

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Modesto, California

**March 21, 2017 at 10:00 a.m.**

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**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

**1. Matters resolved without oral argument:**

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

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

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

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

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

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1.	16-90713-D-13 DEF-4	WAYNE HAMBLIN	MOTION TO CONFIRM PLAN 1-20-17 [90]
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2.	11-94222-D-13 DCJ-6	SHELLEY SHAHEN	CONTINUED MOTION TO MODIFY PLAN 7-5-16 [107]
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3. 11-94222-D-13 SHELLEY SHAHEN  
DCJ-7

OBJECTION TO CLAIM OF  
DEPARTMENT OF THE TREASURY -  
INTERNAL REVENUE SERVICE, CLAIM  
NUMBER 12  
2-5-17 [123]

4. 16-90946-D-13 DIANE HATTON  
17-9001  
VENTURES TRUST 2013-I-H-R BY  
MCM CAPITAL PARTNERS, V.

MOTION FOR REMAND  
2-21-17 [9]

**Final ruling:**

This is the motion of Ventures Trust 2013-I-H-R, the plaintiff in this removed adversary proceeding, to remand the action to state court. The motion will be denied for the following reasons: (1) the moving papers do not include a docket control number, as required by LBR 9014-1(c)(2); (2) all the moving papers - the notice of motion and motion, memorandum of points and authorities, declaration, exhibits, and proof of service are in a single document rather than being filed separately, as required by LBR 9004-1(a) and the court's Revised Guidelines for the Preparation of Documents, Form EDC 2-901; and (3) the combined notice of motion and motion did not advise the potential respondent whether or when written opposition must be filed, as required by LBR 9014-1(d)(4).

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

5. 14-90749-D-13 BARLOW TAYLOR  
RDG-1

OBJECTION TO CLAIM OF STATE OF  
CALIFORNIA FRANCHISE TAX BOARD,  
CLAIM NUMBER 5  
2-20-17 [28]

**Final ruling:**

**Objection withdrawn by moving party. Matter removed from calendar.**

6. 16-90951-D-13 CLAUDIA BELL  
DEF-1

MOTION TO CONFIRM PLAN  
1-19-17 [45]

7. 16-90951-D-13 CLAUDIA BELL MOTION TO AVOID LIEN OF UNIFUND  
DEF-2 CCR, LLC  
1-20-17 [52]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtor is entitled. As a result, the court will grant the debtor's motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

8. 16-91153-D-13 RICARDO MARTINEZ AND EVA CONTINUED OBJECTION TO  
PPR-1 HERNANDEZ CONFIRMATION OF PLAN BY U.S.  
BANK, N.A.  
1-27-17 [14]

9. 14-91462-D-13 JAMES/MELANIE DEAN MOTION TO MODIFY PLAN  
CJY-1 2-10-17 [46]

**Final ruling:**

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

10. 16-90868-D-13 LISA COOPER MOTION FOR RELIEF FROM  
RCO-1 AUTOMATIC STAY, MOTION FOR  
WELLS FARGO BANK, N.A. VS. RELIEF FROM CO-DEBTOR STAY  
AND/OR MOTION FOR ADEQUATE  
PROTECTION  
2-13-17 [122]

**Final ruling:**

This matter is resolved without oral argument. This is Wells Fargo Bank, N.A.'s motion for relief from automatic stay. The court records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and the creditor's interest in the property is not adequately protected. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

11. 16-90868-D-13 LISA COOPER  
RDG-7

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
2-13-17 [114]

**Final ruling:**

This is the trustee's objection to the debtor's claims of exemption. On March 1, 2017, the debtor filed an amended Schedule C. As a result of the filing of the amended Schedule C, the present objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

12. 16-90968-D-13 PAUL DYKES  
DEF-1

MOTION TO CONFIRM PLAN  
1-25-17 [41]

**Final ruling:**

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

13. 16-90771-D-13 REBECCA ANDERSON  
PBG-1

MOTION TO CONFIRM PLAN  
1-24-17 [23]

**Final ruling:**

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

14. 16-90975-D-13 JOSEPH CALDERON  
JAD-1

MOTION TO CONFIRM PLAN  
1-24-17 [20]

15.	15-90388-D-13 RLF-1	JOSEPH SHAW AND MARY INDERBITZIN-SHAW	MOTION TO MODIFY PLAN 2-6-17 [46]
16.	14-91398-D-13 CJY-2	LOUIS JORDAN	MOTION TO MODIFY PLAN 2-1-17 [44]
17.	17-90013-D-13 KAZ-1	EDWARD/LINDA GABRIEL	OBJECTION TO CONFIRMATION OF PLAN BY WELLS FARGO BANK, N.A. 2-27-17 [22]
18.	14-91219-D-13 CJY-1	ADAM/CATHERINE RAZO	MOTION TO INCUR DEBT 3-1-17 [29]

19.	14-91219-D-13 CJY-2	ADAM/CATHERINE RAZO	MOTION TO INCUR DEBT 3-1-17 [33]
20.	16-91153-D-13 RDG-1	RICARDO MARTINEZ AND EVA HERNANDEZ	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 2-28-17 [32]
21.	17-90153-D-13 PSB-1	JASON UNDERWOOD	MOTION TO EXTEND AUTOMATIC STAY 3-5-17 [8]
22.	15-90754-D-13 DCJ-1	MICHAEL/SHEILA HAEFLINGER	CONTINUED MOTION TO SELL 2-7-17 [33]

23. 16-90975-D-13 JOSEPH CALDERON  
JAD-2

MOTION TO VALUE COLLATERAL OF  
WHEELS FINANCIAL GROUP, LLC  
2-24-17 [26]