



**UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Department B – Courtroom #13  
Fresno, California  
Hearing Date: Tuesday, March 17, 2026**

Unless otherwise ordered, all matters before the Honorable René Lastreto II, shall be simultaneously: (1) **In Person** at, Courtroom #13 (Fresno hearings only), (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 or their attorneys who wish to appear at a hearing remotely must sign up by **4:00 p.m. one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/CourtAppearances>. Each party/attorney who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties and their attorneys who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest and/or their attorneys may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

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

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#). If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

**Unauthorized Recording is Prohibited:** Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

## INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

9:30 AM

1. [25-26371](#)-B-11 **IN RE: SCRIPPS TWO, LLC**  
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION  
11-12-2025 [1]

GABRIEL LIBERMAN/ATTY. FOR DBT.

NO RULING.

2. [25-26371](#)-B-11 **IN RE: SCRIPPS TWO, LLC**  
[GEL-3](#)

MOTION TO APPROVE MOTION/APPLICATION TO APPROVE DISCLOSURE  
STATEMENT FILED BY DEBTOR SCRIPPS TWO, LLC  
2-10-2026 [59]

SCRIPPS TWO, LLC/MV  
GABRIEL LIBERMAN/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

3. [25-10011](#)-B-12 **IN RE: CARL/PATRICIA SOUSA**  
[FW-9](#)

MOTION TO SELL  
3-10-2026 [143]

PATRICIA SOUSA/MV  
PETER FEAR/ATTY. FOR DBT.  
OST 3/11/26

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

Carl Manual Sousa and Patricia Lynn Sousa ("Debtors") seek authorization to sell pursuant to 11 U.S.C. § 363(b) approximately 800 cows at \$2,300 per head, as well as Debtor's base of 6,060 gallons of Dairy Farmers of America at \$100 per gallon to Overland Stock Yard ("Buyer"). Doc. #143 *et sq.* This sale is subject to higher and better bids at the hearing. *Id.*

This matter will be called and proceed as scheduled. Written opposition was not required and opposition may be presented at the hearing. In the absence of opposition at the hearing, this motion

may be GRANTED provided that Movant has complied with the order shortening time ("OST").

This motion was set for hearing on shortened notice with an OST under the procedure specified in Local Rule of Practice ("LBR") 9014-1(f)(3). Consequently, the creditors, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

#### BACKGROUND

Debtors filed chapter 12 bankruptcy on January 2, 2026. Doc. #1. Their plan of reorganization dated June 10, 2025, was confirmed on July 14, 2025. Docs. #123, #124.

Among the assets of the estate are approximately 800 cows (both milking and dry cows) and Debtors' 6,060 "base" gallons presently stored at the Dairy Farmers of America (collectively "the Property"). Doc. #145 (Decl. of Carl Manuel Sousa ("Mr. Sousa")). Debtors propose, subject to court approval, to sell the Property to Buyer in a private sale rather than an auction. *Id.* The terms of the proposed sale call for Buyer to pay \$2,300.00 per head of cattle plus \$100.00 per gallon of milk base, for an approximate gross price of \$606,000.00. *Id.* The costs of a mandatory California State Brand Inspection fee of \$1.60 per head plus costs for tuberculosis testing will be deducted from the gross price. *Id.*

The animals are valued at \$2,738,750.00 in Debtors' Schedule A/B and described in Schedule A/B as follows:

Dairy cows: approximately 600 milking, approximate 135 are drying.

Heifer program. Approximate numbers - Stringers: 89;  
Early Preg: 98; Heifers age 4-13 mots: 208; Heifers age  
0-4 months, approximately 120 (located at calf ranch).  
Est. average value of \$1,750.

Doc. #1 (Sched. A/B, line 47). The milk is not clearly identified as such in Schedule A/B. The court notes that the proposed price per head of cattle is more than the average value of the cows as listed on Schedule A/B.

Buyer shall be entitled to withhold 10% of the cattle sent for sale as "beef cut," which Mr. Sousa's declaration defines as "animals that are not suitable for milking but would otherwise be a drain on the resources of the estate." *Id.* The declaration also states that the 10% beef cut withholding is industry standard and that all

crippled cows and three teated animals will not count towards the 10% beef cut. *Id.*

Debtors declare that time is of the essence and that, if the sale is not closed on or before April 1, 2026, the value of the Property will be diminished by between 25% and 50%. *Id.* Also, closing the sale by April 1 will also require about two weeks for transport of the animals, testing, and other closing requirements. *Id.*

The sale to Buyer is a private sale and not an auction. However, higher and better bids are acceptable, and the overbid procedures are fully outlined in the moving papers.

## DISCUSSION

### Sale of Property

11 U.S.C. § 363(b) (1) allows the trustee to "sell, or lease, other than in the ordinary course of business, property of the estate."

11 U.S.C. 1203 states that:

Subject to such limitations as the court may prescribe, a debtor in possession shall have all the rights, other than the right to compensation under section 330, and powers, and shall perform all the functions and duties, except the duties specified in paragraphs (3) and (4) of section 1106(a), of a trustee serving in a case under chapter 11, including operating the debtor's farm or commercial fishing operation.

Accordingly, Debtors have the authority to sell property of the estate under § 363(b).

Proposed sales under 11 U.S.C. § 363(b) are reviewed to determine whether they are: (1) in the best interests of the estate resulting from a fair and reasonable price; (2) supported by a valid business judgment; and (3) proposed in good faith. *In re Alaska Fishing Adventure, LLC*, 594 B.R. 883, 887 (Bankr. D. Alaska 2018) citing *240 N. Brand Partners v. Colony GFP Partners, Ltd. P'ship (In re 240 N. Brand Partners)*, 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996); *In re Wilde Horse Enters., Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal. 1991). In the context of sales of estate property under § 363, a bankruptcy court "should determine only whether the trustee's judgment was reasonable and whether a sound business justification exists supporting the sale and its terms." *Alaska Fishing*, 594 B.R. at 889, quoting 3 COLLIER ON BANKRUPTCY ¶ 363.02[4] (Richard Levin & Henry J. Sommer, 16th ed.). "[T]he trustee's business judgment is to be given 'great judicial deference.'" *Id.*, citing *In re Psychometric Sys., Inc.*, 367 B.R. 670, 674 (Bankr. D. Colo. 2007); *In re Bakalis*, 220 B.R. 525, 531-32 (Bankr. E.D.N.Y. 1998).

Sales to an insider are subject to heightened scrutiny. *Alaska Fishing Adventure, LLC*, 594 B.R. at 887 citing *Mission Product Holdings, Inc. v. Old Cold, LLC (In re Old Cold LLC)*, 558 B.R. 500,

516 (B.A.P. 1st Cir. 2016). There is nothing in the record suggesting that Buyer is an insider with respect to Debtors.

It appears that the Property is unencumbered. No written agreement between Debtors and Buyer has been made a part of the record. It does not appear that any taxes are owed on the Property.

The sale under these circumstances should maximize potential recovery for the estate. The sale of the Property appears to be in the best interests of the estate because it will provide liquidity for reorganization. The sale appears to be supported by a valid business judgment and proposed in good faith. It appears that this sale is an appropriate exercise of Trustee's business judgment and will be given deference.

Written opposition was not required, and opposition to the sale may be presented at the hearing. In the absence of any such opposition, the court is inclined to GRANT this motion, subject to any higher or better bids presented at the hearing.

#### Overbid Procedure

Any party wishing to overbid shall, prior to the hearing, comply with the overbid procedures as outlined in the Motion and Notice. Docs. ##143-44.

#### Waiver of 14-day Stay

Debtors do not request waiver of the 14-day stay of Rule 6004(h), and no such relief will be granted.

11:00 AM

1. [25-14270](#)-B-7     **IN RE: JOSE VIVERO AND MONICA BELTRAN**

REAFFIRMATION AGREEMENT WITH TRAVIS CREDIT UNION  
2-12-2026    [[15](#)]

JEFFREY ROWE/ATTY. FOR DBT.

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

DISPOSITION:     Denied.

ORDER:            The court will issue an order.

Debtors' counsel will inform debtors that no appearance is necessary.

A Reaffirmation Agreement between Jose Vivero and Monica Ashley Beltran ("Debtors") and Travis Credit Union ("Creditor") for a 2020 Nissan Armado ("Vehicle") was filed on February 12, 2026. Doc. #15.

11 U.S.C. § 524(c)(6)(A)(ii) states "An agreement between a holder of a claim and the debtor, the consideration for which, in whole or in part, is based on a debt that is dischargeable in a case under this title is enforceable only to any extent enforceable under applicable non-bankruptcy law, whether or not discharge of such debt is waived, only if the court approves such agreement as in the best interest of the debtor."

With the remaining term, high mileage, current value, and age of the Vehicle, reaffirmation of this debt is not in the Debtors' best interest. Nothing prevents the Debtors from continuing to make payments to the Creditor nor the Creditor from accepting those payments. Approval of the reaffirmation agreement is DENIED.

1:30 PM

1. [25-12834](#)-B-7    **IN RE: ANDREW AGUILAR**  
[PFT-1](#)

OPPOSITION RE: TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING OF CREDITORS  
2-9-2026    [\[17\]](#)

JOEL WINTER/ATTY. FOR DBT.

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

DISPOSITION:         Granted.

ORDER:                 The court will issue an order.

Chapter 7 trustee Peter L. Fear ("Trustee") seeks dismissal of this case for the debtor's failure to appear and testify at the § 341(a) meeting of creditors ("MOC") held on February 5, 2026. Doc. #17.

Andrew Aguilar ("Debtor") timely filed a form opposition. Doc. #20. The MOC in this case has been continued four times since the initial MOC held on September 30, 2025. Debtor's opposition fails to state why he failed to appear at the prior two MOCs nor does it indicate if Debtor intends to appear at the MOC currently set for April 9, 2026. The opposition does not include a declaration stating reasons why this case should not be dismissed.

Since Debtor has failed to address these issues, this motion to dismiss will be GRANTED.

2. [24-21956](#)-B-7    **IN RE: MICHAEL MOXLEY**  
[KMT-4](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF KRONICK,  
MOSKOVITZ, TIEDEMANN & GIRARD FOR GABRIEL P. HERRERA,  
TRUSTEES ATTORNEY(S)  
2-17-2026    [\[44\]](#)

PATRICIA WILSON/ATTY. FOR DBT.  
GABRIEL HERRERA/ATTY. FOR MV.

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

DISPOSITION:         Granted.

ORDER:                 The Moving Party shall submit a proposed order that conforms with the opinion below.

Nikki B. Farris ("Trustee"), in her capacity as Chapter 7 Trustee for the bankruptcy estate of Michael Gordon Moxley ("Debtor") moves for approval of a first and final allowance of compensation under 11 U.S.C. §§ 330 of the Bankruptcy Code for professional services rendered and reimbursement for expenses incurred by the law firm of

Kronick, Moskovitz, Tiedman & Girard ("KMTG" or "Applicant") on Trustee's behalf. Doc. #44. This is Applicant's first and final request for compensation, covering the period from July 14, 2024, through, and including, February 15, 2026. *Id.*

KMTG was employed to perform services under § 327 of the Code pursuant to an order entered by Judge Sargis and dated August 16, 2024. Doc. #19. The Application seeks **\$6,650.00** in compensation and **\$53.13** in expense reimbursement, for a total compensation of **\$6,703.13**. Doc. #46 (Decl. of Gabriel P. Herrera ("Herrera")). Upon Judge Sargis's retirement, this case was assigned to this department.

It appears that Herrera was the only person at KMTG to work on this case. Doc. #48. Herrera provided **19.60** billable hours at a rate of \$350.00 per hour in 2024, \$375.00 per hour in 2025, and \$400.00 per hour in 2026, totaling **\$7,215.00** in fees. *Id.* Applicant also incurred **\$53.13** in expenses for postage and Pacer research. *Id.* According to Herrera's Declaration, the amount of the attorney's fees sought has been reduced to **\$6,650.00** based on 19.6 billable hours. Doc. #44 These combined fees and expenses total **\$6,703.13**.

11 U.S.C. § 330(a)(1)(A) and (B) permit approval of "reasonable compensation for actual, necessary services rendered by . . . [a] professional person, or attorney" and "reimbursement for actual, necessary expenses." In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, extent, and value of such services, considering all relevant factors, including those enumerated in subsections (a)(3)(A) through (E). § 330(a)(3). Previous interim compensation awards under 11 U.S.C. § 331, if any, are subject to final review under § 330.

Applicant's services here included, without limitation: asset investigation; sale of assets; and fee/employment applications. Docs. #44, #48. The court finds the services and expenses reasonable, actual, and necessary. Trustee has submitted a Declaration evincing approval of the compensation requested. Doc. #47.

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

facie case for the requested relief. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

No party in interest has responded, and the defaults of all such parties are entered.

This Application is GRANTED. The court will approve on a final basis under 11 U.S.C. § 330 compensation in the amount of **\$6,650.00** in fees and **\$53.13** in expenses. The court grants the Application for a total award of **\$6,703.13** as an administrative expense of the estate and an order authorizing and directing the Trustee to pay such to Applicant from the first available estate funds.

3. [25-25856](#)-B-7     **IN RE: FILIBERTO VELASQUEZ**  
[TMO-1](#)

MOTION TO AVOID LIEN OF PORTFOLIO RECOVERY ASSOCIATES, LLC  
2-5-2026    [\[22\]](#)

FILIBERTO VELASQUEZ/MV  
T. O'TOOLE/ATTY. FOR DBT.  
T. O'TOOLE/ATTY. FOR MV.

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

DISPOSITION:        Denied without prejudice.

ORDER:                The court will issue the order.

Filiberto Valesquez ("Debtor") moves for an order avoiding a judicial lien pursuant to 11 U.S.C. § 522(f) encumbering two parcels of farmland real property situated in Madera County, CA and bearing APNs 028-080-023-000 and 028-120-021-000 (collectively, the "Property"). Doc. #22. The creditor is Portfolio Recovery Associates, LLC ("PRA" or "Creditor"). *Id.*

This motion is one of four motions to avoid judicial liens filed roughly contemporaneously by Debtor and presently pending before the court. See *Items ##3-6*. It is the first of two motions to avoid liens held by this creditor, Portfolio Recovery Associates, LLC, the other being Item #4, below.

California Code of Civil Procedure § 697.310(b) states that "Unless the money judgment is satisfied or the judgment lien is released, subject to Section 683.180 (renewal of judgment), a judgment lien created under this section continues until 10 years from the date of entry of the judgment."

The date of entry of PRA's judgment was January 6, 2014. Doc. #26 (Exh. A). The 10-year deadline has passed, and the judgment has expired. Therefore, the lien cannot be avoided. No evidence is presented that the judgment was renewed. So, the property at issue

is not currently encumbered with this abstract of judgment based on movant's evidence.

This motion is DENIED WITHOUT PREJUDICE.

4. [25-25856](#)-B-7     **IN RE: FILIBERTO VELASQUEZ**  
[TMO-2](#)

MOTION TO AVOID LIEN OF PORTFOLIO RECOVERY ASSOCIATES, LLC  
1-29-2026   [\[16\]](#)

FILIBERTO VELASQUEZ/MV  
T. O'TOOLE/ATTY. FOR DBT.  
T. O'TOOLE/ATTY. FOR MV.

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

DISPOSITION:       Denied without prejudice.

ORDER:               The court will issue the order.

Filiberto Valesquez ("Debtor") moves for an order avoiding a judicial lien pursuant to 11 U.S.C. § 522(f) encumbering two parcels of farmland real property situated in Madera County, CA and bearing APNs 028-080-023-000 and 028-120-021-000 (collectively, the "Property"). Doc. #16. The creditor is Portfolio Recovery Associates, LLC ("PRA" or "Creditor"). *Id.*

This motion is one of four motions to avoid judicial liens filed roughly contemporaneously by Debtor and presently pending before the court. *See Items ##3-6.* It is the second of two motions to avoid liens held by this creditor, Portfolio Recovery Associates, LLC, the other being Item #3, above.

California Code of Civil Procedure § 697.310(b) states that "Unless the money judgment is satisfied or the judgment lien is released, subject to Section 683.180 (renewal of judgment), a judgment lien created under this section continues until 10 years from the date of entry of the judgment." The date of entry of PRA's judgment was January 26, 2015. Doc. #19. The 10-year deadline has passed, and the judgment has expired. Therefore, the lien cannot be avoided. No evidence is presented that the judgment was renewed. So, the property at issue is not currently encumbered with this abstract of judgment based on movant's evidence.

This motion is DENIED WITHOUT PREJUDICE.

5. [25-25856](#)-B-7     **IN RE: FILIBERTO VELASQUEZ**  
[TMO-3](#)

MOTION TO AVOID LIEN OF MIDLAND FUNDING LLC  
2-9-2026    [\[29\]](#)

FILIBERTO VELASQUEZ/MV  
T. O'TOOLE/ATTY. FOR DBT.  
T. O'TOOLE/ATTY. FOR MV.

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

DISPOSITION:         Denied without prejudice.

ORDER:                The court will issue the order.

Filiberto Valesquez ("Debtor") moves for an order avoiding a judicial lien pursuant to 11 U.S.C. § 522(f) encumbering two parcels of farmland real property situated in Madera County, CA and bearing APNs 028-080-023-000 and 028-120-021-000 (collectively, the "Property"). Doc. #29. The creditor is Midland Funding, LLC ("Midland" or "Creditor"). *Id.*

This motion is one of four motions to avoid judicial liens filed roughly contemporaneously by Debtor and presently pending before the court. *See Items ##3-6.*

California Code of Civil Procedure § 697.310(b) states that "Unless the money judgment is satisfied or the judgment lien is released, subject to Section 683.180 (renewal of judgment), a judgment lien created under this section continues until 10 years from the date of entry of the judgment."

The date of entry of Midland's judgment was December 30, 2011. Doc. #32 (Exh. A). The 10-year deadline has passed, and the judgment has expired. Therefore, the lien cannot be avoided. No evidence is presented that the judgment was renewed. So, the property at issue is not currently encumbered with this abstract of judgment based on movant's evidence.

This motion is DENIED WITHOUT PREJUDICE.

6. [25-25856](#)-B-7     **IN RE: FILIBERTO VELASQUEZ**  
[TMO-4](#)

MOTION TO AVOID LIEN OF CAVALRY SPV II, LLC  
2-9-2026    [\[35\]](#)

FILIBERTO VELASQUEZ/MV  
T. O'TOOLE/ATTY. FOR DBT.  
T. O'TOOLE/ATTY. FOR MV.

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

DISPOSITION:         Denied without prejudice.

ORDER:                The court will issue the order.

Filiberto Valesquez ("Debtor") moves for an order avoiding a judicial lien pursuant to 11 U.S.C. § 522(f) encumbering two parcels of farmland real property situated in Madera County, CA and bearing APNs 028-080-023-000 and 028-120-021-000 (collectively, the "Property"). Doc. #35. The creditor is Cavalry SPV II, LLC ("Cavalry" or "Creditor"). *Id.*

This motion is one of four motions to avoid judicial liens filed roughly contemporaneously by Debtor and presently pending before the court. *See Items ##3-6.*

California Code of Civil Procedure § 697.310(b) states that "Unless the money judgment is satisfied or the judgment lien is released, subject to Section 683.180 (renewal of judgment), a judgment lien created under this section continues until 10 years from the date of entry of the judgment."

The date of entry of Cavalry's judgment was October 3, 2013. Doc. #38 (Exh. A). The 10-year deadline has passed, and the judgment has expired. Therefore, the lien cannot be avoided. No evidence is presented that the judgment was renewed. So, the property at issue is not currently encumbered with this abstract of judgment based on movant's evidence.

This motion is DENIED WITHOUT PREJUDICE.

7. [25-22557](#)-B-7     **IN RE: KENNETH/JENNIFER KOCH**

MOTION FOR RELIEF FROM AUTOMATIC STAY  
2-17-2026    [\[41\]](#)

COMPEER FINANCIAL, FLCA/MV  
JAMES BEIRNE/ATTY. FOR DBT.  
FANNY WAN/ATTY. FOR MV.

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

DISPOSITION:         Denied without prejudice.

ORDER:                The court will issue an order.

Compeer Financial, FLCA ("Movant") seeks an order lifting the automatic stay under 11 U.S.C. §§ 362(d)(1) and (d)(2) in the above-captioned matter so that Movant may enforce its remedies against the property in accordance with applicable non-bankruptcy law on the real property commonly known as 18575 McCourtney Road, Grass Valley, California (the "Property").

This matter will be DENIED WITHOUT PREJUDICE for failure to comply with the Local Bankruptcy Rules ("LBR").

As an informative matter, the title of Movant's declaration (Doc. #46) states "Certificate of Service."

LBR 4001-1 states that motions for relief from the automatic stay of 11 U.S.C. § 362(a) shall be set for hearing in accordance with LBR 9014. LBR 9014, in turn, states that, under LBR 9014-1(d)(3)(B)(i), the Notice of the motion must include the names and addresses of the persons who must be served with such opposition.

Here, the Notice did not indicate the persons who must be served with opposition. *See Doc. #42*. As the motion to lift stay implicates assets of the estate, the Chapter 7 Trustee and the U.S. Trustee are included among "the persons who must be served with such opposition." Accordingly, the Notice is deficient.

Movant failed to comply with the Local Rules pertaining to Docket Control Numbers ("DCN"). LBR 9004-2(a)(6), (b)(5), (b)(6), (e)(3), LBR 9014-1(c), and (e)(3) are the rules governing DCNs. These rules require a DCN to be in the caption page on **all** documents filed in every matter with the court and **each new motion requires a new DCN**.

Here, Movant only included the DCN on its *Certificate of Service and Relief from Stay Information Sheet*. Docs. #44, #47.

This motion is DENIED without prejudice

8. [24-24267](#)-B-7     **IN RE: RIKI TROWE**  
[DNL-14](#)

CONTINUED MOTION FOR BAD FAITH DETERMINATION  
10-20-2025    [[193](#)]

NIKKI FARRIS/MV  
OMERO BANUELOS/ATTY. FOR DBT.  
J. CUNNINGHAM/ATTY. FOR MV.

NO RULING.

This matter will proceed as a status conference. All parties should be prepared to schedule further proceedings, if any are required.

9. [24-24267](#)-B-7     **IN RE: RIKI TROWE**  
[DNL-15](#)

CONTINUED MOTION FOR EXAMINATION  
10-27-2025    [[203](#)]

OMERO BANUELOS/ATTY. FOR DBT.  
J. CUNNINGHAM/ATTY. FOR MV.

NO RULING.

This matter will proceed as a status conference. All parties should be prepared to schedule further proceedings, if any are required.

10. [26-10388](#)-B-7     **IN RE: JOE WRIGHT**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT  
INFORMATION IN PACER  
2-18-2026    [[12](#)]

THOMAS HOGAN/ATTY. FOR DBT.

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:            The minutes of the hearing will be the court's findings and conclusions.

ORDER:                    The court will issue an order.

There is a discrepancy between the email address for debtor's counsel in PACER and on the petition and debtor's counsel has failed to correct this discrepancy. Local Bankruptcy Rule 5005.5-1(e) provides that each registered user shall maintain a complete and accurate PACER registration.

This matter will proceed as scheduled. If the debtor's counsel has not updated his Pacer contact information prior to the hearing, sanctions may be imposed on counsel on the grounds stated in the OSC.

11. [26-10493](#)-B-7    **IN RE: CONNIE BURBACK**  
[TCS-1](#)

MOTION TO AVOID LIEN OF CHARLOTTE P. GRAY  
2-17-2026    [\[11\]](#)

CONNIE BURBACK/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION:        Granted.

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

Connie Burback ("Debtor") moves for an order avoiding a judicial lien pursuant to 11 U.S.C. § 522(f) in favor of Charlotte P. Gray ("Gray" or "Creditor") in the sum of \$1,450.00 and encumbering residential real property located at 179 W. Pilgrim Lane, Clovis, CA93612. ("Property"). Doc. #11 et seq.

Debtor complied with Fed. R. Bankr. P. 7004(b)(1) by serving Creditor, an individual, at her dwelling via first class mail on June 15, 2025. Doc. #17.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 7 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

To avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). § 522(f)(1); *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir.

2003) (quoting *In re Mohring*, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), *aff'd*, 24 F.3d 247 (9th Cir. 1994)).

Here, a judgment was entered against Debtor in favor of Creditor in the amount \$1,450.00 on October 26, 2023. Doc. 14 (Exh. B). The abstract of judgment was issued on January 9, 2024 and was recorded in Fresno County on that same day. *Id.* That lien attached to Debtor's interest in Property. Docs. ##13-14. Debtor estimates that the current amount owed on account of this lien is \$1,450.00. *Id.*

As of the petition date, Property had an approximate value of \$282,300.00. Doc. #1 (Sched. A/B). Debtor claimed a \$200,000.00 exemption in the Property pursuant to Cal. Code Civ. Proc. ("CCP") § 704.730. Doc. #1 (Sched. C).

Property is encumbered by a first deed of trust in favor Rocket Mortgage in the amount of \$91,418.00. Doc. #1 (Sched. D). Property's encumbrances can be illustrated as follows:

Creditor	Amount	Recorded	Status
1. Rocket Mortgage	\$91,418.00	n/a	Unavoidable
2. Creditor	\$1,450.00	03/17/21	Avoidable

When a debtor seeks to avoid multiple liens under § 522(f)(1) and there is equity to which liens can attach, the liens must be avoided in the reverse order of their priority. *Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger)*, 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997), *aff'd*, 196 F.3d 1292 (9th Cir. 1999). Liens already avoided are excluded from the exemption impairment calculation. *Ibid.*; § 522(f)(2)(B). This lien is the only one encumbering the Property.

"Under the full avoidance approach, as used in *Brantz*, the only way a lien would be avoided 'in full' was if the debtor's gross equity were equal to or less than the amount of the exemption." *Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger)*, 217 B.R. 592, 596 (B.A.P. 9th Cir. 1997), *aff'd*, 196 F.3d 1292 (9th Cir. 1999), citing *In re Brantz*, 106 B.R. 62, 68 (Bankr. E.D. Pa. 1989) ("Avoidance of all judicial liens results unless (3) [the result of deducting the debtor's allowable exemptions and the sum of all liens not avoided from the value of the property] is a positive figure."), citing *In re Magosin*, 75 B.R. 545, 547 (Bankr. E.D. Pa. 1987) (judicial lien was avoidable in its entirety where equity is less than exemption). Ordinarily, liens already avoided are excluded from the exemption impairment calculation. § 522(f)(2)(B). Perfected judicial liens which were recorded prior to the junior-most lien to be avoided are grouped with the unavoidable liens for purposes of this analysis.

Strict application of the § 522(f)(2) formula with respect to Creditor's junior lien is illustrated as follows:

Amount of judgment lien		\$1,450.00
Total amount of unavoidable liens (incl. liens not yet avoided)	+	91,418.00
Debtor's claimed exemption in Property	+	\$200,000.00
<i>Sum</i>	=	\$292,868.00
Debtor's claimed value of interest absent liens	-	\$282,300.00
Extent lien impairs exemption	=	\$10,568.00

*All Points Capital Corp. v. Meyer (In re Meyer)*, 373 B.R. 84, 91 (B.A.P. 9th Cir. 2007); accord. *Hanger* 217 B.R. at 596, *Higgins v. Household Fin. Corp. (In re Higgins)*, 201 B.R. 965, 967 (B.A.P. 9th Cir. 1996); cf. *Brantz*, 106 B.R. at 68, *Magosin*, 75 B.R. at 549-50, *In re Piersol*, 244 B.R. 309, 311 (Bankr. E.D. Pa. 2000). Since there is no equity for liens to attach and this case does not involve fractional interests or co-owned property with non-debtor third parties, the § 522(f)(2) formula can be re-illustrated using the *Brantz* formula with the same result:

Fair market value of Property		\$282,300.00
Total amount of unavoidable liens (incl. liens not yet avoided)	-	\$91,418.00
Homestead exemption	-	200,000.00
Remaining equity for judicial liens	=	(\$9,118.00)
Creditor's judicial lien	-	\$1,450.00
Extent Debtor's exemption impaired	=	(\$10,568.00)

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is insufficient equity to support any judicial liens. Therefore, the fixing of Creditor's judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under § 522(f)(1). Accordingly, this motion will be GRANTED. The proposed order shall state that Creditor's lien is avoided from the subject Property only and include a copy of the abstract of judgment as an exhibit.