



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

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**March 10, 2026 at 11:00 a.m.**

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Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (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 **Remote 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 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:

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 medical 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.

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

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**March 10, 2026 at 11:00 a.m.**

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1. [25-27201](#)-C-13 TY HINH OBJECTION TO CONFIRMATION OF  
[DPC-1](#) Phuc Dinh Do PLAN BY DAVID P. CUSICK  
2-11-26 [[14](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 17.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is delinquent in plan payments;
2. Debtor did not appear at the Meeting of Creditors;
3. Debtor has not provided a social security number or ID;
4. Debtor has not provided proof of income or copies of tax returns; and
5. The plan does not provide for a monthly payment for attorney's fees.

**DISCUSSION**

The debtor is \$1,300.00 delinquent in plan payments. Declaration, Dkt. 16. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required pay advices. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e) (2) (A) (i); FED. R. BANKR. P. 4002(b) (3). That is cause to deny confirmation. 11 U.S.C. § 1325(a) (1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

2. [26-20608](#)-C-13 BRANDON ABBEY AND JILL MOTION TO EXTEND AUTOMATIC STAY  
[DEF-1](#) CAPPS-ABBNEY 2-12-26 [[10](#)]  
David Foyil

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 13.

**The Motion to Extend the Automatic Stay is granted.**

Brandon Abbey and Jill Capps-Abbey ("Debtors") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) extended beyond thirty days in this case. This is Debtor's second bankruptcy petition pending in the past year. Debtors' prior bankruptcy case was dismissed on February 2, 2026, after Debtors failed to timely file documents. Order, Bankr. E.D. Cal. No. 26-20162, Dkt. 21. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end as to Debtor thirty days after filing of the petition.

Here, Debtors state that the instant case was filed in good faith and explains that the previous case was dismissed because debtors had been working with an attorney that unbeknownst to them had died.

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond thirty days if the filing of the subsequent petition was filed in good faith. 11 U.S.C. § 362(c)(3)(B). As this court has noted in other cases, Congress expressly provides in 11 U.S.C. § 362(c)(3)(A) that the automatic stay **terminates as to Debtor**, and nothing more. In 11 U.S.C. § 362(c)(4), Congress expressly provides that the automatic stay **never goes into effect in the bankruptcy case** when the conditions of that section are met. Congress clearly knows the difference between a debtor, the bankruptcy estate (for which there are separate express provisions under 11 U.S.C. § 362(a) to protect property of the bankruptcy estate) and the bankruptcy case. While terminated as to Debtor, the plain language of 11 U.S.C. § 362(c)(3) is limited to the automatic stay as to only Debtor. The subsequently filed case is presumed to be filed in bad faith if one or more of Debtor's cases was pending within the year preceding filing of the instant case. *Id.* § 362(c)(3)(C)(i)(I). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. See, e.g., *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at \*6 (Bankr. D. Haw. June 22, 2011) (citing *In re Elliott-Cook*, 357 B.R. 811, 815-16 (Bankr. N.D. Cal. 2006)). Courts consider many factors—including those used to determine good faith

under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c) (3) are:

- A. Why was the previous plan filed?
- B. What has changed so that the present plan is likely to succeed?

*In re Elliot-Cook*, 357 B.R. at 814-15.

Debtors have sufficiently rebutted the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The Motion is granted, and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Extend the Automatic Stay filed by Brandon Abbey and Jill Capps-Abbey having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is granted, and the automatic stay is extended pursuant to 11 U.S.C. § 362(c) (3) (B) for all purposes and parties, unless terminated by operation of law or further order of this court.

3. [24-25011](#)-C-13 DENNIS MCCAFFERTY  
[AP-1](#) Teresa Hung-Nguyn

MOTION FOR RELIEF FROM  
AUTOMATIC STAY AND/OR MOTION  
FOR RELIEF FROM CO-DEBTOR STAY  
1-30-26 [[106](#)]

WELLS FARGO BANK, N.A. VS.

**Final Ruling:** No appearance at the March 10, 2026 hearing is required.  
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The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 112.

**The Motion for Relief from the Automatic Stay is denied as moot.**

Well Fargo Bank, N.A. ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's real property commonly known as 7037 Blackhawk Ln., Foresthill, CA (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d) (1) because the debtor is delinquent 7 postpetition payments in the amount of \$5,462.20. Declaration, Dkt. 109.

The instant case was dismissed on February 25, 2026, for delinquency of plan payments. Dkt. 115.

The applicable Bankruptcy Code provision for the matter before the court is 11 U.S.C. § 362(c) (1) and (2). That section provides:

In relevant part, 11 U.S.C. § 362(c) provides:

(c) Except as provided in subsections (d), (e), (f), and (h) of this section—

(1) the stay of an act against property of the estate under subsection (a) of this section continues until such **property is no longer property of the estate;**

(2) the stay of any other act under subsection (a) of this section continues until the earliest of—

(A) the time the case is closed;

(B) **the time the case is dismissed;** or

(C) if the case is a case under chapter 7 of this title concerning an individual or a case under chapter 9, 11, 12, or 13 of this title, the time a discharge is granted or denied;

11 U.S.C. § 362(c) (emphasis added).

When a case is dismissed, 11 U.S.C. § 349 discusses the effect of

dismissal. In relevant part, 11 U.S.C. § 349 states:

(b) Unless the court, for cause, orders otherwise, a dismissal of a case other than under section 742 of this title—

(1) reinstates—

(A) any proceeding or custodianship superseded under section 543 of this title;

(B) any transfer avoided under section 522, 544, 545, 547, 548, 549, or 724(a) of this title, or preserved under section 510(c)(2), 522(i)(2), or 551 of this title; and

(C) any lien voided under section 506(d) of this title;

(2) vacates any order, judgment, or transfer ordered, under section 522(i)(1), 542, 550, or 553 of this title; and

(3) **revests the property of the estate in the entity in which such property was vested immediately before the commencement of the case under this title.**

11 U.S.C. § 549(c) (emphasis added).

Therefore, as of February 25, 2026, the automatic stay as it applies to the Property, and as it applies to Debtor, was terminated by operation of law. At that time, the Property ceased being property of the bankruptcy estate and was abandoned, by operation of law, to Debtor.

The court shall issue an order confirming that the automatic stay was terminated and vacated as to Debtor and the Property on February 25, 2026.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by Well Fargo Bank, N.A. ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is denied without prejudice as moot.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 15.

**The Motion to Extend the Automatic Stay is granted.**

Vernon Davis ("Debtor") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) extended beyond thirty days in this case. This is Debtor's second bankruptcy petition pending in the past year. Debtor's prior bankruptcy case was dismissed on January 7, 2026, after Debtor voluntarily dismissed. Order, Bankr. E.D. Cal. No. 25-21229, Dkt. 85. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end as to Debtor thirty days after filing of the petition.

Here, Debtor states that the instant case was filed in good faith and explains that the previous case was dismissed because he was not working for four months because of a medical operation.

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond thirty days if the filing of the subsequent petition was filed in good faith. 11 U.S.C. § 362(c)(3)(B). As this court has noted in other cases, Congress expressly provides in 11 U.S.C. § 362(c)(3)(A) that the automatic stay **terminates as to Debtor**, and nothing more. In 11 U.S.C. § 362(c)(4), Congress expressly provides that the automatic stay **never goes into effect in the bankruptcy case** when the conditions of that section are met. Congress clearly knows the difference between a debtor, the bankruptcy estate (for which there are separate express provisions under 11 U.S.C. § 362(a) to protect property of the bankruptcy estate) and the bankruptcy case. While terminated as to Debtor, the plain language of 11 U.S.C. § 362(c)(3) is limited to the automatic stay as to only Debtor. The subsequently filed case is presumed to be filed in bad faith if one or more of Debtor's cases was pending within the year preceding filing of the instant case. *Id.* § 362(c)(3)(C)(i)(I). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. See, e.g., *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at \*6 (Bankr. D. Haw. June 22, 2011) (citing *In re Elliott-Cook*, 357 B.R. 811, 815-16 (Bankr. N.D. Cal. 2006)). Courts consider many factors—including those used to determine good faith

under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c) (3) are:

- A. Why was the previous plan filed?
- B. What has changed so that the present plan is likely to succeed?

*In re Elliot-Cook*, 357 B.R. at 814-15.

Debtor has sufficiently rebutted the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The Motion is granted, and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Extend the Automatic Stay filed by Vernon Davis having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is granted, and the automatic stay is extended pursuant to 11 U.S.C. § 362(c) (3) (B) for all purposes and parties, unless terminated by operation of law or further order of this court.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 12.

**The Motion to Extend the Automatic Stay is granted.**

Jehoaddan Wilson ("Debtor") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) imposed in this case. This is Debtor's third bankruptcy petition pending in the past year with the prior two cases having been dismissed. Debtor's prior bankruptcy cases (Nos. 25-23441 and 25-24282) were dismissed on July 25, 2025, and November 5, 2025, respectively. See Order, Bankr. E.D. Cal. No. 25-23441, Dkt. 11; Order, Bankr. E.D. Cal. No. 25-24282, Dkt. 28. Therefore, pursuant to 11 U.S.C. § 362(c)(4)(A)(I), the provisions of the automatic stay did not go into effect upon Debtor filing the instant case.

Here, Debtor states that the instant case was filed in good faith and explains that the previous case was dismissed because he filed the cases pro se while in prison.

When stay has not gone into effect pursuant to 11 U.S.C. § 362(c)(4), a party in interest may request within 30 days of filing that the stay take effect as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and a hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed. 11 U.S.C. § 362(c)(4)(B).

For purposes of subparagraph (B), a case is presumptively filed not in good faith as to all creditors if:

(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to provide adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that

will be fully performed; . . .

11 U.S.C. § 362(c)(4)(D).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. See, e.g., *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at \*6 (Bankr. D. Haw. June 22, 2011) (citing *In re Elliott-Cook*, 357 B.R. 811, 815-16 (Bankr. N.D. Cal. 2006)). Courts consider many factors—including those used to determine good faith under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c)(3) are:

A. Why was the previous plan filed?

B. What has changed so that the present plan is likely to succeed?

*In re Elliot-Cook*, 357 B.R. at 814-15.

## **DISCUSSION**

Debtor's prior cases were dismissed after Debtor did not timely file all documents. Debtor is now out of prison and has hired experienced bankruptcy counsel to make sure debtor complies with his duty as a debtor in Chapter 13.

Debtor has sufficiently rebutted the presumption of bad faith under the facts of this case and the prior cases for the court to impose the automatic stay.

The Motion is granted, and the automatic stay is imposed for all purposes and parties, unless terminated by operation of law or further order of this court.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Impose the Automatic Stay filed by Jehoddan Wilson ("Debtor") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is granted, and the automatic stay is imposed pursuant to 11 U.S.C. § 362(c)(4)(B) for all purposes and parties, unless terminated by operation of law or further order of this court.

6. [24-25121](#)-C-13 JANA JONES  
[PLG-2](#) Rabin Pournazarian

MOTION TO MODIFY PLAN  
2-2-26 [[47](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 35 days' notice. The Proof of Service shows that 36 days' notice was provided. Dkt. 52.

**The Motion to Modify is granted.**

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

The Chapter 13 trustee filed a response on February 20, 2026. Dkt. 53. Trustee represents that debtor is current on plan payments but that the order modifying must clarify the total amount paid into the plan through February 2, 2026

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Modify Plan filed by the debtor, Jana Jones, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is granted, the Modified Chapter 13 Plan (Dkt. 49) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for Debtor shall prepare an appropriate order modifying the Chapter 13 Plan with the total amount paid into the plan through February 2, 2026, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

7. [25-27125](#)-C-13 CHRISTOPHER SCHIFTAR OBJECTION TO CONFIRMATION OF  
[JCW-1](#) Mohammad M. Mokarram PLAN BY JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION  
2-12-26 [[13](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 18.

**The Objection to Confirmation of Plan is sustained.**

JP Morgan Chase Bank ("Creditor"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not provide for arrears owed to Creditor;  
and
2. Debtor cannot make plan payments.

**DISCUSSION**

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

8. [25-27126](#)-C-13 SHANE/LETICIA JONES  
[DPC-1](#) Julius J. Cherry

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
2-12-26 [[12](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 15.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not provide for equal payments to creditor with a claim secured by vehicles;
2. Payments do not adequately protect Creditor Consumers Credit Union;
3. Plan does not advise creditors the amount they will receive if they file proofs of claim
4. Debtors' income and expenses are inconsistent and not supported by competent admissible evidence.

**DISCUSSION**

The debtors have not explained and has not provided sufficient information relating to the their income and expenses to assist the Chapter 13 Trustee in determining the value of their projected disposable income.

At this point it is unclear what the "pot plan" language in the plan refers to and whether unsecured creditors will receive a dividend payment, and whether debtors are using the non-standard provisions to alter the form plan or they are simply restating the provisions in the form plan.

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 100.

**The Motion to Confirm is denied.**

The debtor filed this Motion seeking to confirm the Third Amended Chapter 13 Plan (Dkt. 95) filed on February 2, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 102) on February 24, 2026, opposing confirmation on the following grounds:

1. Plan is not feasible;
2. Attorney's fees in the plan do not comply with local rules;
3. The nonstandard provisions box in § 1.02 is not checked, but debtor has attached a separate page to the plan;
4. Debtor is paid ahead;
5. Plan does not provide for a possible double payment to Debtor's mortgage lender; and
6. Debtor's schedule I and J show different amounts of income.

**DISCUSSION**

The plan mathematically requires a payment of \$3,640.83 per month, which is greater than the proposed \$1,198.00 payment.

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Because plan payments do not equal the aggregate monthly dividends, the plan will take 103 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the

Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Jorge Garibay, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is denied, and the plan is not confirmed.

10. [25-25828](#)-A-13 JAKE JOHNSON  
[DPC-1](#) Gabriel E. Liberman

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY DAVID  
P. CUSICK  
12-9-25 [[17](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that more than 14 days' notice was provided. Dkt. 20.

**The Objection to Confirmation of Plan is overruled as moot.**

The Chapter 13 trustee filed this Objection to Confirmation on December 17, 2026. Thereafter, the debtor filed an amended plan that was denied on February 27, 2026, making this Objection moot. Dkt. 58.

Therefore, the Objection is overruled.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is overruled as moot.

11. [25-26929](#)-C-13 ALICE FARLEY  
[SMJ-2](#) Scott M. Johnson

MOTION TO CONFIRM PLAN  
1-26-26 [[26](#)]

**Final Ruling:** No appearance at the March 10, 2026 hearing is required.  
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The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 43 days' notice was provided. Dkt. 30.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

**The Motion to Confirm is granted.**

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 29) filed on January 26, 2026.

The Chapter 13 trustee filed a non-opposition on February 20, 2026. Dkt. 33.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Alice Farley, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is granted, the Amended Chapter 13 Plan (Dkt. 29) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

12. [26-20233](#)-C-13 DEMETRIO/EVELYN LALUAN MOTION TO VALUE COLLATERAL OF  
[JTN-1](#) Robert W. Fong TRAVIS CREDIT UNION  
2-9-26 [[12](#)]

**Final Ruling:** No appearance at the March 10, 2026 hearing is required.  
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The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 15.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

**The Motion to Value is granted.**

The debtor filed this Motion seeking to value the portion of Travis Credit Union's ("Creditor") claim secured by the debtor's property commonly known as 2022 Nissan Frontier (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$20,407.00. Declaration, Dkt. 14.

The Chapter 13 Trustee has filed a statement of non-opposition on February 24, 2026. Dkt. 23.

#### **DISCUSSION**

The lien on the Vehicle's title secures a purchase-money loan incurred on November 2021, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Upon review of the record, the court finds the value of the Property is \$20,407.00. Therefore, Creditor's secured claim is determined to be \$20,407.00. 11 U.S.C. § 506(a).

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion pursuant to 11 U.S.C. § 506(a) is granted, and the claim of Travis Credit Union

("Creditor") secured by property commonly known as 2022 Nissan Frontier (the "Property") is determined to be a secured claim in the amount of \$20,407.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

13. [26-20233](#)-C-13 DEMETRIO/EVELYN LALUAN MOTION TO VALUE COLLATERAL OF  
[JTN-2](#) Robert W. Fong ONE MAIN FINANCIAL, LLC  
2-10-26 [[16](#)]

**Final Ruling:** No appearance at the March 10, 2026 hearing is required.

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The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 28 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 19.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

**The Motion to Value is granted.**

The debtors filed this Motion seeking to value the portion of OneMain Financial, LLC's ("Creditor") claim secured by the debtor's property commonly known as a 2017 Toyota Carolla (the "Property").

The debtors have presented evidence that the replacement value of the Property at the time of filing was \$9,566.00. Declaration, Dkt. 18.

The Chapter 13 Trustee has filed a statement of non-opposition on February 24, 2026. Dkt. 25.

#### **DISCUSSION**

Upon review of the record, the court finds the value of the Property is \$9,566.00. Therefore, Creditor's secured claim is determined to be \$9,566.00. 11 U.S.C. § 506(a).

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion pursuant to 11 U.S.C. § 506(a) is granted, and the claim of OneMain Financial, LLC ("Creditor") secured by property commonly known as 2017 Toyota Carolla (the "Property") is determined to be a secured claim in the amount of \$9,566.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

14. [25-27134](#)-C-13 NATALIE FAENZI  
[DPC-1](#) Mary Ellen Terranella

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
2-11-26 [[16](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 19.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor has not filed all required income tax returns;
2. Plan relies on a motion to value that has not yet been filed; and
3. Debtor has not provided all requested business documents and failed to attach a statement for business income.

**DISCUSSION**

The plan proposes valuing the secured claim of Bridgcrest Financial. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

The debtor has not filed all required tax returns. 11 U.S.C. §§ 1308, 1325(a)(9). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not filed all business documents including:

- A. Questionnaire,
- B. Two years of tax returns,
- C. Six months of profit and loss statements,
- D. Six months of bank account statements, and
- E. Proof of license and insurance or written statement that no such documentation exists.

11 U.S.C. §§ 521(e)(2)(A)(i), 704(a)(3), 1106(a)(3), 1302(b)(1), 1302(c); FED. R. BANKR. P. 4002(b)(2) & (3). Debtor is required to submit those documents and cooperate with the Chapter 13 Trustee. 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1) & (a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

15. [25-27134](#)-C-13 NATALIE FAENZI OBJECTION TO CONFIRMATION OF  
[JCW-1](#) Mary Ellen Terranella PLAN BY BRIDGECREST CREDIT  
COMPANY, LLC  
2-9-26 [[12](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dkt. 23.

**The Objection to Confirmation of Plan is sustained.**

Creditor Bridgecrest Credit Company, LLC as servicer for Carvana, LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not pay the full replacement value of the Creditor's collateral.

**DISCUSSION**

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

The debtor has not filed a motion to value collateral and secured claim, and notwithstanding whether the plan provides for the full replacement value of the collateral, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Bridgecrest Credit Company, LLC as servicer for Carvana, LLC, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

16. [25-27235](#)-C-13 LATASHA REED  
[DPC-1](#) Anh V. Nguyen

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
2-10-26 [[19](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 22.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is delinquent in plan payments; and
2. Plan is not feasible.

**DISCUSSION**

The debtor is \$305.00 delinquent in plan payments. Declaration, Dkt. 21. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan mathematically requires a payment of \$540.88 per month, which is greater than the proposed \$305.00 payment.

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed and claims filed in the case are greater than scheduled. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Because claims are greater than scheduled, the plan will take 102 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

17. [25-24239](#)-A-13 DONNA ELBERT CONTINUED MOTION TO DISMISS  
[DPC-2](#) Peter G. Macaluso CASE  
1-14-26 [[37](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. This case was transferred from Dept. and was continued from a previous hearing on February 24, 2026. Dkt. 55

**The Motion to Dismiss is granted, and the case is dismissed.**

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor is \$14,000.00 delinquent in plan payments. The motion was continued to accompany the motion to confirm plan at Item #18 below.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 48.

**The Motion to Confirm is denied.**

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 43) filed on January 30, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 52) on February 24, 2026, opposing confirmation on the following grounds:

1. The plan relies on a motion to sell or refinance property that has not yet been filed;
2. The plan fails the liquidation test;
3. Debtor is delinquent in plan payments.

Debtor filed an opposition (Dkt. 57) on March 3, 2026, asserting that debtor will be current on or before the hearing.

**DISCUSSION**

The debtor is \$7,000.00 delinquent in plan payments. Declaration, Dkt. 53. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan proposes selling or refinancing property located at 2322 Ringtail Rd., Georgetown, CA. Before a motion to sell or refinance is filed by the debtor, the plan's feasibility is uncertain.

The debtor has non-exempt assets totaling \$7,000.00. The plan provides for a zero percent dividend to unsecured claims, which is less than the percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Donna Elbert, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is denied, and the plan is not confirmed.

19. [25-24740](#)-A-13 JOSEPH/MELISSA COONEY CONTINUED MOTION TO CONFIRM  
[PGM-2](#) Peter G. Macaluso PLAN  
11-19-25 [[32](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. This case was transferred from Dept. and was continued from a previous hearing on February 5, 2026. Dkt. 79.

**The Motion to Confirm is granted.**

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 34) filed on November 19, 2025.

This motion was continued because there was an outstanding motion to value collateral and secured claim of American Honda Finance. A status report was filed on January 20, 2026, representing that the motion to value has been resolved by stipulation.

**DISCUSSION**

Once the stipulation has been approved it appears there are no other objections to confirmation.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtors, Joseph and Melissa Cooney, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is granted, the Amended Chapter 13 Plan (Dkt. 34) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for the debtors shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 trustee for approval as to form, and if so approved, the trustee will submit the proposed order to the court.

20. [25-25940](#)-C-13 KENNETH HEIERLE AND CONTINUED OBJECTION TO  
[DPC-1](#) DARLENE BROCK CONFIRMATION OF PLAN BY DAVID  
Bonnie Baker P. CUSICK  
12-11-25 [[16](#)]

**Final Ruling:** No appearance at the March 10, 2026 hearing is required.  
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**The Objection is dismissed without prejudice.**

On March 3, 2026, the debtors and Trustee filed a stipulated Ex Parte Motion to Dismiss. Dkt. 33. Federal Rule of Civil Procedure 41(a)(2), incorporated by Federal Rules of Bankruptcy Procedure 9014 and 7041, allows dismissal after a responsive pleading has been filed on terms the court considers proper.

The court finds withdrawal is warranted here. The Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection filed by Chapter 13 Trustee David Cusick having been presented to the court, the movant having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is dismissed without prejudice.

21. [25-21843](#)-C-13 DONALD LEWIS  
[MRL](#)-1 Candace Y. Brooks

MOTION TO MODIFY PLAN  
1-28-26 [[28](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 35 days' notice. The Proof of Service shows that 40 days' notice was provided. Dkt. 33.

**The Motion to Modify is denied as moot.**

On February 12, 2026, the debtor filed a new proposed plan. Filing a new plan is a de facto withdrawal of the pending plan. Therefore, the Motion to Confirm the Modified Plan is denied as moot, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Modify Plan filed by Donald Lewis, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is denied as moot, and the proposed Chapter 13 Plan is not confirmed.

22. [26-20550](#)-C-13 ERNESTO/LISA GARCIA  
[CVN-1](#) Pro Se

CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY  
2-10-26 [[14](#)]

OAKMONT PROPERTIES II, L.P.  
VS.

**No Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 19.

**The Motion for Relief from the Automatic Stay is xxxxxxx**

At the prior hearing debtors represented they were making the required rent payments to the landlord. This motion was continued to see if debtors in fact made the rent payments as represented, and if not, the court informed debtors the motion would be granted.

Oakmont Properties II, L.P. ("Movant") filed this Motion seeking relief from the automatic stay with respect to the real property commonly known as 10270 East Taron Drive, #31, Elk Grove, California ("Property"), to allow an unlawful detainer action to be litigated in state court.

Movant argues relief is warranted under 11 U.S.C. § 362(d)(1) and (d)(2) because the debtor does not have an ownership interest in or a right to maintain possession of the Property. Declaration, Dkt. 16.

**OPPOSITION**

Debtor filed an opposition on February 17, 2026, asserting that he is filing a plan with provisions addressing any arrears owed to the landlord.

A review of the docket shows that a plan that appears to address the arrears has been filed. However, at this time a motion to confirm the plan has not been filed and confirmation is uncertain.

At the hearing xxxxxxxxxx

**Request for Waiver of Fourteen-Day Stay of Enforcement**

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests, for no particular reason, that the court grant relief from the Rule as adopted by the United States Supreme Court. With no grounds for such relief specified, the court will not grant additional relief merely stated in the prayer.

Movant has not pleaded adequate facts and presented sufficient

evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is not granted.

No other or additional relief is granted by the court.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by Oakmont Properties II, L.P. ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is ~~xxxxxxxx~~

**IT IS FURTHER ORDERED** that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is not waived for cause.

No other or additional relief is granted.

23. [25-27054](#)-C-13 GINGER BROWN  
[BPC-2](#) Peter Macaluso

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY FIRST  
BANK  
1-29-26 [[38](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 42.

**The Objection to Confirmation of Plan is sustained.**

Creditor First Bank, a North Carolina banking corporation ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan seeks to improperly modify a debt secured by debtor's primary residence.

**DISCUSSION**

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim. The claim filed by Creditor appears to show a recorded Deed of Trust for the benefit of Creditor.

Notwithstanding whether the plan properly provides for the debt as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by First Bank, a North Carolina banking corporation, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

24. [25-27054](#)-C-13 GINGER BROWN  
[BUC](#)-2 Peter Macaluso

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
2-9-26 [[43](#)]

FIRST BANK VS.

**No Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that at least 29 days' notice was provided. Dkt. 53.

**The Motion for Relief from the Automatic Stay is ~~xxxxxx~~.**

First Bank ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's real property commonly known as 8536 Brisenbourg Way, Antelope, California (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(2) because the total debt secured by the Property, \$790,881.40, exceeds the value of the Property, which is \$555,000.00. Declaration, Dkts. 46 & 48.

Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(4) because the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved multiple bankruptcy filings affecting the Property.

**DEBTOR'S OPPOSITION**

Debtor filed an Opposition on February 24, 2026. Dkt. 63. Debtor asserts that the loan is a commercial loan that is not restricted from valuation. Debtor represents she is working with Creditor as to the secured value of the loan, and if not will be filing a motion to value.

**TRUSTEE'S RESPONSE**

The Chapter 13 Trustee filed a reply (dkt. 64) on February 25, 2026, representing that the debtor is delinquent under the amended plan that characterizes First Bank's claim as disputed.

**CREDITOR'S REPLY**

First Bank filed a reply (dkt. 66) on February 3, 2026, asserting that debtor has not met her burden of showing that equity exists in the property, and fails to address the grounds for relief raised in the motion.

**DISCUSSION**

At the hearing ~~xxxxxxxxxx~~

**Request for Waiver of Fourteen-Day Stay of Enforcement**

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests that the court grant relief from the Rule as adopted by the United States Supreme Court.

Movant has not pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is not granted.

No other or additional relief is granted by the court.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by First Bank ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is ~~xxxxxxxxxx~~

**IT IS FURTHER ORDERED** that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is not waived for cause.

No other or additional relief is granted.

25. [24-21762](#)-C-13 LINDA CATRON  
[LC-29](#) Pro Se

AMENDED MOTION TO SET ASIDE  
2-10-26 [[183](#)]

DEBTOR DISMISSED: 01/06/25

**No appearance at the March 10, 2026 hearing is necessary. An order will be issued from Chambers.**

26. [25-22770](#)-C-13 CHARLES/LINDA FRIEDMAN  
[PGM-1](#) Peter Macaluso

CONTINUED MOTION TO CONFIRM  
PLAN  
12-30-25 [[31](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 44 days' notice was provided. Dkt. 38.

**The Motion to Confirm is denied.**

The debtors filed this Motion seeking to confirm the First Amended Chapter 13 Plan (Dkt. 35) filed on December 30, 2025.

The Chapter 13 trustee filed a non-opposition on January 28, 2026. Dkt. 47.

Wilmington Savings Fund Society, FSB filed an Opposition (Dkt. 45) on January 27, 2026, opposing confirmation on the following grounds:

1. The plan does not provide for the contract interest rate for Creditor's claim.

**DISCUSSION**

It appears that the plan payment to Wilmington Savings Fund Society is an improper modification of a claim secured only by a security interest in real property that is the debtor's principal residence. That is reason to deny confirmation. 11 U.S.C. § 1322(b)(2).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtors, Charles and Linda Friedman, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is denied, and the plan is not confirmed.

27. [25-22172](#)-C-13 PAUL/AMANDA STANDLEY  
[PLG-1](#) Steven Alpert

MOTION TO MODIFY PLAN  
1-20-26 [[29](#)]

DEBTORS DISMISSED: 01/31/26

**Final Ruling:** No appearance at the March 10, 2026 hearing is required.  
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The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 48 days' notice was provided. Dkt. 34.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

**The Motion to Modify Plan is denied as moot.**

A review of the docket shows the case was dismissed on January 31, 2026. Therefore, this Motion is denied as moot.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Modify Plan filed by the debtors, Roy and Amanda Standley, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is denied as moot.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 35 days' notice. The Proof of Service shows that 49 days' notice was provided. Dkt. 69.

**The Motion to Modify is denied.**

The motion was continued from the prior hearing while the debtor sought financing to pay off the creditor in the motion for relief (DCN: JTK-2) that was granted and effective February 28, 2026. Dkt. 100.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 68) filed on October 29, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 83) on December 3, 2025, opposing confirmation on the following grounds:

1. The plan relies on a retro-active order approving postpetition debt to pay necessary fees; and
2. The plan relies on a motion to sell property that has not been filed and provides no details as to the selling of the property.

The Money Brokers, Inc. ("Creditor") filed an Opposition (Dkt. 81) on December 3, 2025, opposing confirmation on the following grounds:

1. The plan relies on a 6 month extension of performance in order to sell property that will take longer than 6 months to obtain the necessary approval for the sale to occur;
2. The plan does not provide adequate protection to Creditor;
3. Debtor has not provided evidence her civil engineer has been paid who is required in order for the entitlement process to move forward;
4. There is no evidence the County of Sacramento has received payment for the planning department fees; and
5. Debtor has not provided for the surrender of property securing Claim 3.

**DISCUSSION**

The plan proposes subdividing debtor's real property, selling the subdivided parcels, and using the proceeds to pay creditors. A motion to sell property has not been filed, and no details on the selling of the

property have been provided. Before details on the selling of the property have been provided, the plan's feasibility is uncertain.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Modify Plan filed by the debtor, Heather Reimund, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is denied, and the plan is not confirmed.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 28 days' notice. The Proof of Service shows that 37 days' notice was provided. Dkt. 76.

**The Motion to Incur Debt is granted.**

The motion was continued from the prior hearing while the debtor sought financing to pay off the creditor in the motion for relief (DCN: JTK-2) that was granted and effective February 28, 2026. Dkt. 100.

Debtor filed this Motion seeking authority to retroactively incur debt to pay fees to Sacramento County for the subdivision of debtor's real property.

The proposed financing is in the principal amount of \$30,199.10, to be credited towards the purchase price of the executory contract to purchase subdivided real property.

The Chapter 13 Trustee filed a statement of non-opposition on December 3, 2025. Dkt. 86.

The court finds that the proposed credit, based on the unique facts and circumstances of this case, is reasonable. There being no opposition from a party in interest and terms being reasonable, the Motion is granted.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Incur Debt filed by Heather Reimund having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is granted. The debtor's counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved submit the proposed order to the court.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 19.

**The Motion to Extend the Automatic Stay is granted.**

Jessica Soderling ("Debtor") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) extended beyond thirty days in this case. This is Debtor's second bankruptcy petition pending in the past year. Debtor's prior bankruptcy case was dismissed on January 23, 2026, after Debtor did not make timely all plan payments. Order, Bankr. E.D. Cal. No. 25-24405, Dkt. 47. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end as to Debtor thirty days after filing of the petition.

Here, Debtor states that the instant case was filed in good faith and explains that she is willing to make substantial payments while she seeks to obtain a refinance or sell her home.

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond thirty days if the filing of the subsequent petition was filed in good faith. 11 U.S.C. § 362(c)(3)(B). As this court has noted in other cases, Congress expressly provides in 11 U.S.C. § 362(c)(3)(A) that the automatic stay **terminates as to Debtor**, and nothing more. In 11 U.S.C. § 362(c)(4), Congress expressly provides that the automatic stay **never goes into effect in the bankruptcy case** when the conditions of that section are met. Congress clearly knows the difference between a debtor, the bankruptcy estate (for which there are separate express provisions under 11 U.S.C. § 362(a) to protect property of the bankruptcy estate) and the bankruptcy case. While terminated as to Debtor, the plain language of 11 U.S.C. § 362(c)(3) is limited to the automatic stay as to only Debtor. The subsequently filed case is presumed to be filed in bad faith if one or more of Debtor's cases was pending within the year preceding filing of the instant case. *Id.* § 362(c)(3)(C)(i)(I). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. See, e.g., *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at \*6 (Bankr. D. Haw. June 22, 2011) (citing *In re Elliott-Cook*, 357 B.R. 811, 815-16 (Bankr. N.D. Cal. 2006)). Courts consider many factors—including those used to determine good faith

under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c) (3) are:

- A. Why was the previous plan filed?
- B. What has changed so that the present plan is likely to succeed?

*In re Elliot-Cook*, 357 B.R. at 814-15.

Debtor has sufficiently rebutted the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The Motion is granted, and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Extend the Automatic Stay filed by Jessica Soderling having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is granted, and the automatic stay is extended pursuant to 11 U.S.C. § 362(c) (3) (B) for all purposes and parties, unless terminated by operation of law or further order of this court.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 50 days' notice was provided. Dkt. 29.

**The Motion to Confirm is denied.**

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 28) filed on January 9, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 42) on February 24, 2026, opposing confirmation on the following grounds:

1. Debtors are delinquent in plan payments; and
2. The attorney's fees to be paid through the plan do not conform with the Local Rules.

**DISCUSSION**

The debtor is \$1,435.00 delinquent in plan payments. Declaration, Dkt. 43. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Local Rule 2016-1(c)(4)(C) states that the Chapter 13 trustee shall pay debtor's counsel equal monthly installments over the term of the plan. The plan's provision to pay in monthly dividend of \$173.92 does not follow the local rule on payment of counsel's fees, this is reason to deny confirmation.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtors, Michael and Marcia Clark, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is denied, and the plan is not confirmed.

32. [25-22895](#)-C-13 DENISE BARBARIA  
[MRL](#)-1 Mikalah Liviakis

MOTION TO MODIFY PLAN  
1-28-26 [[22](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 40 days' notice was provided. Dkt. 30.

**The Motion to Modify Plan is granted.**

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

The Chapter 13 trustee filed a non-opposition (dkt. 35) on February 25, 2026, and notes that the motion does not specifically ask for an order approving additional fees.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Modify Plan filed by the debtor, Denise Barbara, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is granted, the Modified Chapter 13 Plan (Dkt. 24) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.