



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Department B – 510 19th Street
Bakersfield, California**

Hearing Date: Wednesday, March 5, 2025

At this time, when in-person hearings in Bakersfield will resume is to be determined. No persons are permitted to appear in court for the time being. All appearances of parties and attorneys shall be as instructed below.

Unless otherwise ordered, all matters before the Honorable René Lastreto II shall be simultaneously: (1) via **ZoomGov Video**, (2) via **ZoomGov Telephone**, and (3) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties or their attorneys who wish to appear at a hearing remotely must sign up by **4:00 p.m. one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/CourtAppearances>. Each party/attorney 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 and their attorneys who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest and/or their attorneys 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 who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued 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.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called, and all parties will need to appear at the hearing unless otherwise ordered. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

Post-Publication Changes: The court endeavors to publish its rulings as soon as possible. However, calendar preparation is ongoing, and these rulings may be revised or updated at any time prior to 4:00 p.m. the day before the scheduled hearings. Please check at that time for any possible updates.

9:00 AM

1. [24-13003](#)-B-13 **IN RE: GUILLERMO MATUS SALINAS**
[LGT-2](#)

MOTION TO DISMISS CASE
1-17-2025 [\[25\]](#)

STEVEN ALPERT/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order.

The chapter 13 trustee asks the court to dismiss this case for unreasonable delay by the debtor that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)) and because debtor has failed to make all payments due under the plan (11 U.S.C. § 1307(c)(4)). Doc. #25. Debtor did not oppose.

Unless the trustee's motion is withdrawn before the hearing, the motion will be GRANTED without oral argument for cause shown.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee asks the court to dismiss this case for unreasonable delay by the Debtor that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)) and because Debtor has failed to make all payments due under the plan (11 U.S.C. § 1307(c)(4)). Doc. #27. Debtor is delinquent in the amount of \$2,796.00. Before this hearing, another payment in that same amount will also come due. *Id.*

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan

may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay.

In addition, the trustee has reviewed the schedules and determined that the Debtor's assets are over encumbered and are of no benefit to the estate. Because there is no equity to be realized for the benefit of the estate, dismissal is in the best interests of creditors and the estate. Doc. #25.

Accordingly, the motion will be GRANTED and the case dismissed.

2. [24-12205](#)-B-13 **IN RE: CESAR RODRIGUEZ HERNANDEZ AND MILAGROS RODRIGUEZ**
[DHC-1](#)

CONTINUED MOTION TO CONFIRM PLAN
11-5-2024 [\[27\]](#)

MILAGROS RODRIGUEZ/MV
DAVID CHUNG/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing in this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was originally heard on January 8, 2025. Doc. #40.

Cesar Rodriguez Hernandez and Milagros Migdalia Rodriquez ("Debtors") moved for an order confirming the First Modified Chapter 13 Plan dated October 22, 2024. Doc. #27. Chapter 13 trustee Lilian G. Tsang ("Trustee") timely objected to confirmation, but later withdrew it after the Debtors resolved the issues to which she objected. Docs. #36, #53.

No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Plan payments to be \$1,200.00 per month.
2. Outstanding Attorney's fees in the amount of \$7,500.00 to be paid through the plan in accordance with LBR 2016-10.
3. Secured creditors to be sorted into appropriate Classes and paid as follows:
 - a. Toyota Financial Services (Class 2A, 2022 Toyota Highlander). \$32,117.02 at 2.50% to be paid at \$926.94 per month.
 - b. Nationstar Mortgage (Class 4, 2330 Hubert Street, Bakersfield, CA). Ongoing mortgage payment of \$2,150.00 to be paid directly by Debtors.
4. A dividend of 11% to unsecured creditors.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of any party in interest, including but not limited to the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered (except for the objection of the Trustee which was withdrawn), and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion will be GRANTED. The confirmation order shall include the docket control number of the motion and reference the plan by the date it was filed.

3. [24-12620](#)-B-13 **IN RE: LAKEYSHIA MCGILL**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN TSANG
10-28-2024 [\[18\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing in this matter.

DISPOSITION: Withdrawn.

No order is required.

On February 26, 2025, the Trustee withdrew this Objection to Confirmation. Doc. #56. Accordingly, the Objection is WITHDRAWN.

4. [24-11525](#)-B-13 **IN RE: BARBARA CHRISMAN**
[NES-4](#)

MOTION FOR COMPENSATION FOR NEIL E. SCHWARTZ, DEBTORS ATTORNEY(S)
1-30-2025 [\[59\]](#)

NEIL SCHWARTZ/ATTY. FOR DBT.
DISMISSED 01/09/2025

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSIITON: Granted in part and denied in part. Applicant
awarded \$2053.00 in fees and costs. \$447.00
shall be refunded to the debtor.

ORDER: The court will issue the order.

Attorney Neil E. Schwartz ("Applicant") filed this Chapter 13 bankruptcy case on behalf of Barbara Marie Chrisman ("Debtor") on June 2, 2024. Doc. #1. On January 8, 2025, the Debtor filed a motion for voluntary dismissal, which the court granted on January 9, 2025. Docs. #48, #51. The case was dismissed before confirmation of the Chapter 13 plan.

On January 14, 2025, Chief Judge Clement ordered Applicant to file a compensation motion with this court under General Order 23-02, and this application was timely filed. Docs. #55, #59 *et seq.* The motion is accompanied by exhibits in the form of a narrative and billing records. Doc. #61. Debtor consented to the fee request. *Id.*

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a prima facie case for the requested relief. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). But here, the court will alter the relief requested for the reasons stated.

No party in interest timely filed written opposition, and the defaults of all nonresponding parties will be entered. This motion will be GRANTED IN PART AND DENIED IN PART.

According to the narrative, Applicant collected \$2,500.00 as an "initial retainer" to represent the Debtor in the Chapter 13 proceeding. Applicant opted out of the flat-fee and indicated in

Section 3.05 of the proposed Chapter 13 Plan that compensation would be paid pursuant to filing a motion pursuant to LBR 2016-1(c). Doc. #3. Applicant wishes to keep the initial retainer of \$2,500.00.

LBR 2016-1(a) provides:

Subject to debtor(s)' agreement, debtor(s)' counsel may be compensated for services rendered and reimbursed for actual, necessary expenses either: (1) after obtaining court approval by noticed motion, as specified in subdivision (b) hereof; or (2) without court approval by accepting the flat fee, as specified in subdivision (c) hereof.

The court has reviewed the application, the docket of the case, and the evidence presented.

The moving papers assert that Applicant has incurred \$6,842.50 in fees based on 21.00 billable hours and \$95.00 in expenses. Docs. #59, #61. The billing records, however, indicate that Applicant only incurred \$1,907.50 in fees based on 6.2 billable hours *prepetition*, and \$408.00 in *prepetition* expenses, for a total *prepetition* request of \$2,315.50. Doc. #61.

In Chapter 13 cases, "the court may allow reasonable compensation for the debtor's attorney for representing the interests of the debtor in connection with the bankruptcy case based on a consideration of the benefit and necessity of such services to the debtor and the other factors set forth [in section 330]." 11 U.S.C. § 330 (a) (4) (B).

The court is familiar with applicant's expertise and work product having presided over many cases involving applicant. Applicant's hourly rate of \$350 per hour is within the range of usual charges in this District for similar work by counsel with similar skill and expertise.

The court is unaware of the experience of applicant's paralegal and no evidence about that is included in the application. But the court is familiar with the general rates charged on comparable cases and \$175 per hour is toward the high range but is acceptable.

Applicant does not seek approval of any post-petition work. So, the court will focus on the pre-petition charges.

The charges for the paralegal on April 4, 2024 (for .7 and .8 hours) appears clerical in nature. Since the court must consider the "nature" of the services, these charges do not require professional judgment. Accordingly, the client should not be charged \$262.50.

The court has reviewed the charges for applicant's legal services and the court finds the pre-petition effort reasonable and the nature of the service beneficial to applicant's client. This case involved a "below median" debtor who was about six months behind on her house payments. It was a "save the house" case. But no exigent

circumstances or special effort appeared needed in this case and none was identified by applicant.

Charges for Plan preparation could be problematic. It appears that though three plans were filed (an original Plan and two modified Plans), all three were the same Plan. The first Plan was unsigned and the last two signed June 2, 2024. As noted, no Plan was confirmed. Nevertheless, the client charge for preparation of the one Plan is appropriate since applicant is not seeking to be compensated for any post-petition work.

Subtracting \$262.50 from the total pre-petition hourly fee charges of \$1907.50 leaves a total fee of \$1645.00. To that should be added the \$408.00 of costs for filing fee, required online courses, and credit report. That is a total of \$2053.00 of allowed fees and costs.

The court will award \$2,053.00 in fees and costs to applicant. Applicant to refund \$447.00 to the Debtor.

5. [24-13331](#)-B-13 **IN RE: LUCIA SILVA**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
LILIAN G. TSANG
12-17-2024 [[12](#)]

ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing in this matter.

DISPOSITION: Overruled as moot.

ORDER: The court will prepare the order.

This matter was originally set for hearing on February 5, 2025. Doc. #24. At that time, the court continued this hearing so that this Objection could be heard in conjunction with the pending *Motion to Dismiss*. See Doc. #19; Item 6 below. Debtor has filed a Response to the Motion to Dismiss stating, *inter alia*, that Debtor planned to resolve the issues underlying the dismissal motion by filing a new plan. On February 26, 2025, Debtor withdrew the plan dated November 15, 2024. Doc. #29.

No new plan has been filed thus far. However, as the plan which is the subject of this Objection has been withdrawn, this particular objection will be OVERRULED as moot.

6. [24-13331](#)-B-13 **IN RE: LUCIA SILVA**
[LGT-2](#)

MOTION TO DISMISS CASE
1-23-2025 [\[19\]](#)

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order.

Chapter 13 trustee Lillian G. Tsang ("Trustee") asks the court to dismiss this case for cause on the following grounds:

1. Unreasonable delay that is prejudicial to creditors [11 U.S.C. § 1307(c)(1)];
2. Failure to appear at the 341 Meeting of Creditors set for December 17, 2024, and the continued 341 Meeting of Creditors set for January 21, 2025 [11 U.S.C. § 341];
3. Failure to provide a lengthy list of documents as outlined in the motion; and
4. Failure to commence making timely payments due under the plan. [11 U.S.C. § 1307(c)(4).

Doc. #19.

Debtor's attorney responded, indicating that he has been unable get into contact with Debtor until recently due to "a lot of personal issues after filing," one of which appears to have been a car accident. Doc. #28. Counsel avers that Debtor met with him on February 19, 2025, to discuss this motion. *Id.* Counsel further avers that Debtor intends to appear at the continued 341 Meeting set for March 4, 2025, that the missing documents will be provided to Trustee prior to the hearing date, and that a new plan will be filed forthwith. *Id.*

This matter will be called and proceed as scheduled. The court is inclined to GRANT the motion.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the Debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest are entered. Upon default, factual allegations will be taken as true (except those relating to

amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987).

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors and failure to commence making plan payments.

The record shows that there has been unreasonable delay by the debtor that is prejudicial to creditors for failing to commence making plan payments. Debtor was delinquent \$3,200.00 as of the date this motion was filed, with additional monthly plan payments of \$3,200.00 due for January 25, 2025, and February 25, 2025. Docs. #19, #21.

Trustee avers that, due to Debtor's failure to file accurate and complete schedules, Trustee cannot determine the liquidation value of this case.

This matter will be called and proceed as scheduled to inquire whether Debtor has filed a new plan or otherwise taken steps to cure the grounds for dismissal proffered by Trustee. Otherwise, this motion may be GRANTED, and the case dismissed.

7. [24-13433](#)-B-13 **IN RE: GILBERT COTA**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
LILIAN G. TSANG
1-15-2025 [\[17\]](#)

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Sustained.

ORDER: The court will prepare the order.

This matter was originally set for February 5, 2025. Doc. #29.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the Chapter 13 Plan filed by Gilbert Cota ("Debtor") on November 27, 2024, on the following basis:

1. Debtor failed to appear at the 341 hearing on January 14, 2025. The continued meeting is set for February 4, 2025. Additionally, Debtor has failed to provide: (a) proof of identification; (b) proof of Social Security Number; (c) pay advices for the 60 days prior to filing; and (d) 2023 tax returns.

Doc. #17.

The court continued this objection to March 5, 2025, at 9:00 a.m. Doc. #29. Debtor was directed to file and serve a written response to the objection not later than fourteen (14) days before the continued hearing date, or file a confirmable, modified plan in lieu of a response not later than seven (7) days before the continued hearing date, or the objection would be sustained on the grounds stated in the objection without further hearing. *Id.*

Debtor neither filed a written response nor a modified plan. Therefore, Trustee's objection will be SUSTAINED on the grounds stated in the objection.

8. [24-13433](#)-B-13 **IN RE: GILBERT COTA**
[LGT-2](#)

MOTION TO DISMISS CASE
1-17-2025 [\[21\]](#)

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The court will issue an order.

Chapter 13 trustee Lillian G. Tsang ("Trustee") asks the court to dismiss this case for cause on the following grounds:

1. Unreasonable delay that is prejudicial to creditors [11 U.S.C. § 1307(c)(1)];
2. Failure to appear at the 341 Meeting of Creditors set for January 14, 2025 [11 U.S.C. § 341];
3. Failure to provide a lengthy list of documents as outlined in the motion;
4. Failure to complete Credit Counseling prior to filing the case [11 U.S.C. 109(h)]; and
5. Failure to commence making timely payments due under the plan. [11 U.S.C. § 1307(c)(4).

Doc. #21. The docket reflects that Debtor did not attend the continued 341 meeting conducted on February 4, 2025. *Docket generally.*

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the Debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned

parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay.

The record shows that there has been unreasonable delay by the debtor that is prejudicial to creditors for failing to commence making plan payments. Debtor was delinquent \$320.00 as of the date this motion was filed, with additional monthly plan payments of \$334.00 due for January 25, 2025, and February 25, 2025. Docs. #21, #23.

Additionally, there is no indication on the record that Debtor has completed Credit Counseling as required by § 109(h), which is independent cause for dismissal.

Trustee avers that, due to Debtor's failure to file accurate and complete schedules, Trustee cannot determine the liquidation value of this case.

Debtor did not oppose this motion. Unless the trustee's motion is withdrawn before the hearing, the motion will be GRANTED without oral argument for cause shown, and the case dismissed.

9. [24-13433](#)-B-13 **IN RE: GILBERT COTA**
[RAS-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK
TRUST NATIONAL ASSOCIATION
1-21-2025 [\[26\]](#)

U.S. BANK TRUST NATIONAL ASSOCIATION/MV
DAVID COATS/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Sustained.

ORDER: The court will issue the order.

This matter was originally set for February 5, 2025. Doc. #29.

U.S. Bank Trust National Association, Not In Its Individual Capacity But Solely As Collateral Trust Trustee Of FirstKey Master Funding 2021-A Collateral Trust, by and through its authorized loan servicing agent, Select Portfolio Servicing (collectively the "Creditor"), secured creditor of the above named debtor, Gilbert Cota ("Debtor"), hereby objects to confirmation of the Chapter 13 Plan filed by the Debtor in the above-referenced matter on the following grounds:

1. Debtor's plan is unclear as to the treatment of Creditor's claim, as it is listed under two conflicting sections and the plan provisions are illegible.
2. The plan proposes to place Creditor's claim under Part 3 and Section 3.1, which is reserved for secured claims on which the last payment is due after the date on which the final payment under the Plan is due. Creditor objects to the placement of its secured claim under part 3, because Creditor's claim has already matured. Creditor's claim is a total debt claim and does not belong under Part 3 of the Debtor's Plan must provide for the full satisfaction of Creditor's claim if it is to be confirmable.

Doc. #26.

The court continued this objection to March 5, 2025, at 9:00 a.m. Doc. #29. Debtor was directed to file and serve a written response to the objection not later than fourteen (14) days before the continued hearing date, or file a confirmable, modified plan in lieu of a response not later than seven (7) days before the continued hearing date, or the objection would be sustained on the grounds stated in the objection without further hearing. *Id.*

Debtor neither filed a written response nor a modified plan. Therefore, Trustee's objection will be SUSTAINED on the grounds stated in the objection.

10. [24-13541](#)-B-13 **IN RE: ANTONIO HINOJOSA**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
LILIAN G. TSANG
1-17-2025 [\[13\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled.

ORDER: The minutes of the hearing will be the court's
findings and conclusions. Order preparation
determined at the hearing.

This matter was originally heard on February 5, 2025. Doc. #22.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to
confirmation of the *Chapter 13 Plan* filed by Antonio Hinojosa
("Debtor") on December 8, 2024, on the following basis:

1. The plan proposes to pay 0% to general unsecured creditors,
and Debtor has no unsecured priority debt. Trustee estimates
that the case has a liquidation value of \$540.75, and so a 0%
plan is inadequate.

Doc. #13. On February 13, 2025, Debtor filed a Response noting that
Debtor has scheduled \$73,493.00 in unsecured debt, and if the case
were liquidated, unsecured creditors would receive a distribution of
0.73% (or even less because of trustee compensation and expenses),
which is not a meaningful distribution. Doc. #30. Thus, Debtor
argues, he passes the liquidation analysis, and the plan should be
confirmed. *Id.*

The Trustee is required to present the facts that may impact the
decision to confirm or not confirm the Plan. § 1302(b)(2)(B), (4).
The Debtor has the burden of proof on Plan confirmation issues. One
of those is "liquidation." Though it appears there would be little
to distribute to unsecured creditors if this case proceeded to
Chapter 7, the Trustee has a duty to present the salient facts to
the court.

Unless the Trustee withdraws this Objection, this matter will
proceed as scheduled so that the parties can present arguments as to
the effects of the liquidation test on this case. Based on the
information presented so far, the court is inclined to OVERRULE the
objection.

11. [24-13541](#)-B-13 **IN RE: ANTONIO HINOJOSA**
[NLG-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY
NEW AMERICAN FUNDING, LLC
1-21-2025 [\[16\]](#)

NEW AMERICAN FUNDING, LLC/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
NICHOLE GLOWIN/ATTY. FOR MV.
WITHDRAWN

FINAL RULING: There will be no hearing in this matter.

DISPOSITION: Withdrawn.

No order is required.

On February 4, 2025, New American Funding, LLC, withdrew this Objection to Confirmation. Doc. #20. Accordingly, this Objection is WITHDRAWN.

12. [24-12864](#)-B-13 **IN RE: ALLAN/MADELINE WINANS**
[RSW-1](#)

CONTINUED MOTION TO CONFIRM PLAN
12-12-2024 [\[26\]](#)

MADELINE WINANS/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to April 2, 2025, at 9:00 a.m.

ORDER: The court will issue an order.

This matter was originally heard on February 5, 2025. Doc. #42.

On February 13, 2025, the Debtors in the above-styled Chapter 13 case filed a Supplemental Response to the Trustee's Objection to Confirmation in which Debtors' counsel stated candidly that the plan is not ready for confirmation because Debtor has gained new employment, and Co-Debtor has learned that she will soon begin receiving monthly payments from a trust left by a relative. Doc. #45. The Supplemental Response avers that the Debtors will soon be filing amended documents and that the plan payment may need to be increased. *Id.* Debtors request that this matter be continued.

The court finds this request to be well-taken. Accordingly, this matter is CONTINUED TO April 2, 2025, at 9:00 a.m.

13. [24-13665](#)-B-13 **IN RE: JUSTIN/SHARLENE TUEY**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
2-5-2025 [\[23\]](#)

LILIAN TSANG/MV
D. GARDNER/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to April 2, 2025, at 9:00 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Justin and Sharlene Tuey (collectively "Debtors") on January 3, 2025, on the following basis:

1. Debtors have not filed page 2 of Form 106. Debtors have failed to provide personal and business bank statements for the month of June 2024.
2. The plan calls for a monthly payment of \$951.00, which is not feasible. Also, the plan does not provide for a priority tax debt in the amount of \$1,800.00. The plan must be increased to at least \$1,792.00 per month for 60 months to be feasible.
3. Debtors have not filed the required Form 122C-2. Debtors have not provided paystubs from their employer.

Doc. #23.

This objection will be CONTINUED to April 2, 2025, at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

14. [24-13665](#)-B-13 **IN RE: JUSTIN/SHARLENE TUEY**
[LGT-2](#)

MOTION TO DISMISS CASE
2-13-2025 [\[28\]](#)

LILIAN TSANG/MV
D. GARDNER/ATTY. FOR DBT.

FINAL RULING: There will be no hearing in this matter.

DISPOSITION: Withdrawn.

No order is required.

On March 3, 2025, the Trustee withdrew this Motion to Dismiss. Doc. #35. Accordingly, this motion is WITHDRAWN.

15. [24-13665](#)-B-13 **IN RE: JUSTIN/SHARLENE TUEY**
[SKI-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY AMERICREDIT
FINANCIAL SERVICES, INC
1-31-2025 [\[18\]](#)

AMERICREDIT FINANCIAL SERVICES, INC./MV
D. GARDNER/ATTY. FOR DBT.
SHERYL ITH/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to April 2, 2025, at 9:00 a.m.

ORDER: The court will issue an order.

AmeriCredit Financial Services, Inc. d/b/a GM Financial ("GMF") objects to confirmation of the *Chapter 13 Plan* filed by Justin and Sharlene Tuey (collectively "Debtors") on January 3, 2025, on the following basis:

1. Debtors' plan proposes to treat GMF as a Class 2(A) creditor with regard to a 2018 Dodge Ram 2500 ("the Vehicle"). GMF avers that the Vehicle is not a part of the estate and neither Debtor has any ownership interest in the Vehicle. Rather, the Vehicle is owned by Qwik Time Air Conditioning 7 Heating Inc. ("Qwik Time"), a separate legal entity not a party to this bankruptcy. Co-Debtor Sharlene Tuey did execute a personal guaranty as to the Vehicle and the Qwik Time debt owed to GMF, but she is not the primary obligor nor an owner of the Vehicle. Therefore, GMF's claim cannot be treated through the plan.

Doc. #18.

This objection will be CONTINUED to April 2, 2025, at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

16. [24-13580](#)-B-13 **IN RE: CHRISTOPHER ADAMES**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
1-24-2025 [\[13\]](#)

LILIAN TSANG/MV
JAMES BEIRNE/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to April 2, 2025, at 9:00 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Christopher Adames on December 12, 2024, on the following basis:

1. The plan calls for a monthly payment of \$1,200.00, which is not feasible in a five-year plan. The plan payment must be increased to at least \$3,823.00, not including the vehicle claim for a 2009 Jeep Wrangler that must be moved to Class 2.
2. The dividend to unsecured creditors (currently 70%) must be increased based on Debtor's monthly disposable income.
3. Debtor's counsel took more than 25% of the total attorney's fees prior to filing in contravention of LBR 2016-1(c)(3). Also, Debtor did not file the standardized Attorney Disclosure Statement required in this district.
4. Schedule J must be amended, as Debtor's mortgage is both listed as a Class 1 claim to be paid through the plan and also as a Schedule J deduction.

Doc. #13.

This objection will be CONTINUED to April 2, 2025, at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed,

or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

10:00 AM

1. [24-13201](#)-B-7 **IN RE: JONATHAN BARRACLOUGH**
[JCW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
1-10-2025 [\[13\]](#)

FORD MOTOR CREDIT COMPANY LLC/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

Ford Motor Credit Company, LLC ("Movant") seeks relief from the automatic stay under 11 U.S.C. §§ 362(d)(1) and (d)(2) with respect to a 2020 Ford Transit 250 Cargo Van Extended Length High Roof Van 3D (VIN: 1FTBR3X83LKB60779) ("Vehicle"). Doc. #13. Movant also requests waiver of the 14-day stay of Fed. R. Bankr. P. 4001(a)(3). *Id.*

Jonathan Barraclough ("Debtor") did not file opposition, and the Vehicle was surrendered to the Movant on October 15, 2024.

The notice did not comply with LBR 9014-1(d)(3)(B)(i), which requires the notice of hearing to include the names and addresses of persons who must be served with any opposition. The U.S. Trustee was not listed as a person to serve. Counsel is advised to review the local rules and ensure procedure compliance in subsequent matters. Doc. 14.

Typically, this motion would be denied without prejudice for the above procedural defect. However, it appears that Movant took possession of the Vehicle prior to the filing of the case, and the Vehicle was not listed as an asset of the estate, so the court is willing to overlook this defect in the absence of any objections, none of which were timely filed.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages).

Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case-by-case basis." *In re Mac Donald*, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtor does not have an equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because Debtor has missed one (1) pre-petition payment in the amount of \$971.57 and one (1) post-petition payment in the amount of \$971.57. Docs. #15, #17. Additionally, Movant recovered possession of the Vehicle pre-petition on October 15, 2024. *Id.* Since the Vehicle has been recovered, the only issue is disposition of the collateral.

The court also finds that the Debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because Debtor is in chapter 7. The Vehicle is valued at \$27,138.00 and Debtor owes \$47,355.35. Doc. #17.

Accordingly, the motion will be granted pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2) to permit the Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because Debtor has failed to make at least two (2) payments to Movant, and the Vehicle is a depreciating asset.

2. [24-11250](#)-B-7 **IN RE: BEAR AG, LLC**
[JMV-1](#)

MOTION FOR ADMINISTRATIVE EXPENSES
2-4-2025 [\[53\]](#)

JEFFREY VETTER/MV
LAUREN NAWORSKI/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

Chapter 7 trustee Jeffrey M. Vetter ("Trustee") seeks authority to pay administrative tax claims in the amount of \$800.00 to the Franchise Tax Board ("FTB") for the tax year 2024. Doc. #53. Trustee also requests to be authorized to pay up to \$1,00.00 for any nominal accrued and assessed interest and fees without further court approval. *Id.*

No party in interest timely filed written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

11 U.S.C. § 503 allows an entity to file a request for payment of administrative expenses. After notice and a hearing, payment of certain administrative expenses shall be allowed, other than those specified in § 502(f), including:

- (B) any tax—
 - (i) incurred by the estate, whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both, except a tax of a kind specified in section 507(a)(8) of this title; or

- (ii) attributable to an excessive allowance of a tentative carryback adjustment that the estate received, whether the taxable year to which such adjustment relates ended before or after commencement of the case;
- (C) any fine, penalty, or reduction in credit relating to a tax of a kind specified in subparagraph (B) of this paragraph; and
- (D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of an expense described in subparagraph (B) or (C), as a condition of its being an allowed administrative expense[.]

11 U.S.C. § 503(b)(1)(B-D). Under 28 U.S.C. § 960(b), trustees are required to pay estate taxes on or before the date they become due even if the respective tax agency does not file a request for administrative expenses. *Dreyfuss v. Cory (In re Cloobek)*, 788 F.3d 1243, 1246 (9th Cir. 2015).

Bear AG, LLC ("Debtor") filed chapter 7 bankruptcy on May 8, 2024. Doc. #1. Trustee was appointed as interim trustee on that same date and became permanent trustee at the first § 341(a) meeting of creditors on September 17, 2019. Doc. #2; Docket generally. Trustee moved to employ Ratzlaff, Tamberi & Wong ("Accountant") to provide accounting services to the estate on September 20, 2024, and the court approved the employment by order dated September 27, 2024. Docs. #36, #42. Trustee declares that, per the assessment of Accountant, the estate has a balance of \$800.00 representing Tax Year 2024 owed to the FTB. Doc. #55. The motion is accompanied by the Trustee's Declaration (*Id.*) but no other evidentiary support.

A statement of the estate's accountant is hearsay and not covered by any exception listed in Mr. Vetter's declaration. Nevertheless, the court will take judicial notice (under FRE 201 (b)) that every LLC organized in California must pay an annual tax of \$800. See <https://www.ftb.ca.gov/file/business/types/limited-liability-company/index.html> (accessed February 27, 2025) (Every LLC that is doing business or organized in California must pay an annual tax of \$800.) The Debtor is an LLC.

Trustee declares that there may be nominal interest, fees, or other penalties owing on account of the administrative tax claim. *Id.* Thus, Trustee asks for an order allowing payment to the FTB of \$800.00, plus up to an additional \$1,000.00 to cover any unexpected future tax liabilities. *Id.* Any taxing agency seeking more than that will only be paid pursuant to court order. *Id.*

This motion was fully noticed and no party in interest timely filed written opposition. Accordingly, this motion will be GRANTED. Trustee will be authorized to pay, in Trustee's discretion, \$800.00 to the FTB for tax year 2024. Further, Trustee will be authorized to pay an additional amount not to exceed \$1,000.00 for any unexpected tax liabilities without further court approval.

3. [25-10183](#)-B-7 **IN RE: MICHAEL WESSON AND CHLOE HAYES**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
2-7-2025 [\[14\]](#)

WILLIAM EDWARDS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the \$338.00 filing fee was paid on February 21, 2025. Accordingly, this order to show cause will be VACATED.

4. [23-10487](#)-B-7 **IN RE: CHERYLANNE FARLEY**
[JMV-2](#)

MOTION FOR COMPENSATION FOR JEFFREY M. VETTER,
CHAPTER 7 TRUSTEE(S)
2-4-2025 [\[150\]](#)

JEFFREY VETTER/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

Jeffrey M. Vetter ("Trustee"), Chapter 7 Trustee in this case, requests fees of **\$17,366.03** and costs of **\$1,896.24** for a total award of \$19,262.27 as statutory compensation and actual and necessary expenses. Doc. 206.

Local Rule of Practice ("LBR") 9014-1(f)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a prima facie case for the requested relief. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

No party in interest timely filed written opposition, and the defaults of all nonresponding parties will be entered. This motion will be GRANTED.

Cherylanne Farley ("Debtor") filed chapter 7 bankruptcy on March 14, 2023. Doc. #1. Trustee was appointed as interim trustee on March 15, 2023, and became permanent trustee on May 2, 2023. Doc. #2; Docket generally.

11 U.S.C. § 326 permits the court to allow reasonable compensation to the chapter 7 trustee under § 330 for the trustee's services. Section 326(a) states:

In a case under chapter 7 or 11, other than a case under subchapter V of chapter 11, the court may allow reasonable compensation under section 330 of this title of the trustee for the trustee's services, payable after the trustee renders such services, not to exceed 25 percent on the first \$5,000 or less, 10 percent on any amount in excess of \$5,000 but not in excess of \$50,000, 5 percent on any amount in excess of \$50,000 but not in excess of \$1,000,000, and reasonable compensation not to exceed 3 percent of such moneys in excess of \$1,000,000, upon all moneys disbursed or turned over in the case by the trustee to parties in interest, excluding the debtor, but including all holders of secured claims.

11 U.S.C. § 326(a). To restate these percentages, a Chapter 7 Trustee is entitled a maximum reimbursement of:

1. \$25% of the first \$5,000.00 in disbursements;
2. \$10% of the next \$45,000.00 in disbursements, if any;
3. 5% of the next \$95,000.00 in disbursements, if any;
4. 3% of any further disbursements exceeding \$1,000,000.00.

11 U.S.C. § 330 requires the court to find that the fees requested are reasonable and for actual and necessary services to the estate, as well as reimbursement for actual and necessary expenses. 11 U.S.C. § 330(a)(1)(A) & (B).

Trustee states that the total disbursements (other than to Debtor) amounted to \$139,159.00. Doc. #207. Trustee seeks statutory reimbursement as follows:

25% of first \$5,000.00	\$1,250.00
10% of next \$45,000.00	\$4,500.00
5% of the remaining \$95,000.00	\$11,616.03
3% of \$0.00	\$0.00
TOTAL	\$17,366.03

Doc. #207. These percentages comply with the percentage restrictions imposed by § 326(a). The services performed by Trustee included but were not limited to: handling the taxes for the estate, overseeing the sale of Debtor's home, and fee applications. Doc. #152.

There is no opposition. The court notes that the evidence of the Trustee's services and activities supporting this application was very sparse. Had there been an objection, far more proof would have been necessary. *Id.* Trustee also seeks expenses \$1,896.24 in expenses, of which \$39.20 is for copies, \$20.80 is for postage, \$22.50 is for CourtCall, and the remainder is for insurance coverage for estate assets. *Id.* The court finds these fees reasonable.

The court finds Trustee's services were actual and necessary to the estate, and the fees are reasonable and consistent with § 326(a). The motion will be GRANTED and Trustee will be awarded the requested fees and costs.

11:00 AM

1. [23-12838](#)-B-7 **IN RE: TONY/ELIZABETH GOWER**
[24-1007](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
4-18-2024 [[1](#)]

KAPITUS SERVICING, INC. V. GOWER
BRIAN HARVEY/ATTY. FOR PL.

NO RULING.

2. [23-12066](#)-B-13 **IN RE: DONALD/JOY RICKETTS**
[23-1038](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
9-21-2023 [[1](#)]

C.F. V. RICKETTS
CHANTAL TRUJILLO/ATTY. FOR PL.

NO RULING.

11:30 AM

1. [24-13662](#)-B-7 **IN RE: ARNULFO CABRERA GORRA**

PRO SE REAFFIRMATION AGREEMENT WITH TOYOTA MOTOR
CREDIT CORPORATION
2-5-2025 [\[32\]](#)

CHRISTOPHER LAURIA/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Removed from calendar. Debtor has 14 days to submit properly signed documents.

ORDER: The court will issue an order.

Debtor's counsel will inform debtor that no appearance is necessary.

A Reaffirmation Agreement between Arnulfo Cabrera Gorra ("Debtor") and Toyota Motor Company Corporation for a 2022 Toyota Rav4 was filed on February 5, 2025. Doc. #32.

The court is not approving or denying approval of the reaffirmation agreement. Debtor was represented by counsel when he entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), if the debtor is represented by counsel, the agreement must be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect. *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The reaffirmation agreement, in the absence of a declaration by Debtor's counsel, does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

The Debtor shall have 14 days to refile the reaffirmation agreement properly signed and endorsed by Debtor's attorney.