UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Michael S. McManus
Bankruptcy Judge
Sacramento, California

March 12, 2018 at 1:30 p.m.

THIS CALENDAR IS DIVIDED INTO TWO PARTS. THEREFORE, TO FIND ALL MOTIONS AND OBJECTIONS SET FOR HEARING IN A PARTICULAR CASE, YOU MAY HAVE TO LOOK IN BOTH PARTS OF THE CALENDAR. WITHIN EACH PART, CASES ARE ARRANGED BY THE LAST TWO DIGITS OF THE CASE NUMBER.

THE COURT FIRST WILL HEAR ITEMS 1 THROUGH 12. A TENTATIVE RULING FOLLOWS EACH OF THESE ITEMS. THE COURT MAY AMEND OR CHANGE A TENTATIVE RULING BASED ON THE PARTIES' ORAL ARGUMENT. IF ALL PARTIES AGREE TO A TENTATIVE RULING, THERE IS NO NEED TO APPEAR FOR ARGUMENT. HOWEVER, IT IS INCUMBENT ON EACH PARTY TO ASCERTAIN WHETHER ALL OTHER PARTIES WILL ACCEPT A RULING AND FOREGO ORAL ARGUMENT. IF A PARTY APPEARS, THE HEARING WILL PROCEED WHETHER OR NOT ALL PARTIES ARE PRESENT. AT THE CONCLUSION OF THE HEARING, THE COURT WILL ANNOUNCE ITS DISPOSITION OF THE ITEM AND IT MAY DIRECT THAT THE TENTATIVE RULING, AS ORIGINALLY WRITTEN OR AS AMENDED BY THE COURT, BE APPENDED TO THE MINUTES OF THE HEARING AS THE COURT'S FINDINGS OF FACT AND CONCLUSIONS OF LAW.

IF A MOTION OR AN OBJECTION IS SET FOR HEARING PURSUANT TO LOCAL BANKRUPTCY RULE 3015-1(c), (d) [eff. May 1, 2012], GENERAL ORDER 05-03, ¶ 3(c), LOCAL BANKRUPTCY RULE 3007-1(c)(2)[eff. through April 30, 2012], OR LOCAL BANKRUPTCY RULE 9014-1(f)(2), RESPONDENTS WERE NOT REQUIRED TO FILE WRITTEN OPPOSITION TO THE RELIEF REQUESTED. RESPONDENTS MAY APPEAR AT THE HEARING AND RAISE OPPOSITION ORALLY. IF THAT OPPOSITION RAISES A POTENTIALLY MERITORIOUS DEFENSE OR ISSUE, THE COURT WILL GIVE THE RESPONDENT AN OPPORTUNITY TO FILE WRITTEN OPPOSITION AND SET A FINAL HEARING UNLESS THERE IS NO NEED TO DEVELOP THE WRITTEN RECORD FURTHER. IF THE COURT SETS A FINAL HEARING, UNLESS THE PARTIES REQUEST A DIFFERENT SCHEDULE THAT IS APPROVED BY THE COURT, THE FINAL HEARING WILL TAKE PLACE APRIL 9, 2018 AT 1:30 P.M. OPPOSITION MUST BE FILED AND SERVED BY MARCH 26, 2018, AND ANY REPLY MUST BE FILED AND SERVED BY APRIL 2, 2018. THE MOVING/OBJECTING PARTY IS TO GIVE NOTICE OF THE DATE AND TIME OF THE CONTINUED HEARING DATE AND OF THESE DEADLINES.

THERE WILL BE NO HEARING ON ITEMS 13 THROUGH 23 IN THE SECOND PART OF THE CALENDAR. INSTEAD, THESE ITEMS HAVE BEEN DISPOSED OF AS INDICATED IN THE FINAL RULING BELOW. THAT RULING WILL BE APPENDED TO THE MINUTES. THIS FINAL RULING MAY OR MAY NOT BE A FINAL ADJUDICATION ON THE MERITS; IF IT IS, IT INCLUDES THE COURT'S FINDINGS AND CONCLUSIONS. IF ALL PARTIES HAVE AGREED TO A CONTINUANCE OR HAVE RESOLVED THE MATTER BY STIPULATION, THEY MUST ADVISE THE COURTROOM DEPUTY CLERK PRIOR TO HEARING IN ORDER TO DETERMINE WHETHER THE COURT VACATE THE FINAL RULING IN FAVOR OF THE CONTINUANCE OR THE STIPULATED DISPOSITION.

IF THE COURT CONCLUDES THAT FED. R. BANKR. P. 9014(d) REQUIRES AN EVIDENTIARY HEARING, UNLESS OTHERWISE ORDERED, IT WILL BE SET ON MARCH 19 2018, AT 2:30 P.M.

Matters to be Called for Argument

1. 18-20201-A-13 LISA THOMPSON — ORDER TO SHOW CAUSE 2-20-18 [22]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: The case will be dismissed.

The debtor was given permission to pay the filing fee in installments pursuant to Fed. R. Bankr. P. 1006(b). The installment in the amount of $79 due on February 15 was not paid. This is cause for dismissal. See 11 U.S.C. § 1307(c)(2).

2. 17-25404-A-13 MARIA AZTIAZARAIN — MOTION TO WITHDRAW AS ATTORNEY 2-8-18 [58]
HLG-2

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: None. Appearances required.

3. 18-20210-A-13 AMIRA ENDERIZ — OBJECTION TO CONFIRMATION OF PLAN AND MOTION TO DISMISS CASE 2-21-18 [21]
JPJ-1

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: Because this hearing on an objection to the confirmation of the proposed chapter 13 plan and a motion to dismiss the case was set pursuant to the procedure required by Local Bankruptcy Rule 3015-1(c)(4), the debtor was not required to file a written response. If no opposition is offered at the hearing, the court will take up the merits of the objection. Below is the court's tentative ruling, rendered on the assumption that there will be no opposition. Obviously, if there is opposition, the court may reconsider this tentative ruling.

The objection will be sustained and the motion to dismiss the case conditionally denied.

First, the debtor has not established her ability to make the plan payment as required by 11 U.S.C. § 1325(a)(6). Her budget is dependent on a $2,000 monthly contribution from a partner but there is no evidence of the partner's ability and willingness to make the contribution.

Second, the plan fails to provide a dividend to be paid on account of allowed administrative expenses, including the debtor's attorney's fees. Unless counsel is working for nothing, this means that the plan does not provide for payment in full of priority claims as required by 11 U.S.C. § 1322(a)(2). Also see 11 U.S.C. §§ 503(b), 507(a).

Third, the debtor intends to retain all of her assets but the plan makes no

provision for a tax lien held by the IRS. Absent compliance with 11 U.S.C. § 1325(a)(5)(B), the debtor's property is at risk from the IRS if its claim is not paid.

Because the plan proposed by the debtor is not confirmable, the debtor will be given a further opportunity to confirm a plan. But, if the debtor is unable to confirm a plan within a reasonable period of time, the court concludes that the prejudice to creditors will be substantial and that there will then be cause for dismissal. If the debtor has not confirmed a plan within 75 days, the case will be dismissed on the trustee's ex parte application.

4. 17-27012-A-13 EDWIN/MARTHA TEJADA — MOTION FOR RELIEF FROM AUTOMATIC STAY
BPN-1 — 2-12-18 [20]
PREMIER AMERICA CREDIT UNION VS.

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: The motion will be dismissed as moot.

The court confirmed a plan on December 22, 2017. That plan provides for the movant's claim in Class 4. Class 4 secured claims are long-term claims that are not modified by the plan and that were not in default prior to the filing of the petition. They are paid directly by the debtor or by a third party. The plan includes the following provision at section 3.11(a):

"Upon confirmation of the plan, the automatic stay of 11 U.S.C. § 362(a) and the co-debtor stay of 11 U.S.C. § 1301(a) are (1) terminated to allow the holder of a Class 3 secured claim to exercise its rights against its collateral; (2) modified to allow the holder of a Class 4 secured claim to exercise its rights against its collateral and any nondebtor in the event of a default under applicable law or contract; and (3) modified to allow the nondebtor party to an unexpired lease that is in default and rejected in section 4 of this plan to obtain possession of leased property, to dispose of it under applicable law, and to exercise its rights against any nondebtor."

Because the plan has been confirmed and because the case remains pending under chapter 13, the automatic stay has already been modified to permit the movant to proceed against its collateral.

5. 18-20117-A-13 CARSON BATES — OBJECTION TO CONFIRMATION OF PLAN
MJ-1 — 2-20-18 [23]
WELLS FARGO BANK, N.A. VS.

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: Because this hearing on an objection to the confirmation of the proposed chapter 13 plan was set pursuant to the procedure required by Local Bankruptcy Rule 3015-1(c)(4), the debtor was not required to file a written response. If no opposition is offered at the hearing, the court will take up the merits of the objection. Below is the court's tentative ruling, rendered on the assumption that there will be no opposition. Obviously, if there is opposition, the court may reconsider this tentative ruling.

The objection will be sustained.

The plan assumes the arrears on the objecting creditor's Class 1 secured claim are approximately $9,000. The creditor indicates that the arrears are more than $15,000. At this higher level, the plan either is not feasible or it will not pay the objecting secured claim in full. The plan fails to comply with 11 U.S.C. §§ 1325(a)(5)(B) & (a)(6).

6. 17-23129-A-13 TIMOTHY NEHER — MOTION TO VACATE
TLN-26 — 2-6-18 [228]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: The motion will be denied.

Some history is in order.

When the debtor filed this case, he listed his home and his mailing address as 4289 Kathy Lane, Chico on the petition.

When the debtor filed his first valuation motion (TLN-5) on June 5, 2017 concerning the collateral of Sierra Central Credit Union. That motion indicated his address was 702 Mangrove Ave., #248, Chico. While the credit union served its opposition to the address on the petition, the debtor nonetheless received it. In response to the opposition, the debtor sought and obtained a continuance of the hearing on his motion.

On August 14, 2017, the debtor amended the motion by adding new evidence in support of it. That evidence, however, was hearsay (there was no declaration from a third party appraising the credit union's collateral) and the evidence was not in the nature a reply. That is, to the extent the debtor wished to base a valuation on an expert's opinion rather than his own layperson's opinion, it should have been filed with the motion. By offering it with the reply, the debtor unfairly prevented the credit union from responding to the appraisal.

Thus, the court viewed the amended motion as a separate motion and because the debtor set it for hearing just 14 days after it was filed, and because it was not served in accordance with Fed. R. Bankr. P. 7004(h), the court dismissed the motion without prejudice.

On October 11, 2017 the debtor filed and served another valuation motion, TLN-16, and served it on the credit union. On that same day, the debtor amended the petition to change his residential address and address for notices. The former is 288 Lower Gulch Road in Oroville and the address for notice is 702 Mangrove Ave. The latter is listed on TLN-5 and TLN-16 as the debtor's address.

TLN-16 was set for hearing on November 20. The credit union did not respond to the motion and the court initially granted it. However, the court vacated the order (see ruling filed January 2, 2018, KJS-1, Docket 194) granting the motion because the debtor failed to serve TLN-16 in accordance with Rule 7004(h). The court noted in its ruling that the valuation motion was to be heard on January 29 and that the credit union's opposition was due January 16.

The credit union filed its opposition on January 16 but it was mailed to the debtor at 4289 Kathy Lane rather than at the new address for notice listed on

the petition and the valuation motion. The court notes that the credit union's certificate of serve (Docket #204) indicates that the opposition pertained to TLN-5 rather than TLN-16.

The court denied the TLN-16 without prejudice. Its expressed reason was that the credit union complained that the debtor had not made the subject property available for inspection and its own appraisal.

There were other reasons. First, the debtor still has introduced no admissible evidence of value. The person appraising the vehicle for the debtor has not signed a declaration or affidavit attesting to an opinion. Indeed, in support of this motion, there is no declaration from anyone concerning the use, condition or value of the property.

The debtor then filed this motion to vacate the dismissal of TLN-16. He complains that the credit union served its opposition to the wrong address. The court will not vacate its ruling.

First, the dismissal of TLN-16 was without prejudice. The debtor is free to file it again, hopefully with some admissible evidence.

Second, while it does appear that the credit union served its opposition on the debtor at the wrong address, the debtor admits that he was aware of it.

Third, even if no opposition had been filed, the court would not have granted the motion. As noted above, it is accompanied by no admissible evidence.

Fourth, one of the credit union's main complaints is that the debtor has not made the vehicle available to its appraiser/expert. Until it is made available, the court will not value the collateral.

7. 17-24235-A-13 RAYMOND/CHRISTINE BELCHER — MOTION TO MODIFY PLAN
PGM-2 — 1-26-18 [50]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: The motion will be denied and the objection sustained.

The debtor has not established the plan's feasibility as required by 11 U.S.C. § 1325(a)(6). Three facts suggests the plan is not feasible. First, since 2011, the debtor has filed three other unsuccessful chapter 13 cases. Second, the debtor has made no payments in this case since November 2017. Third, the debtor proposes to make four annual payments of $36,000 in July 2018 and thereafter but there is no convincing evidence of an ability to make these annual payments.

Second, the debtor has overstated the post-petition arrearage for one Class 1 creditor but under-stated the post-petition arrearage for another. As a result, the plan does not provide for the cure of both as required by 11 U.S.C. §§ 1322(b)(2)&(5) and 1325(a)(5)(B).

8. 18-20239-A-13 CAROLYN SCHMIDT — OBJECTION TO CONFIRMATION OF PLAN AND MOTION TO DISMISS CASE
JPJ-1 — 2-21-18 [14]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: Because this hearing on an objection to the confirmation of the proposed chapter 13 plan and a motion to dismiss the case was set pursuant to the procedure required by Local Bankruptcy Rule 3015-1(c)(4), the debtor was not required to file a written response. If no opposition is offered at the hearing, the court will take up the merits of the objection. Below is the court's tentative ruling, rendered on the assumption that there will be no opposition. Obviously, if there is opposition, the court may reconsider this tentative ruling.

The objection will be sustained and the motion to dismiss the case conditionally denied.

The plan's feasibility depends on the debtor successfully prosecuting a motion to value the collateral of Chrysler Capital in order to strip down or strip off its secured claim from its collateral. No such motion has been filed, served, and granted. Absent a successful motion the debtor cannot establish that the plan will pay secured claims in full as required by 11 U.S.C. § 1325(a)(5)(B) or that the plan is feasible as required by 11 U.S.C. § 1325(a)(6). Local Bankruptcy Rule 3015-1(j) provides: "If a proposed plan will reduce or eliminate a secured claim based on the value of its collateral or the avoidability of a lien pursuant to 11 U.S.C. § 522(f), the debtor must file, serve, and set for hearing a valuation motion and/or a lien avoidance motion. The hearing must be concluded before or in conjunction with the confirmation of the plan. If a motion is not filed, or it is unsuccessful, the Court may deny confirmation of the plan."

Because the plan proposed by the debtor is not confirmable, the debtor will be given a further opportunity to confirm a plan. But, if the debtor is unable to confirm a plan within a reasonable period of time, the court concludes that the prejudice to creditors will be substantial and that there will then be cause for dismissal. If the debtor has not confirmed a plan within 75 days, the case will be dismissed on the trustee's ex parte application.

9. 18-20173-A-13 GEORGE SLIGHT — OBJECTION TO CONFIRMATION OF PLAN
JPJ-1 — 2-21-18 [14]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: Because this hearing on an objection to the confirmation of the proposed chapter 13 plan was set pursuant to the procedure required by Local Bankruptcy Rule 3015-1(c)(4), the debtor was not required to file a written response. If no opposition is offered at the hearing, the court will take up the merits of the objection. Below is the court's tentative ruling, rendered on the assumption that there will be no opposition. Obviously, if there is opposition, the court may reconsider this tentative ruling.

The objection will be sustained.

If requested by the U.S. Trustee or the chapter 13 trustee, a debtor must produce evidence of a social security number or a written statement that such documentation does not exist. See Fed. R. Bankr. P. 4002(b)(1)(B). In this case, the debtor has breached the foregoing duty by failing to provide evidence of the debtor's social security number. This failure to cooperate with the trustee while attempting to confirm a plan is bad faith. See 11 U.S.C. § 1325(a)(3).

10. 18-20173-A-13 GEORGE SLIGHT — OBJECTION TO CONFIRMATION OF PLAN
KSR-1 — 2-20-18 [17]
STEVEN ROBINSON VS.

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: Because this hearing on an objection to the confirmation of the proposed chapter 13 plan was set pursuant to the procedure required by Local Bankruptcy Rule 3015-1(c)(4), the debtor was not required to file a written response. If no opposition is offered at the hearing, the court will take up the merits of the objection. Below is the court's tentative ruling, rendered on the assumption that there will be no opposition. Obviously, if there is opposition, the court may reconsider this tentative ruling.

The objection will be sustained.

The plan provides for the creditor's claim in Class 1. Class 1 is reserved for long-term secured claims that are in default. The plan proposes to cure the default while maintaining contract installment payments to the creditor. See 11 U.S.C. § 1322(b)(2) & (5). However, because the creditor's claim matured before the case was filed, the debtor must, if he wishes to retain the creditor's collateral, pay the entire claim through the plan. This is a Class 2 claim that must be paid in full. See 11 U.S.C. § 1325(a)(5)(B).

11. 18-20215-A-13 PATRICIA RIVAS — OBJECTION TO CONFIRMATION OF PLAN
AP-1 — 1-31-18 [19]
WELLS FARGO BANK, N.A. VS.

Final Ruling: The objection will be dismissed because it is moot. The case was dismissed on February 15.

12. 16-21320-A-13 JUAN/CATHERINE MARTINEZ — OBJECTION TO CLAIM
DEF-5 — 2-6-18 [127]
VS. GOLDEN ONE CREDIT UNION

Final Ruling: The objection will be dismissed without prejudice.

The notice of hearing informs the claimant that written opposition must be filed and served 14 days prior to the hearing if the claimant wishes to oppose the objection to the proof of claim. Because less than 44 days of notice of the hearing was given, Local Bankruptcy Rule 3007-1(b)(2) specifies that written opposition is unnecessary. Instead, the claimant may appear at the hearing and orally contest the objection. If necessary, the court may thereafter require the submission of written evidence and briefs. By erroneously informing the claimant that written opposition was required and was a condition to contesting the objection, the objecting party may have deterred the claimant from appearing. Therefore, notice was materially deficient.

FINAL RULINGS BEGIN HERE

13. 17-27353-A-13 MICHAEL MENE — MOTION TO CONFIRM PLAN
MDA-1 — 1-24-18 [28]

Final Ruling: This motion to confirm a modified plan proposed after confirmation of a plan has been set for hearing on the notice required by Local Bankruptcy Rules 3015-1(d)(2) and 9014-1(f)(1) and Fed. R. Bankr. R. 3015(g). The failure of the debtor, the U.S. Trustee, creditors, and any other party in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent 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 trustee, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the respondents' defaults are entered and the matter will be resolved without oral argument.

The motion will be granted. The modified plan complies with 11 U.S.C. §§ 1322(a) & (b), 1323(c), 1325(a), and 1329.

14. 11-40661-A-13 JASON HOLLINGSWORTH — MOTION TO AVOID JUDICIAL LIEN
DBJ-5
VS. AMERICAN EXPRESS CENTURION BANK — 2-1-18 [81]

Final Ruling: This motion to avoid a judicial lien has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the trustee and the respondent creditor to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent 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 trustee and the respondent creditor are entered and the matter will be resolved without oral argument.

The motion will be granted.

A judgment was entered against the debtor in favor of American Express Centurion Bank for the sum of $10,970.01. The abstract of judgment was recorded in Butte County. As a result, a judicial lien attached to the debtor's interest in a residential real property in that county.

The motion will be granted pursuant to 11 U.S.C. § 522(f)(1)(A). The subject real property had an approximate value of $190,000 as of the petition date. The unavoidable liens totaled approximately $205,000. The debtor claimed an exemption in the property in the amount of $1 pursuant to Cal. Civ. Pro. Code § 703.140(b)(5).

The respondent holds a judicial lien created by the recordation of an abstract of judgment in the chain of title of the subject real property. After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the debtor's exemption of the real property and its fixing will be avoided subject to 11 U.S.C. § 349(b)(1)(B).

15. 11-40661-A-13 JASON HOLLINGSWORTH
DBJ-6
VS. STERLING JEWELERS, INC.

MOTION TO
AVOID JUDICIAL LIEN
2-1-18 [87]

Final Ruling: This motion to avoid a judicial lien has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the trustee and the respondent creditor to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent 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 trustee and the respondent creditor are entered and the matter will be resolved without oral argument.

The motion will be granted.

A judgment was entered against the debtor in favor of Sterling Jewelers for the sum of $7,405.78. The abstract of judgment was recorded in Butte County. As a result, a judicial lien attached to the debtor's interest in a residential real property in that county.

The motion will be granted pursuant to 11 U.S.C. § 522(f)(1)(A). The subject real property had an approximate value of $190,000 as of the petition date. The unavoidable liens totaled approximately $205,000. The debtor claimed an exemption in the property in the amount of $1 pursuant to Cal. Civ. Pro. Code § 703.140(b)(5).

The respondent holds a judicial lien created by the recordation of an abstract of judgment in the chain of title of the subject real property. After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the debtor's exemption of the real property and its fixing will be avoided subject to 11 U.S.C. § 349(b)(1)(B).

16. 11-40661-A-13 JASON HOLLINGSWORTH
DBJ-7
VS. CITIBANK (SOUTH DAKOTA), N.A.

MOTION TO
AVOID JUDICIAL LIEN
2-1-18 [92]

Final Ruling: This motion to avoid a judicial lien has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the trustee and the respondent creditor to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent 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 trustee and the respondent creditor are entered and the matter will be resolved without oral argument.

The motion will be granted.

A judgment was entered against the debtor in favor of Citibank for the sum of $8,485.50. The abstract of judgment was recorded in Butte County. As a result, a judicial lien attached to the debtor's interest in a residential real property in that county.

The motion will be granted pursuant to 11 U.S.C. § 522(f)(1)(A). The subject real property had an approximate value of $190,000 as of the petition date. The unavoidable liens totaled approximately $205,000. The debtor claimed an exemption in the property in the amount of $1 pursuant to Cal. Civ. Pro. Code § 703.140(b)(5).

The respondent holds a judicial lien created by the recordation of an abstract of judgment in the chain of title of the subject real property. After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the debtor's exemption of the real property and its fixing will be avoided subject to 11 U.S.C. § 349(b)(1)(B).

17. 17-27065-A-13 ARNOLDO/NORMA NAVARRO — MOTION TO CONFIRM PLAN
DBJ-2 — 1-25-18 [37]

Final Ruling: This motion to confirm a modified plan proposed after confirmation of a plan has been set for hearing on the notice required by Local Bankruptcy Rules 3015-1(d)(2) and 9014-1(f)(1) and Fed. R. Bankr. R. 3015(g). The failure of the debtor, the U.S. Trustee, creditors, and any other party in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent 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 trustee, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the respondents' defaults are entered and the matter will be resolved without oral argument.

The motion will be granted. The modified plan complies with 11 U.S.C. §§ 1322(a) & (b), 1323(c), 1325(a), and 1329.

18. 18-20170-A-13 ROBERT/STEFANIE RANKIN — MOTION TO VALUE COLLATERAL
ADR-1
VS. THE GOLDEN 1 CREDIT UNION — 2-11-18 [17]

Final Ruling: This valuation motion has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the trustee and the respondent creditor to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent 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 trustee and the respondent creditor are entered and the matter will be resolved without oral argument.

The valuation motion pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a) will be granted. The debtor is the owner of the subject property. The debtor's evidence indicates that the replacement value of the subject property is $13,500 as of the effective date of the plan. Given the absence of contrary evidence, the debtor's evidence of value is conclusive. See Enewally v. Washington Mutual Bank (In re Enewally), 368 F.3d 1165 (9th Cir. 2004). Therefore, $13,500 of the respondent's claim is an allowed secured claim. When the respondent is paid $13,500 and subject to the completion of the plan, its secured claim shall be satisfied in full and the collateral free of the respondent's lien. Provided a timely proof of claim is filed, the remainder of

its claim is allowed as a general unsecured claim unless previously paid by the trustee as a secured claim.

19. 18-20170-A-13 ROBERT/STEFANIE RANKIN — MOTION TO VALUE COLLATERAL
ADR-2
VS. SIERRA CENTRAL CREDIT UNION — 2-12-18 [21]

Final Ruling: This valuation motion has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the trustee and the respondent creditor to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent 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 trustee and the respondent creditor are entered and the matter will be resolved without oral argument.

The valuation motion pursuant to Fed. R. Bankr. P. 3012 and 11 U.S.C. § 506(a) will be granted. The debtor is the owner of the subject property. The debtor's evidence indicates that the replacement value of the subject property is $9,000 as of the effective date of the plan. Given the absence of contrary evidence, the debtor's evidence of value is conclusive. See Enewally v. Washington Mutual Bank (In re Enewally), 368 F.3d 1165 (9th Cir. 2004). Therefore, $9,000 of the respondent's claim is an allowed secured claim. When the respondent is paid $9,000 and subject to the completion of the plan, its secured claim shall be satisfied in full and the collateral free of the respondent's lien. Provided a timely proof of claim is filed, the remainder of its claim is allowed as a general unsecured claim unless previously paid by the trustee as a secured claim.

20. 18-20170-A-13 ROBERT/STEFANIE RANKIN — OBJECTION TO CONFIRMATION OF PLAN AND MOTION TO DISMISS CASE
JPJ-1 — 2-21-18 [27]

Final Ruling: The court concludes that a hearing will not be helpful to its consideration and resolution of this matter. There is no objection to the relief requested and the court will not materially alter the relief requested. Accordingly, an actual hearing is unnecessary and this matter is removed from calendar for resolution without oral argument. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006).

The objection will be overruled and the motion denied. Both are based on the asserted failure of the debtor to value the collateral of two secured creditors. Since this objection was filed, however, the court has granted the debtor's valuation motions.

21. 12-40378-A-13 HAROLD/CHRIS FENNER — MOTION FOR WAIVER OF SECTION 1328 REQUIREMENTS
RAC-2 — 2-5-18 [41]

Final Ruling: This motion has been set for hearing on the notice required by Local Bankruptcy Rules 3015-1(b) and 9014-1(f)(1), and Fed. R. Bankr. R. 2002(b). The failure of the trustee, the U.S. Trustee, creditors, and any other party in interest to file written opposition at least 14 days prior to

the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the sustaining of the objection. 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 debtor, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the respondents' defaults are entered and the matter will be resolved without oral argument.

The motion will be granted.

Debtor Chris Holly Fenner died on June 6, 2017. Prior to her death, the debtors confirmed but have not yet completed a plan. It now appears complete. Both debtors filed a financial management certificate on December 27, 2012. See 11 U.S.C. §§ 110, 111, 1328(g)(1) and Fed. R. Bankr. P. 1007(c). The co-debtor is authorized pursuant to Local Bankruptcy Rule 1016-1 to file the case-ending documents required by Local Bankruptcy Rules 1007(c) and 5009-1. The clerk shall enter the discharge of both debtors when the co-debtor is otherwise entitled to a discharge.

22. 17-22986-A-13 JENNIFER RAMEL — OBJECTION TO CLAIM
JPJ-1
VS. CAVALRY SPV I, L.L.C. — 1-12-18 [19]

Final Ruling: The hearing has been continued by stipulation to April 16, 2018 at 1:30 p.m.

23. 17-27595-A-13 JENNIFER SILAPAN — MOTION TO CONFIRM PLAN
GEL-1 — 1-24-18 [23]

Final Ruling: This motion to confirm a modified plan proposed after confirmation of a plan has been set for hearing on the notice required by Local Bankruptcy Rules 3015-1(d)(2) and 9014-1(f)(1) and Fed. R. Bankr. R. 3015(g). The failure of the debtor, the U.S. Trustee, creditors, and any other party in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent 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 trustee, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the respondents' defaults are entered and the matter will be resolved without oral argument.

The motion will be granted. The modified plan complies with 11 U.S.C. §§ 1322(a) & (b), 1323(c), 1325(a), and 1329.