

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

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: March 16, 2021

CALENDAR: 1:00 P.M. CHAPTER 13

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

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

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

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

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within seven (7) days of the final hearing on the matter.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Modesto, California

March 16, 2021 at 1:00 p.m.

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|----|--|--|---|
| 1. | <u>21-90001</u> -B-13 <u>RDG</u> -1 | GORDON/WANDA CRAWFORD David C. Johnston | OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 2-18-21 [<u>18</u>] |
|----|--|--|---|

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

Because the plan is not confirmable and the objection is not one that may be resolved in a confirmation order, the court has determined that this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to the COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to sustain the objection and deny confirmation of the plan.

First, the Debtor Gordon Crawford failed to submit proof of social security number to the Trustee as required pursuant to Fed. R. Bankr. P. 4002(b)(1)(B).

Second, the plan does not provide for the secured claim of Deutsche Bank Trust/Select Portfolio Servicing, Inc., which has filed secured claim number 4-1.

Third, Schedule I provides for unemployment income of \$1,480.00. Debtors have failed to provide Trustee with copies of Debtor's payment advices as required by 11 U.S.C. §521(a)(1)(B)(iv) and LBR 1007-1. Without these documents, it cannot be determined whether the plan is feasible and pays all projected disposable income for the applicable commitment period to Debtors' general unsecured creditors. 11 U.S.C. §1325(a)(6) and 11 U.S.C. §1325(b)(1).

The plan filed January 21, 2021, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

March 16, 2021 at 1:00 p.m.

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2. [21-90002](#)-B-13 ROGER MANSOUR OBJECTION TO CONFIRMATION OF
 [RDG](#)-1 David C. Johnston PLAN BY RUSSELL D. GREER
 2-22-21 [[20](#)]

CONTINUED TO 4/06/21 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 3/31/21.

Final Ruling

No appearance at the March 16, 2021, hearing is required. The court will issue an order.

3. [19-90193](#)-B-13 JOSE/CLAUDIA ACEVES
[DCW](#)-3 Gregory J. Smith

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-11-21 [[106](#)]

CORNERSTONE FINANCIAL
SERVICES VS.

Final Ruling

The motion for relief from stay was set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Responses were filed by the Chapter 13 Trustee and Debtors. The court will address the merits of the motion at the hearing.

The court's decision is to deny without prejudice the motion for relief from automatic stay.

Local Bankr. R. 4001-1(3) provides that with all motions for relief from stay, the movant shall file and serve as a separate document completed Form EDC 3-468, Relief from Stay Summary Sheet. Cornerstone Financial Services did not file the required form with its motion. Therefore, the motion is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.