case.

9. [25-20028](#)-A-13 **IN RE: NICOLE STARKS**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
2-12-2025 [\[15\]](#)

ERIC SCHWAB/ATTY. FOR DBT.

Tentative Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); Debtor opposed objection on February 21, 2025

Disposition: To be determined

Order: To be determined

The Chapter 13 trustee objects to confirmation of the debtor(s) plan. Debtor filed a Response to Trustee's objection. Response, ECF No. 19.

CONFIRMATION

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The trustee indicates in his reply that the issues raised in the objection to confirmation have been resolved with the debtor's Response regarding the Internal Revenue Service claim and filing of taxes. Reply, ECF No. 23. The trustee requests that this portion of his objection be overruled.

However, the trustee has stated that recommendation for confirmation of the plan is contingent on if "the electronic payment for February started on 2/20/2025 clears." Reply, ECF No. 23. It is unclear if the plan is current and therefore if the trustee is asking for confirmation.

The court will make inquiries from the Chapter 13 trustee at the time of the hearing.

10. [24-25730](#)-A-13 **IN RE: T. ALEXANDER/KAREN DE LEON**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
2-5-2025 [\[21\]](#)

ANH TRINH/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Matter: Objection to Confirmation of Chapter 13 Plan
Notice: LBR 3015-1(c)(4); no written opposition required
Disposition: Overruled as moot
Order: Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified plan after this objection to confirmation was filed. The objection will be overruled as moot.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.

11. [25-20030](#)-A-13 **IN RE: WILLIS MARSH**
[NLG-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY NEWREZ LLC
2-10-2025 [\[19\]](#)

MARK SHMORGON/ATTY. FOR DBT.
NICHOLE GLOWIN/ATTY. FOR MV.

Final Ruling

Objection: Creditor's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Continued to April 29, 2025, at 9:00 a.m.

Order: Civil minute order

Creditor, NewRez LLC, objects to confirmation of the debtor(s) plan.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the hearing on this objection will be continued to April 29, 2025, at 9:00 a.m. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than March 25, 2025, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the creditor's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagrees with the creditor's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the creditor's objection to confirmation, state whether the issue is disputed or undisputed,

and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the creditor shall file and serve a reply, if any, no later than April 8, 2025. The evidentiary record will close after April 8, 2025; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the creditor's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that any stipulation between the parties resolving this matter must be approved and signed by the Chapter 13 trustee prior to filing with the court. The trustee's signature on the stipulation warrants that the terms of the proposed stipulation do not impact the plan's compliance with 11 U.S.C. § 1325(a).

12. [24-25032](#)-A-13 **IN RE: ARASH RAHIMI AND NOOSHIN NAMI**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
12-23-2024 [\[15\]](#)

MIKALAH LIVIAKIS/ATTY. FOR DBT.
DEBTORS DISMISSED: 01/31/25

Final Ruling

This case was dismissed on January 31, 2025. Accordingly, the objection will be removed from the calendar as moot. No appearances are required.

13. [24-22634](#)-A-13 **IN RE: SUHMER FRYER**
[DPC-3](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
1-27-2025 [\[114\]](#)

PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Objection: Objection to Claim of Exemptions
Notice: LBR 9014-1(f)(1); written opposition required
Disposition: Sustained
Order: Civil minute order

The Chapter 13 trustee objects to the debtor's claim of exemptions in Amended Schedule C, ECF No. 104.

In the instant case, two different sets of exemptions were utilized in the debtor's exemptions. See Schedule C, ECF No. 104. All exemptions listed were under C.C.P. § 704 except for "Clothes" which was listed as C.C.P. § 703.140(b)(3).

This inconsistency was acknowledged by the Debtor, and she stated an amended Schedule C will be filed. Reply, ECF No. 122. The debtor has conceded on the merits and thus the objection shall be sustained.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Trustee's Objection to Claim of Exemptions has been presented to the court. Having considered the objection, oppositions, and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained.

14. [24-24434](#)-A-13 **IN RE: ROBERT MCBRIDE AND VERTIS**
BROWN-MCBRIDE
[GC-1](#)

MOTION TO VALUE COLLATERAL OF REAL TIME RESOLUTIONS, INC.
1-6-2025 [\[37\]](#)

JULIUS CHERRY/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Value Collateral [Real Property; Principal Residence]

Disposition: Denied without prejudice

Order: Civil Minute Order

Chapter 13 debtors may strip off a wholly unsecured junior lien encumbering the debtor's principal residence. 11 U.S.C. §§ 506(a), 1322(b)(2); *In re Lam*, 211 B.R. 36, 40-42 (B.A.P. 9th Cir. 1997); *In re Zimmer*, 313 F.3d 1220, 1222-25 (9th Cir. 2002). A motion to value the debtor's principal residence should be granted upon a threefold showing by the moving party. First, the moving party must proceed by noticed motion. Fed. R. Bankr. P. 3012. Second, the motion must be served on the holder of the secured claim. Fed. R. Bankr. P. 3012, 9014(a); LBR 3015-1(i). Third, the moving party must prove by admissible evidence that the debt secured by liens senior to the responding party's claim exceeds the value of the principal residence. 11 U.S.C. § 506(a); *Lam*, 211 B.R. at 40-42; *Zimmer*, 313 F.3d at 1222-25.

The motion seeks to value real property collateral that is the moving party's principal residence. The motion and supporting declaration do not state with particularity the legal grounds for which relief is being sought.

- A) Motion or Other Request for Relief. The application, motion, contested matter, or other request for relief shall set forth the relief or order sought and *shall state with particularity the factual and legal grounds therefor*. Legal grounds for the relief sought means *citation to the statute, rule, case, or common law doctrine that forms the basis of the moving party's request* but does not include a discussion of those authorities or argument for their applicability.

LBR 9014-1(d)(3)(A) (emphasis added).

The Debtor's motion does not cite to statute, rule, case, or common law as required by the local rules. The court presumes the Debtor is aiming to apply the case law from *Lam* but without clear citation to the law, the court cannot assume this as fact. Thus, the motion does not sufficiently demonstrate an entitlement to the relief requested. See LBR 9014-1(d)(3)(A).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's Motion to Value Collateral has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

15. [24-24434](#)-A-13 **IN RE: ROBERT MCBRIDE AND VERTIS**
BROWN-MCBRIDE
[GC-2](#)

MOTION TO CONFIRM PLAN
1-6-2025 [\[42\]](#)

JULIUS CHERRY/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); written opposition and response filed by the trustee

Disposition: Continued to May 13, 2025, at 9:00 a.m.

Order: Civil minute order

The motion requests confirmation of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1323, 1325; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(1)-(2). The Chapter 13 trustee opposes the motion, objecting to confirmation.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The trustee filed opposition to Debtor's Motion to Confirm on February 14, 2025, citing plan delinquency, that the budget does not support plan payments, and that the plan relies on the pending Motion to Value Collateral. Opposition, ECF No. 51. On February 21, 2025, the trustee filed a response stating the plan is current and the budget supports all plan payments, but that the plan is still reliant on the pending Motion to Value Collateral. Response, ECF No. 58. The trustee opposes the confirmation of the plan if the pending motion is denied. The pending Motion to Value Collateral has been summarily denied without prejudice. Thus, the Motion to Confirm will be continued to May 13, 2025, to allow the Motion to Value Collateral to be refiled.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to confirm a chapter 13 plan has been presented to the court. Having considered the motion together with papers filed in support and opposition to it, and having heard the arguments of counsel, if any, and good cause appearing, presented at the hearing,

IT IS ORDERED that the motion is continued to May 13, 2025, at 9:00 a.m., to allow the debtor to refile their Motion to Value Collateral.

16. [24-24939](#)-A-13 **IN RE: NICHOLE PIKE**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
12-23-2024 [\[31\]](#)

RHONDA WALKER/ATTY. FOR DBT.

Final Ruling

Matter: Objection to Confirmation of Chapter 13 Plan

Notice: Continued from January 22, 2025

Disposition: Overruled as moot

Order: Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified plan after this objection to confirmation was filed. The objection will be overruled as moot.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.

17. [24-24939](#)-A-13 **IN RE: NICHOLE PIKE**
[EAT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LAKEVIEW LOAN
SERVICING, LLC
12-26-2024 [[35](#)]

RHONDA WALKER/ATTY. FOR DBT.
CASSANDRA RICHEY/ATTY. FOR MV.

Final Ruling

Matter: Objection to Confirmation of Chapter 13 Plan
Notice: Continued from January 22, 2025
Disposition: Overruled as moot
Order: Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified plan after this objection to confirmation was filed. The objection will be overruled as moot.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.

18. [24-24939](#)-A-13 **IN RE: NICHOLE PIKE**
[JCW-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY ALLY BANK
12-16-2024 [\[27\]](#)

RHONDA WALKER/ATTY. FOR DBT.

Final Ruling

Matter: Objection to Confirmation of Chapter 13 Plan

Notice: Continued from January 22, 2025

Disposition: Overruled as moot

Order: Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified plan after this objection to confirmation was filed. The objection will be overruled as moot.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.

19. [25-20043](#)-A-13 **IN RE: MOHAMMAD KHAN**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
2-11-2025 [\[23\]](#)

2/18/2025 INSTALLMENT FEE PAID \$81

Final Ruling

As the installment fee has been paid, the order to show cause is discharged. The case will remain pending.

20. [24-23546](#)-A-13 **IN RE: MICHAEL MCGEE**
[GC-1](#)

CONTINUED MOTION FOR COMPENSATION BY THE LAW OFFICE OF
GLAZER AND CHERRY FOR GERALD GLAZER, DEBTORS ATTORNEY(S)
12-30-2024 [\[26\]](#)

JULIUS CHERRY/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

21. [19-23647](#)-A-13 **IN RE: COREY SCHUH**
[DPC-1](#)

MOTION TO DISMISS CASE
2-4-2025 [\[31\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.
DAVID CUSICK/ATTY. FOR MV.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Opposition Due: February 18, 2025

Opposition Filed: Unopposed

Cause: 11 U.S.C. § 1307(c)(6) - Plan Delinquency

Best Interests of Creditors/Estate: Dismiss

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CASE DISMISSAL

The chapter 13 trustee moves to dismiss this chapter 13 case for delinquency in payments under the confirmed chapter 13 plan. For the reasons stated in the motion, cause exists under § 1307(c)(6) to dismiss the case. Payments under the confirmed plan are delinquent in the amount of \$4,371.57 with no further payments coming due prior to the hearing on this motion.

11 U.S.C. § 1307(c)

Except as provided in subsection (f) of this section, on request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause, including—

...

11 U.S.C. § 1307(c).

The court finds that dismissal is in the best interests of the creditors and the estate. This case has not been previously converted from a chapter 7.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss this chapter 13 case has been presented to the court. Having entered the default of respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted because of the delinquency under the confirmed chapter 13 plan in this case. The court hereby dismisses this case.

22. [25-20057](#)-A-13 **IN RE: STEVEN BUSHER**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P CUSICK
2-13-2025 [\[15\]](#)

KEVIN TANG/ATTY. FOR DBT.

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Continued to April 29, 2025, at 9:00 a.m.

Order: Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the hearing on this objection will be continued to April 29, 2025, at 9:00 a.m. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than March 25, 2025, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order,

then the trustee shall file and serve a reply, if any, no later than April 8, 2025. The evidentiary record will close after April 8, 2025; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

23. [19-20459](#)-A-13 **IN RE: RAQUEL RODRIGUEZ**
[DPC-1](#)

MOTION TO DISMISS CASE
2-4-2025 [\[34\]](#)

PETER MACALUSO/ATTY. FOR DBT.
DAVID CUSICK/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

24. [24-24660](#)-A-13 **IN RE: CRAIG PAINTER**
[DPC-2](#)

MOTION TO DISMISS CASE
2-4-2025 [\[40\]](#)

Tentative Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CASE DISMISSAL

The debtor has failed to appear at a § 341 meeting of creditors. See 11 U.S.C. §§ 341, 343. The debtor failed to attend the first meeting of creditors held on December 5, 2025, and the continued meeting held on January 30, 2025. The meeting was continued to February 20, 2025. The court is unsure if Debtor appeared at the continued meeting.

Additionally, the trustee states that the plan has not been properly completed or filed in accordance with LBR 3015-1(a). The debtor has utilized a form from the Eastern District of New York, rather than the Eastern District of California.

For the reasons stated in the motion, cause exists to dismiss the case. *Id.* § 1307(c)(1).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted for unreasonable delay by the debtor that is prejudicial to creditors. The court hereby dismisses this case.

25. [25-20166](#)-A-13 **IN RE: YONG CHI**
[JMJ-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
2-18-2025 [\[24\]](#)

MARK WOLFF/ATTY. FOR DBT.
JEREMY JESSUP/ATTY. FOR MV.
JOSEPH CERRATO VS.

No Ruling

26. [24-25471](#)-A-13 **IN RE: WENDY ROBINSON**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
2-7-2025 [\[26\]](#)

PETER MACALUSO/ATTY. FOR DBT.

Tentative Ruling

If the filing fee has not been paid in full by the time of the hearing, the case may be dismissed without further notice or hearing.

27. [24-25771](#)-A-13 **IN RE: WILLIAM/FRANCES MEROSHNEKOFF**
[FF-4](#)

MOTION TO AVOID LIEN OF AMERICAN EXPRESS NATIONAL BANK
1-21-2025 [\[33\]](#)

GARY FRALEY/ATTY. FOR DBT.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by moving party

Subject: 520 Woodcrest Drive, Vacaville, California

Judicial Lien Avoided: \$27,062.12 (American Express National Bank)

All Other Liens:

- Deed of Trust; \$ 288,952.96, Bank of America
- Judgement Lien; \$8,176.23, American Express National Bank
- Judgement Lien; \$19,891.61, JPMorgan Chase Bank
- Judgement Lien; \$15,480.36, Bank of America

Exemption: \$576,000.00

Value of Property: \$632,000.00

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

DISCUSSION

Section 522(f)

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The operative date for determining lien avoidance under § 522(f) is the date of the petition. *In re Chiu*, 266 B.R. 743, 751 (9th Cir. BAP 2001), *aff'd* 304 F.3d 905 (9th Cir. 2002); *In re Salanoa*, 263 B.R. 120, 123 (Bankr. S.D. Cal. 2001) (the petition date is the "operative date to make all § 522(f) determinations"). It controls: (1) the debtor's right to claim a particular exemption and the amount of that exemption, *Owen v. Owen* 500 U.S. 305, 314 fn. 6 (1991); *In re Reaves*, 285 F.3d 1152, 1156 (9th Cir. 2002); *In re Chiu*, 266 B.R. at 751; (2) the value of the property claimed exempt, 11 U.S.C. § 522(a)(2); *In re Dore*, 124 B.R. 94, 96 (Bankr. S.D. Cal. 1991); *In re Harris*, 120 B.R. 142, 148 (Bankr. S.D. Cal. 1990); and (3) the amount of the lien. *In re Salanoa* 263 B.R. at; March, Ahart & Shapiro, *California Practice Guide: Bankruptcy, Avoidance and Turnover Actions* § 21:1470 et seq. (Rutter Group December 2020).

California Law on Post-Judgment Interest

"Interest accrues at the rate of 10 percent per annum on the principal amount of a money judgment remaining unsatisfied." Cal. Civ. Proc. Code § 685.010; *Hyundai Securities Co. Ltd. v. Lee*, 232 Cal.App.4th 1379, 1390 (2015); *Lucky United Properties Investment, Inc. v. Lee*, 213 Cal.App.4th 635, 642 (2013). Interest accrues the from date judgment is entered. Cal. Code of Civ. Proc. 685.020. In most cases, interest is not compounded. *Big Bear Properties, Inc. v. Gherman*, 95 Cal.App.3d 908, 914-915 (1979); *Mendez v. Kurten*, 170 Cal.App.3d 481, 487 (1985); *Westbrook v. Fairchild*, 7 Cal.App.4th 889, 894-895 (1992). Generally, interest cases upon tender of full satisfaction. Cal. Code of Civ. Proc. 685.030(b) ("If a money judgment is satisfied in full other than pursuant to a writ under this title, interest ceases to accrue on the date the judgment is satisfied in full"). *Wertheim, LLC v. Currency Corp.*, 35 Cal.App.5th 1124, 1132 (2019); *Bell v. Farmers Ins. Exchange*, 137 Cal.App.4th 835, 839-840 (2006).

Here, the responding party's judicial lien, all other liens, and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the responding party's judicial lien will be avoided entirely.

28. [24-25771](#)-A-13 **IN RE: WILLIAM/FRANCES MEROSHNEKOFF**
[FF-5](#)

MOTION TO AVOID LIEN OF AMERICAN EXPRESS NATIONAL BANK
1-21-2025 [\[38\]](#)

GARY FRALEY/ATTY. FOR DBT.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by moving party

Subject: 520 Woodcrest Drive, Vacaville, California

Judicial Lien Avoided: \$8,176.23 (American Express National Bank)

All Other Liens:

- Deed of Trust; \$ 288,952.96, Bank of America
- Judgement Lien; \$27,062.12, American Express National Bank
- Judgement Lien; \$19,891.61, JPMorgan Chase Bank
- Judgement Lien; \$15,480.36, Bank of America

Exemption: \$576,000.00

Value of Property: \$632,000.00

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

DISCUSSION

Section 522(f)

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be

a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The operative date for determining lien avoidance under § 522(f) is the date of the petition. *In re Chiu*, 266 B.R. 743, 751 (9th Cir. BAP 2001), *aff'd* 304 F.3d 905 (9th Cir. 2002); *In re Salanoa*, 263 B.R. 120, 123 (Bankr. S.D. Cal. 2001) (the petition date is the "operative date to make all § 522(f) determinations"). It controls: (1) the debtor's right to claim a particular exemption and the amount of that exemption, *Owen v. Owen* 500 U.S. 305, 314 fn. 6 (1991); *In re Reaves*, 285 F.3d 1152, 1156 (9th Cir. 2002); *In re Chiu*, 266 B.R. at 751; (2) the value of the property claimed exempt, 11 U.S.C. § 522(a)(2); *In re Dore*, 124 B.R. 94, 96 (Bankr. S.D. Cal. 1991); *In re Harris*, 120 B.R. 142, 148 (Bankr. S.D. Cal. 1990); and (3) the amount of the lien. *In re Salanoa* 263 B.R. at; March, Ahart & Shapiro, *California Practice Guide: Bankruptcy, Avoidance and Turnover Actions* § 21:1470 et seq. (Rutter Group December 2020).

California Law on Post-Judgment Interest

"Interest accrues at the rate of 10 percent per annum on the principal amount of a money judgment remaining unsatisfied." Cal. Civ. Proc. Code § 685.010; *Hyundai Securities Co. Ltd. v. Lee*, 232 Cal.App.4th 1379, 1390 (2015); *Lucky United Properties Investment, Inc. v. Lee*, 213 Cal.App.4th 635, 642 (2013). Interest accrues the from date judgment is entered. Cal. Code of Civ. Proc. 685.020. In most cases, interest is not compounded. *Big Bear Properties, Inc. v. Gherman*, 95 Cal.App.3d 908, 914-915 (1979); *Mendez v. Kurten*, 170 Cal.App.3d 481, 487 (1985); *Westbrook v. Fairchild*, 7 Cal.App.4th 889, 894-895 (1992). Generally, interest cases upon tender of full satisfaction. Cal. Code of Civ. Proc. 685.030(b) ("If a money judgment is satisfied in full other than pursuant to a writ under this title, interest ceases to accrue on the date the judgment is satisfied in full"). *Wertheim, LLC v. Currency Corp.*, 35 Cal.App.5th 1124, 1132 (2019); *Bell v. Farmers Ins. Exchange*, 137 Cal.App.4th 835, 839-840 (2006).

Here, the responding party's judicial lien, all other liens, and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the responding party's judicial lien will be avoided entirely.

29. [24-25771](#)-A-13 **IN RE: WILLIAM/FRANCES MEROSHNEKOFF**
[FF-6](#)

MOTION TO AVOID LIEN OF JPMORGAN CHASE BANK, N.A.
1-21-2025 [\[43\]](#)

GARY FRALEY/ATTY. FOR DBT.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by moving party

Subject: 520 Woodcrest Drive, Vacaville, California

Judicial Lien Avoided: \$19,891.61 (JPMorgan Chase Bank)

All Other Liens:

- Deed of Trust; \$ 288,952.96, Bank of America
- Judgement Lien; \$27,062.12, American Express National Bank
- Judgement Lien; \$8,176.23, American Express National Bank
- Judgement Lien; \$15,480.36, Bank of America

Exemption: \$576,000.00

Value of Property: \$632,000.00

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

DISCUSSION

Section 522(f)

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption

that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The operative date for determining lien avoidance under § 522(f) is the date of the petition. *In re Chiu*, 266 B.R. 743, 751 (9th Cir. BAP 2001), *aff'd* 304 F.3d 905 (9th Cir. 2002); *In re Salanoa*, 263 B.R. 120, 123 (Bankr. S.D. Cal. 2001) (the petition date is the "operative date to make all § 522(f) determinations"). It controls: (1) the debtor's right to claim a particular exemption and the amount of that exemption, *Owen v. Owen* 500 U.S. 305, 314 fn. 6 (1991); *In re Reaves*, 285 F.3d 1152, 1156 (9th Cir. 2002); *In re Chiu*, 266 B.R. at 751; (2) the value of the property claimed exempt, 11 U.S.C. § 522(a)(2); *In re Dore*, 124 B.R. 94, 96 (Bankr. S.D. Cal. 1991); *In re Harris*, 120 B.R. 142, 148 (Bankr. S.D. Cal. 1990); and (3) the amount of the lien. *In re Salanoa* 263 B.R. at; March, Ahart & Shapiro, *California Practice Guide: Bankruptcy*, Avoidance and Turnover Actions § 21:1470 et seq. (Rutter Group December 2020).

California Law on Post-Judgment Interest

"Interest accrues at the rate of 10 percent per annum on the principal amount of a money judgment remaining unsatisfied." Cal. Civ. Proc. Code § 685.010; *Hyundai Securities Co. Ltd. v. Lee*, 232 Cal.App.4th 1379, 1390 (2015); *Lucky United Properties Investment, Inc. v. Lee*, 213 Cal.App.4th 635, 642 (2013). Interest accrues the from date judgment is entered. Cal. Code of Civ. Proc. 685.020. In most cases, interest is not compounded. *Big Bear Properties, Inc. v. Gherman*, 95 Cal.App.3d 908, 914-915 (1979); *Mendez v. Kurten*, 170 Cal.App.3d 481, 487 (1985); *Westbrook v. Fairchild*, 7 Cal.App.4th 889, 894-895 (1992). Generally, interest cases upon tender of full satisfaction. Cal. Code of Civ. Proc. 685.030(b) ("If a money judgment is satisfied in full other than pursuant to a writ under this title, interest ceases to accrue on the date the judgment is satisfied in full"). *Wertheim, LLC v. Currency Corp.*, 35 Cal.App.5th 1124, 1132 (2019); *Bell v. Farmers Ins. Exchange*, 137 Cal.App.4th 835, 839-840 (2006).

Here, the responding party's judicial lien, all other liens, and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the responding party's judicial lien will be avoided entirely.

30. [24-25771](#)-A-13 **IN RE: WILLIAM/FRANCES MEROSHNEKOFF**
[FF-7](#)

MOTION TO AVOID LIEN OF BANK OF AMERICA, N.A.
1-21-2025 [\[48\]](#)

GARY FRALEY/ATTY. FOR DBT.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by moving party

Subject: 520 Woodcrest Drive, Vacaville, California

Judicial Lien Avoided: \$15,480.36 (Bank of America)

All Other Liens:

- Deed of Trust; \$ 288,952.96, Bank of America
- Judgement Lien; \$27,062.12, American Express National Bank
- Judgement Lien; \$8,176.23, American Express National Bank
- Judgement Lien; \$19,891.61, JPMorgan Chase Bank

Exemption: \$576,000.00

Value of Property: \$632,000.00

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

DISCUSSION

Section 522(f)

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption

that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The operative date for determining lien avoidance under § 522(f) is the date of the petition. *In re Chiu*, 266 B.R. 743, 751 (9th Cir. BAP 2001), *aff'd* 304 F.3d 905 (9th Cir. 2002); *In re Salanoa*, 263 B.R. 120, 123 (Bankr. S.D. Cal. 2001) (the petition date is the "operative date to make all § 522(f) determinations"). It controls: (1) the debtor's right to claim a particular exemption and the amount of that exemption, *Owen v. Owen* 500 U.S. 305, 314 fn. 6 (1991); *In re Reaves*, 285 F.3d 1152, 1156 (9th Cir. 2002); *In re Chiu*, 266 B.R. at 751; (2) the value of the property claimed exempt, 11 U.S.C. § 522(a)(2); *In re Dore*, 124 B.R. 94, 96 (Bankr. S.D. Cal. 1991); *In re Harris*, 120 B.R. 142, 148 (Bankr. S.D. Cal. 1990); and (3) the amount of the lien. *In re Salanoa* 263 B.R. at; March, Ahart & Shapiro, *California Practice Guide: Bankruptcy*, Avoidance and Turnover Actions § 21:1470 et seq. (Rutter Group December 2020).

California Law on Post-Judgment Interest

"Interest accrues at the rate of 10 percent per annum on the principal amount of a money judgment remaining unsatisfied." Cal. Civ. Proc. Code § 685.010; *Hyundai Securities Co. Ltd. v. Lee*, 232 Cal.App.4th 1379, 1390 (2015); *Lucky United Properties Investment, Inc. v. Lee*, 213 Cal.App.4th 635, 642 (2013). Interest accrues the from date judgment is entered. Cal. Code of Civ. Proc. 685.020. In most cases, interest is not compounded. *Big Bear Properties, Inc. v. Gherman*, 95 Cal.App.3d 908, 914-915 (1979); *Mendez v. Kurten*, 170 Cal.App.3d 481, 487 (1985); *Westbrook v. Fairchild*, 7 Cal.App.4th 889, 894-895 (1992). Generally, interest cases upon tender of full satisfaction. Cal. Code of Civ. Proc. 685.030(b) ("If a money judgment is satisfied in full other than pursuant to a writ under this title, interest ceases to accrue on the date the judgment is satisfied in full"). *Wertheim, LLC v. Currency Corp.*, 35 Cal.App.5th 1124, 1132 (2019); *Bell v. Farmers Ins. Exchange*, 137 Cal.App.4th 835, 839-840 (2006).

Here, the responding party's judicial lien, all other liens, and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the responding party's judicial lien will be avoided entirely.

31. [24-25771](#)-A-13 **IN RE: WILLIAM/FRANCES MEROSHNEKOFF**
[FF-8](#)

MOTION TO CONFIRM PLAN
1-23-2025 [\[54\]](#)

GARY FRALEY/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Modify Chapter 13 Plan

Notice: LBR 3015-1(d)(2), 9014-1(f)(1); written response filed by the trustee

Disposition: Denied

Order: Civil minute order

The motion requests modification of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1325, 1329; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(2). The Chapter 13 trustee responded to the motion, stating that they do not oppose the motion so long as the Motions to Avoid Lien in this matter are granted by the court.

Chapter 13 plan modification is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. "[T]he only limits on modification are those set forth in the language of the Code itself, coupled with the bankruptcy judge's discretion and good judgment in reviewing the motion to modify." *In re Powers*, 202 B.R. 618, 622 (B.A.P. 9th Cir. 1996).

For the following reasons the motion will be denied.

SCHEDULES I AND J

If the debtor's financial condition has materially changed, amended Schedules I and J shall be filed and served with the motion to modify the chapter 13 plan.

LBR 3015-1(g)(3).

This court considers current budget schedules to be part of a debtor's prima facie case for confirmation or modification of a Chapter 13 Plan.

On January 23, 2025, the debtor(s) filed supplemental Schedules I and J in support of the motion to modify the plan, ECF No. 60. The motion and proposed plan were filed on the same date, ECF Nos. 54, 58.

Form EDC 2-0215

The supplemental schedules were filed without the amendment cover sheet, form EDC 2-015. This court requires the use of EDC 2-015 when either supplemental or amended schedules are filed.

The form provides the following instructions:

Attach each amended document to this form. If there is a box on the form to indicate that the form is amended or supplemental, check the box. Otherwise, write the word "Amended" or "Supplemental" at the top of the form.

EDC 2-015.

The use of form EDC 2-015 requires that it be attached to the amended or supplemental schedules ensuring: 1) that documents are properly filed and served in compliance with Rule 1009(a); and 2) that all amended or supplemental documents pertaining to a particular matter are accurately and easily located on the court's docket.

Henceforth, the court requires that all supplemental schedules, and other documents as indicated on form EDC 2-015 be filed attached to the properly executed Form EDC 2-015.

Because of the failure to use form EDC 2-015, the debtor's motion to confirm plan will be denied.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's Motion to Confirm has been presented to the court. Having considered the motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the motion is denied. The court denies confirmation of the chapter 13 plan.

32. [24-25072](#)-A-13 **IN RE: KEITH GROTE**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
12-23-2024 [\[13\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: Continued from January 22, 2025

Disposition: Withdrawn

Order: Civil minute order

Chapter 13 trustee David P. Cusick interposed an objection to the debtor(s)' Chapter 13 plan. LBR 3015-1(c)(4). The debtor(s) responded to the trustee's objection.

DISCUSSION

Federal Rule of Civil Procedure 41 governs the circumstances where a party may withdraw a motion or objection. Fed. R. Civ. P. 41, *incorporated by* Fed. R. Bankr. P. 7041, 9014(c) (applying rule dismissal of adversary proceedings to contested matters). A motion or objection may be withdrawn without a court order only if it has not been opposed or by stipulation "signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A). In all other instances, a motion or objection may be withdrawn "only by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2). Here, the Chapter 13 trustee has signaled his abandonment of his objection. Neither the debtor(s), nor any creditor, has expressed opposition to the withdrawal of the trustee's objection. No unfair prejudice will result from withdrawal of the objection and the court will accede to the trustee's request.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

IT IS ORDERED that the objection is withdrawn.

33. [24-25077](#)-A-13 **IN RE: DARIN/BRENDA MILLER**
[KSH-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY ALLY BANK
12-26-2024 [\[14\]](#)

SCOTT JOHNSON/ATTY. FOR DBT.
KRISTIN SCHULER-HINTZ/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

34. [24-25084](#)-A-13 **IN RE: CINDY HOLLEY**
[DWE-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY FIRSTKEY
MASTER FUNDING 2021-A COLLATERAL TRUST
12-24-2024 [\[23\]](#)

DANE EXNOWSKI/ATTY. FOR MV.

Final Ruling

Matter: Objection to Confirmation of Chapter 13 Plan
Notice: LBR 3015-1(c)(4); no written opposition required
Disposition: Overruled as moot
Order: Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified plan after this objection to confirmation was filed. The objection will be overruled as moot.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.