

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

March 7, 2017 at 10:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

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

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

2. The court will not continue any short cause evidentiary hearings scheduled below.

3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.

4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	16-90300-D-13	CRAYTON BOYER	MOTION TO MODIFY PLAN
	MSN-1		1-27-17 [36]

2.	16-90802-D-13	WILLIAM LEMMONS	MOTION TO CONFIRM PLAN
	DCJ-2		1-23-17 [47]

Final ruling:

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

3. 16-91105-D-13 DAVID/ELOISA VALENCIA MOTION FOR RELIEF FROM
SBS-1 AUTOMATIC STAY
BANK OF THE OZARKS VS. 2-6-17 [30]

Final ruling:

This case was dismissed on February 21, 2017. As a result the motion will be denied by minute order as moot. No appearance is necessary.

4. 16-90910-D-13 DURLABH GANDHI MOTION TO CONFIRM PLAN
CJY-5 1-11-17 [60]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The trustee filed opposition and the debtor then filed a purported withdrawal of the motion. The withdrawal comes too late under Fed. R. Civ. P. 41(a); however, the court construes the purported withdrawal as an acknowledgment that in light of the trustee's opposition, the debtor does not wish to proceed with this motion. Accordingly, the motion will be denied by minute order. No appearance is necessary.

5. 16-91116-D-13 NICSSON MORADKHANIAN MOTION FOR COMPENSATION FOR
SSA-2 STEVEN S. ALTMAN, CREDITORS
ATTORNEY(S)
2-6-17 [49]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

6. 16-90718-D-13 DANA JONES MOTION TO VALUE COLLATERAL OF
TLC-2 LENDMARK FINANCIAL SERVICES
1-27-17 [37]

Final ruling:

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

7. 16-90520-D-13 ARTIE RAZO
DCJ-2

MOTION TO MODIFY PLAN
1-23-17 [46]

Final ruling:

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

8. 16-90921-D-13 JOHN/JULIE HOLDER
RLF-1

MOTION TO CONFIRM PLAN
1-23-17 [26]

Final ruling:

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

9. 16-91124-D-13 JOSE/MAYRA SANCHEZ
RCO-1

OBJECTION TO CONFIRMATION OF
PLAN BY WELLS FARGO BANK, N.A.
1-26-17 [13]

10. 16-90827-D-13 MICHAEL LOCARNINI
DCJ-2

MOTION TO CONFIRM PLAN
1-23-17 [51]

11. 16-90633-D-13 RAMON/LETICIA GARCIA
BSH-2

MOTION TO CONFIRM PLAN
1-23-17 [56]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied because the moving parties failed to serve JPMorgan Chase Bank, holder of the first mortgage on the debtors' residence and the largest creditor in the case, at the address on its proof of claim, which was filed six weeks before this motion was served, as required by Fed. R. Bankr. P. 2002(g).

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

12. 12-92535-D-13 TERRY/SUSAN COOK
MSN-1

MOTION FOR EXEMPTION FROM
FINANCIAL MANAGEMENT COURSE
AND/OR MOTION TO EXCUSE JOINT
DEBTOR SUSAN ELAINE COOK FROM
COMPLETING THE 11 U.S.C.
SECTION 1328 CERTIFICATE OR
CERTIFICATE OF CHAPTER 13
DEBTOR REGARDING 11 U.S.C.
SECTION 522(Q) EXEMPTIONS
1-25-17 [54]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the Motion for Exemption from Financial Management Course and/or Motion to Excuse Joint Debtor Susan Elaine Cook from Completing the 11 U.S.C. Section 1328 Certificate or Certificate of Chapter 13 Debtor Regarding 11 U.S.C. Section 522(q) Exemptions (the "Motion") is supported by the record. As such the court will grant the Motion. Moving party is to submit an appropriate order. No appearance is necessary.

13. 12-92535-D-13 TERRY/SUSAN COOK
MSN-2

MOTION TO SUBSTITUTE TERRY LYNN
COOK AS THE REPRESENTATIVE FOR
SUSAN ELAINE COOK
1-25-17 [59]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the Motion to Substitute Terry Lynn Cook as the Representative for Susan Elaine Cook is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

14.	16-90946-D-13	DIANE HATTON	MOTION TO CONFIRM PLAN
	DCJ-2		1-23-17 [31]

15.	15-90249-D-13	THERESA TOWNES	MOTION TO MODIFY PLAN
	MSN-1		1-24-17 [58]

Final ruling:

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

16.	12-91853-D-13	KENNETH/LORI FALKENSTROM	CONTINUED OBJECTION TO CLAIM OF
	PGM-3		NATIONAL CREDIT UNION
			ADMINISTRATION BOARD, CLAIM
			NUMBER 10
			11-7-16 [50]

17.	15-90754-D-13	MICHAEL/SHEILA HAEFLINGER	MOTION TO SELL
	DCJ-1		2-7-17 [33]

18. 12-91857-D-13 MARK/ANGELA BUTCHER
MSN-1

MOTION FOR EXEMPTION FROM
FINANCIAL MANAGEMENT COURSE
AND/OR MOTION FOR EXEMPTION
FROM SECTION 1328 CERTIFICATE
1-31-17 [72]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the Motion for Exemption from Financial Management Course and/or Motion for Exemption 11 U.S.C. Section 1328 Certificates (the "Motion") is supported by the record. As such the court will grant the Motion. Moving party is to submit an appropriate order. No appearance is necessary.

19. 12-91857-D-13 MARK/ANGELA BUTCHER
MSN-2

MOTION TO SUBSTITUTE ANGELA
BUTCHER AS THE REPRESENTATIVE
FOR MARK STEVEN BUTCHER
1-31-17 [74]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the Motion to Substitute Angela Butcher as the Representative for Mary Steven Butcher is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

20. 16-90459-D-13 RICARDO/GABRIELA SALVADOR
CJY-2

MOTION TO SELL
2-6-17 [46]

21. 17-90066-D-13 HUMBERTO LARA
SC-1
BRECKENRIDGE PROPERTY FUND
2016, LLC VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-7-17 [8]

Final ruling:

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

22. 16-90167-D-13 LORENZO OJEDA
CAS-5

MOTION TO CONFIRM PLAN
1-19-17 [135]

Final ruling:

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

23. 16-90167-D-13 LORENZO OJEDA
SSA-5

MOTION FOR COMPENSATION FOR
STEVEN S. ALTMAN, CREDITORS
ATTORNEY(S)
2-1-17 [146]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion by minute order. No appearance is necessary.

24. 16-90868-D-13 LISA COOPER
BSH-2

MOTION TO CONFIRM PLAN
1-22-17 [86]

25. 16-90868-D-13 LISA COOPER
BSH-3

MOTION TO VALUE COLLATERAL OF
HAPPO COMMUNITY CREDIT UNION
1-24-17 [96]

26.	16-90868-D-13 BSH-4	LISA COOPER	MOTION TO VALUE COLLATERAL OF NUMERICA CREDIT UNION 1-26-17 [102]
27.	14-91374-D-13 TOG-3	ROMULO GUZMAN	MOTION TO MODIFY PLAN 1-17-17 [22]
28.	16-90777-D-13 TOG-1	EDUARDO PERAZA	MOTION TO CONFIRM PLAN 1-20-17 [23]
29.	15-90481-D-13 JAD-1	JOSE/MENDY SOLANO	MOTION TO MODIFY PLAN 1-12-17 [28]

30. 16-90388-D-13 CRISTINA ZAMUDIO
CAS-4

MOTION TO CONFIRM PLAN
1-12-17 [69]

31. 16-90595-D-13 HERBERT LONG
BSH-3

MOTION TO CONFIRM PLAN
1-23-17 [64]

Final ruling:

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

32. 15-90396-D-13 MICHAEL/DEBBIE DAGUE
MSN-1

MOTION TO MODIFY PLAN
1-20-17 [36]

Final ruling:

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

33. 16-91097-D-13 MERCEDES HOLLOWAY
RDG-2

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
1-30-17 [25]

Final ruling:

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

34. 16-90314-D-13 TERRY FULLEN CONTINUED MOTION FOR RELIEF
RAR-2 FROM AUTOMATIC STAY AND/OR
THE ESTATE OF RICHARD MOTION FOR RELIEF FROM
EMMONS, DECD. VS. CO-DEBTOR STAY
2-8-17 [62]
35. 16-90718-D-13 DANA JONES CONTINUED OBJECTION TO
RDG-1 CONFIRMATION OF PLAN BY RUSSELL
D. GREER
1-30-17 [41]
36. 16-91136-D-13 ANTONIO GOMES OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
2-13-17 [21]
37. 16-91140-D-13 JAMES ENOS OBJECTION TO CONFIRMATION OF
RCO-1 PLAN BY WELLS FARGO BANK, N.A.
2-15-17 [16]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

38. 12-91853-D-13 KENNETH/LORI FALKENSTROM CONTINUED MOTION TO MODIFY PLAN
PGM-4 1-4-17 [63]
39. 11-94160-D-13 CURTIS BENDER AND CAROLYN MOTION TO VALUE COLLATERAL OF
CJY-4 SOUZA-BENDER CITIMORTGAGE, INC.
2-17-17 [66]
40. 14-91462-D-13 JAMES/MELANIE DEAN MOTION TO INCUR DEBT
CJY-2 2-10-17 [54]
41. 16-90868-D-13 LISA COOPER OBJECTION TO CONFIRMATION OF
PLAN BY WELLS FARGO BANK, N.A.
2-13-17 [117]

Final ruling:

This is the an objection to confirmation of the debtors' first amended plan filed by Wells Fargo Bank. It was so styled, and filed with its own notice of hearing, under the procedure provided for by LBR 3015-1(c)(4) for objecting to confirmation of a debtor's original plan, whereas the deadline for objecting to the debtor's original plan in this case, as fixed in the Notice of Chapter 13 Bankruptcy Case, was November 9, 2016. The Bank should have filed instead an opposition to the debtor's motion to confirm her amended plan, Item 24 on this calendar, as provided for in LBR 3015-1(d)(1) and 9014-1(f)(1). The court will consider the issues raised by the Bank in connection with the debtor's motion to confirm plan. This objection to confirmation is removed from calendar as not procedurally appropriate.

42. 15-90769-D-13 DIANA PAULS
SJD-1

MOTION TO INCUR DEBT
2-14-17 [27]

Final ruling:

This is the debtor's motion to incur debt for the purpose of obtaining a student loan. The motion will be denied for the following reasons: (1) the notice of hearing purports to require the filing of written opposition 14 days prior to the hearing date; however, the moving party gave only 22 days' notice of the hearing rather than 28 days', as required by LBR 9014-1(f)(1); and (2) the notice of hearing incorrectly gives the location of the courthouse where the hearing is to be held as the Sacramento courthouse.

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