

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Sacramento, California

**March 27, 2018 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.	14-30501-D-13 JCK-5	DENNIS/GLORIA THRELKELD	MOTION TO MODIFY PLAN 2-15-18 [63]
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2.	18-20106-D-13 RDG-2	AMY EVANS	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 2-26-18 [24]
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3. 17-28210-D-13 LYDIA MENDEZ OBJECTION TO DEBTOR'S CLAIM OF  
RDG-3 EXEMPTIONS  
2-12-18 [38]

**Final ruling:**

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed. The objection is supported by the record. The court will issue a minute order sustaining the trustee's objection to debtor's claim of exemptions. No appearance is necessary.

4. 17-28210-D-13 LYDIA MENDEZ CONTINUED MOTION FOR RELIEF  
SSA-1 FROM AUTOMATIC STAY  
STOCKTON MORTGAGE REAL 2-2-18 [22]  
ESTATE LOAN SERVICING CORP.  
VS.

5. 17-28215-D-13 KAREN/DANIEL VIDA OBJECTION TO DEBTORS' CLAIM OF  
RDG-1 EXEMPTIONS  
2-12-18 [19]

**Tentative ruling:**

This is the trustee's objection to the debtors' claims of exemption of cash on hand and funds in three bank accounts under Cal. Code Civ. Proc. § 704.070. The objection was filed on Monday, February 12, 2018. On Friday, February 9, 2018, the debtors filed an amended Schedule C on which they changed the code section under which they have claimed the cash on hand and funds in one of the bank accounts. The filing of the amended Schedule C moots the trustee's objection as to those two assets. The debtors continue to claim the funds in the other two bank accounts as exempt under Cal. Code Civ. Proc. § 704.070. As to those two assets, upon request of the trustee, the court will construe this objection as directed to the amended claim of exemptions.

The court will hear the matter.

6. 17-21917-D-13 ANTONIO/FIDELIA JACQUEZ MOTION TO CONFIRM PLAN  
TOG-3 1-11-18 [81]

7.	17-22229-D-13 TBK-3	DENNIS/SHERRY CRUZ	MOTION TO MODIFY PLAN 2-5-18 [75]
8.	18-20131-D-13 RDG-1	DIANA AVILA-DURAN	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 2-26-18 [20]
9.	17-23837-D-13 JB-1	FRANCISCO/MARIA PADILLA	CONTINUED MOTION TO DISMISS CASE AND/OR MOTION TO CONVERT CASE TO CHAPTER 7 1-30-18 [89]
10.	17-23837-D-13 PGM-4	FRANCISCO/MARIA PADILLA	MOTION TO CONFIRM PLAN 2-13-18 [105]

11. 18-20638-D-13 BRIAN/JESSICA CAMPOS MOTION TO AVOID LIEN OF UNIFUND  
JCK-1 CCR PARTNERS  
2-15-18 [16]

**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, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

12. 18-20638-D-13 BRIAN/JESSICA CAMPOS MOTION TO AVOID LIEN OF FIRST  
JCK-2 RESOLUTION INVESTMENT  
CORPORATION  
2-15-18 [20]

13. 18-20638-D-13 BRIAN/JESSICA CAMPOS MOTION TO AVOID LIEN OF  
JCK-3 CITIFINANCIAL SERVICES, INC.  
2-15-18 [24]

**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, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

14. 18-20056-D-13 DELLA/RICHARD JONES OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
2-26-18 [18]

15. 18-20557-D-13 RICHARD NYE  
MOT-1

MOTION TO VALUE COLLATERAL OF  
ACURA FINANCIAL SERVICES  
2-21-18 [18]

**Final ruling:**

This is the debtor's motion to value collateral of Acura Financial Services ("Acura"). The motion will be denied because the moving party failed to serve Acura in strict compliance with Fed. R. Bankr. P. 7004(b)(3), as required by Fed. R. Bankr. P. 9014(b). The moving party served Acura by certified mail to the attention of a Company Officer, whereas Acura is not an FDIC-insured institution, and thus, was required to be served by first-class mail, not certified mail. Compare Fed. R. Bankr. P. 7004(b)(3) and preamble to 7004(b) with Fed. R. Bankr. P. 7004(h). The hearing will be continued to April 10, 2018 at 10: 00 a.m., the moving party to file a notice of continued hearing (pursuant to LBR 9014-1(f)(2) - no written opposition required) and serve it, together with the motion and supporting papers, in the manner required by Rule 7004(b)(3) by March 27, 2018. The hearing will be continued by minute order. No appearance is necessary on March 27, 2018.

16. 15-26560-D-13 JOHN/ROBIN IVY  
JCK-4

MOTION TO MODIFY PLAN  
2-16-18 [55]

17. 17-26662-D-13 KATHERINE SOUZA  
RKW-2

CONTINUED MOTION TO CONFIRM  
PLAN  
12-27-17 [55]

18. 18-20365-D-13 RADHEY/LILLIAM SHYAM  
DWE-1  
WELLS FARGO BANK, N.A. VS.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
2-26-18 [42]

19. 15-20967-D-13 BENJAMIN/WHITLEY FRENCH MOTION TO MODIFY PLAN  
MC-3 2-15-18 [55]

20. 17-24975-D-13 COURTNEY BATTEN AND MOTION TO MODIFY PLAN  
TBK-3 JENNIFER LINCYCOMB 2-14-18 [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.

21. 13-29580-D-13 VINCENT/VIRGINIA ALCARIA MOTION TO MODIFY PLAN  
JWS-1 2-7-18 [56]

**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.

22. 17-23785-D-13 JASWINDER SINGH CONTINUED MOTION TO CONFIRM  
MJH-4 PLAN  
11-17-17 [66]

23.	18-20085-D-13 RDG-1	JESSE MORGAN AND CHERLYN COMBS-MORGAN	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 2-26-18 [21]
24.	16-26988-D-13 ALF-2	ROMEO/NOELETTE GONZALES	MOTION TO USE CASH COLLATERAL 2-22-18 [34]
25.	17-27693-D-13 EGS-1	ANTHONY MOORE	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY GUILD MORTGAGE COMPANY 1-17-18 [46]
26.	17-27693-D-13 EGS-1	ANTHONY MOORE	CONTINUED MOTION TO DISMISS CASE 1-12-18 [39]

27.	17-27693-D-13 PGM-1	ANTHONY MOORE	CONTINUED MOTION TO IMPOSE AUTOMATIC STAY 11-22-17 [10]
28.	17-27693-D-13 RDG-1	ANTHONY MOORE	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 1-12-18 [36]
29.	18-20095-D-13 RDG-1	GINA CRONIN	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 2-26-18 [26]
30.	18-20095-D-13 USA-1	GINA CRONIN	OBJECTION TO CONFIRMATION OF PLAN BY SMALL BUSINESS ADMINISTRATION 2-28-18 [29]



31.	18-20423-D-13 DVW-1 U.S. BANK, N.A. VS.	VINITA ZINZUWADIA	MOTION TO CONFIRM TERMINATION OR ABSENCE OF STAY AND/OR MOTION FOR RELIEF FROM AUTOMATIC STAY 3-13-18 [34]
32.	17-23837-D-13 PGM-5	FRANCISCO/MARIA PADILLA	MOTION TO SELL 3-13-18 [124]
33.	17-24065-D-13 TOG-3	MARY CRUZ	CONTINUED MOTION TO CONFIRM PLAN 1-30-18 [91]
34.	15-27776-D-13 JAD-2	INGEMAR/JENNIFER TOLENADA	CONTINUED MOTION TO APPROVE LOAN MODIFICATION 1-31-18 [112]

35. 15-27776-D-13 INGEMAR/JENNIFER TOLENADA CONTINUED MOTION TO MODIFY PLAN  
JAD-3 1-31-18 [117]