



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, March 27, 2025
Department A – Courtroom #11
Fresno, California

Unless otherwise ordered, all matters before the Honorable Jennifer E. Niemann shall be simultaneously: (1) **In Person** at, Courtroom #11 (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 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 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 who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest 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 appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

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.

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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.

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 POSSIBLE UPDATES.

9:30 AM

1. [25-10307](#)-A-13 **IN RE: GEORGE/SONJA BRYANT**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN TSANG, CHAPTER 13 TRUSTEE
3-11-2025 [\[13\]](#)

LILIAN TSANG/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection to confirmation is OVERRULED AS MOOT. The debtors filed a first amended plan on March 18, 2025 (TCS-1, Doc. #29), with a motion to confirm the modified plan set for hearing on April 24, 2025, at 9:30 a.m. Doc. ##24-30.

2. [25-10127](#)-A-13 **IN RE: DANIEL GONZALEZ AND DANIELLE BLACK**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
3-11-2025 [\[17\]](#)

LILIAN TSANG/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Continued to May 1, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

Daniel Ernest Gonzalez and Danielle Nekole Black (together, "Debtors") filed a voluntary petition under chapter 13 on January 17, 2025 and filed a chapter 13 plan ("Plan") on January 24, 2025. Doc. ##1, 10. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because Debtors have not provided pay advices to Trustee to allow Trustee to determine all of Debtors' projected disposable is being applied to make payments to unsecured creditors under the Plan. Doc. #17.

This objection will be continued to May 1, 2025 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than April 17, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors' position. Trustee shall file and serve a reply, if any, by April 24, 2025.

If Debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than April 24, 2025. If Debtors do not timely file a

modified plan or a written response, this objection to confirmation will be denied on the grounds stated in Trustee's opposition without a further hearing.

3. [24-13728](#)-A-13 **IN RE: NICHOLAS CANTU**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
2-11-2025 [\[14\]](#)

LILIAN TSANG/MV
STEVEN ALPERT/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

4. [24-13554](#)-A-13 **IN RE: ANN MARQUEZ**
[PBB-2](#)

MOTION TO CONFIRM PLAN
2-18-2025 [\[29\]](#)

ANN MARQUEZ/MV
PETER BUNTING/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.

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of creditors, 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 amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

5. [24-12361](#)-A-13 **IN RE: EDWARD/CRYSTAL PEREZ**
[PLG-1](#)

CONTINUED MOTION TO MODIFY PLAN
12-3-2024 [\[29\]](#)

CRYSTAL PEREZ/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

6. [25-10262](#)-A-13 **IN RE: RAMIRO/MONICA RUVALCABA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
3-7-2025 [\[18\]](#)

MARK ZIMMERMAN/ATTY. FOR DBT.
DISMISSED 3/24/25

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on March 24, 2025. Doc. #24.
Therefore, this objection to confirmation will be OVERRULED AS MOOT.

7. [22-12163](#)-A-13 **IN RE: TINA GARCIA**
[SL-4](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT WITH
CHICAGO TITLE INSURANCE COMPANY
2-26-2025 [\[138\]](#)

TINA GARCIA/MV
SCOTT LYONS/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.

This motion was set for hearing on at least at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, 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 amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Tina Louise Garcia ("Debtor"), the debtor in this chapter 13 case, moves the court for an order pursuant to Federal Rule of Bankruptcy Procedure 9019, approving the compromise of all claims and disputes between Debtor and Chicago Title Insurance Company ("Creditor") arising out of Debtor's objection to Creditor's proof of claim. Doc. #138.

On February 14, 2023, Creditor filed a proof of claim in Debtor's bankruptcy case asserting a claim for \$149,561.08 stemming from a Second Deed of Trust originally owned by Brooks America Mortgage Corporation and transferred to Nationstar Mortgage ("Nationstar") that Creditor paid to Nationstar. Claim 6. Debtor objected Creditor's claim asserting that (1) the claim is unenforceable under California state law and barred by the statute of limitations, and (2) the underlying debt secured by the Second Deed of Trust was forgiven and cancelled by Nationstar as evidenced by the issuance of a Form 1099-C by Nationstar to Debtor in the amount of \$88,459.62. Doc. #44. The court set a discovery schedule in the objection to claim proceeding. Doc. #89.

Debtor and Creditor have now settled Debtor's objection to Creditor's claim. Doc. #138. Pursuant to the proposed settlement, Debtor shall amend her chapter 13 plan to include the claim of Creditor in the amount of \$30,000, and Creditor will accept this amount in lieu of the total amount of Creditor's claim. Id. If Debtor's bankruptcy case is converted or dismissed, Debtor agrees to continue payments on the settlement amount to Creditor to the fullest extent allowed by law. Id.

On a motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Fed. R. Bankr. P. 9019. Approval of a compromise must be based upon considerations of fairness and equity. Martin v. Kane (In re A & C Props.), 784 F.2d 1377, 1381 (9th Cir. 1986). The court must consider and balance four factors: (1) the probability of success in the litigation; (2) the difficulties, if any, to be encountered in the matter of collection; (3) the complexity of the litigation involved, and the expense, inconvenience, and delay necessarily attending it; and (4) the paramount interest of the creditors with a proper deference to their reasonable views. Woodson v. Fireman's Fund Ins. Co. (In re Woodson), 839 F.2d 610, 620 (9th Cir. 1988).

It appears from the moving papers that Debtor has considered the standards of A & C Properties and Woodson. Doc. #138. Although Debtor believes that she would prevail in full on her objection to Creditor's claim, the terms of the settlement obviate the need to continue litigating with Creditor. Decl. of Tina Louise Garcia, Doc. #140. The underlying dispute involves the forgiveness and cancellation of a debt based on the issuance of a Form 1099-C, which would require the parties to incur a fair amount of litigation expenses. Id. Finally, the proposed settlement will permit Debtor to complete a chapter 13 plan that will pay 100% to all creditors. Id. The settlement is fair, reasonable, and obtains an economically advantageous result. The court concludes that the A & C Properties factors balance in favor of approving the compromise, and the compromise is in the best interest of the creditors and the estate.

Accordingly, it appears that the compromise pursuant to Federal Rule of Bankruptcy Procedure 9019 is reasonable. The court may give weight to the

opinions of the debtor, the parties, and their attorneys. In re Blair, 538 F.2d 849, 851 (9th Cir. 1976). No opposition has been filed. Furthermore, the law favors compromise and not litigation for its own sake. Id.

Accordingly, the motion is GRANTED, and the settlement between Debtor and Creditor is approved. Debtor is authorized, but not required, to execute any and all documents necessary to satisfy the terms of the proposed settlement.

8. [25-10680](#)-A-13 **IN RE: YVONNE OLMOS**
[MAZ-1](#)

MOTION TO EXTEND AUTOMATIC STAY
3-13-2025 [[13](#)]

YVONNE OLMOS/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted if an amended certificate of service is filed before the hearing.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order after the hearing.

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion if an amended certificate of service is filed before the hearing. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

As a procedural matter, the declarant did not list the day on which the documents were served in Section 4 of the court's mandatory Certificate of Service form; only the month and year in which the documents were served was included in Section 4. Doc. #16. The court will hear the matter if an amended certificate of service addressing this deficiency is filed before the hearing.

Debtor Yvonne Olmos ("Debtor"), the debtor in this chapter 13 case, moves the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B). Doc. #13.

Debtor had a chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 24-13674 (Bankr. E.D. Cal.) (the "Prior Case"). The Prior Case was filed on December 20, 2024 and dismissed at Debtor's request on February 12, 2025. Decl. of Yvonne Olmos, Doc. #15. Under 11 U.S.C. § 362(c)(3)(A), if a debtor had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the current case. Debtor filed this case on March 6, 2025. Petition, Doc. #1. The automatic stay will terminate in the present case on April 5, 2025.

Section 362(c)(3)(B) allows the court to extend the stay "to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed[.]" 11 U.S.C. § 362(c)(3)(B).

Section 362(c)(3)(C)(i) creates a presumption that the case was filed not in good faith if the debtor: (1) filed more than one prior case in the preceding year; (2) failed to file or amend the petition or other documents without substantial excuse, provide adequate protection as ordered by the court, or perform the terms of a confirmed plan; or (3) has not had a substantial change in his or her financial or personal affairs since the dismissal, or there is no other reason to believe that the current case will result in a discharge or fully performed plan. 11 U.S.C. § 362(c)(3)(C)(i).

The presumption of bad faith may be rebutted by clear and convincing evidence. 11 U.S.C. § 362(c)(3)(C). Under the clear and convincing standard, the evidence presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are 'highly probable.'" Factual contentions are highly probable if the evidence offered in support of them instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence offered in opposition." Emmert v. Taggart (In re Taggart), 548 B.R. 275, 288 n.11 (B.A.P. 9th Cir. 2016) (citations omitted) vacated and remanded on other grounds by Taggart v. Lorenzen, 139 S. Ct. 1795 (2019).

In this case, the presumption of bad faith arises only if Debtor has not had a substantial change in her financial or personal affairs since dismissal of the Prior Case. In support of this motion to extend the automatic stay, Debtor asserts her prior bankruptcy case was dismissed because she failed to pay the filing fee due to the court. Olmos Decl., Doc. #15. In the instant case, Debtor has paid the filing fee in full. See court docket entry entered on March 20, 2025. Debtor has filed a chapter 13 plan which she believes is confirmable and is confident she will be able to make her plan payments. Olmos Decl., Doc. #15.

Debtor's Schedules I and J filed in this case list monthly income of \$8,700.30 and expenses of \$2,125.64, resulting in monthly net income of \$6,574.66 of which Debtor proposes to apply \$721.00 to plan payments in this case. Schedules I and J, Doc. #1; Chapter 13 plan, Doc. #5.

The court is inclined to find that Debtor's explanation as to why the Prior Case was dismissed rebuts the presumption of bad faith that arose from the failure to pay the filing fee in Debtor's Prior Case and that Debtor's petition commencing this case was filed in good faith. Further, there is reason to conclude that this case will result in a confirmed plan that will be fully performed.

Accordingly, the court is inclined to GRANT the motion and extend the automatic stay for all purposes only as to those parties named in Debtor's motion (Doc. #13), unless terminated by further order of the court. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is necessary.

MOTION FOR COMPENSATION FOR JEFFREY D. ROWE, DEBTORS ATTORNEY(S)
2-25-2025 [\[86\]](#)

JEFFREY ROWE/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.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, 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 amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The Law Offices of Jeffrey D. Rowe ("Movant"), counsel for John Douglas Bevington and Lisa Gaye Bevington (together, "Debtors"), the debtors in this chapter 13 case, requests allowance of final compensation in the amount of \$11,735.00 and no reimbursement for expenses for services rendered from January 8, 2020 through February 24, 2025. Doc. #86. Debtors' confirmed plan provides, in addition to \$1,810.00 paid prior to filing the case, for \$15,000.00 in attorney's fees. Am. Plan, Doc. #28; Order, Doc. #51. No prior fee application has been filed. Debtors consent to the amount requested in Movant's application. Ex. F, Doc. #90.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3). Here, Movant demonstrates services rendered relating to: (1) consulting and fact gathering to file bankruptcy case; (2) preparing petition, schedules and related pleadings; (3) preparing and filing original and modified plans; (4) preparing and attending 341 meeting of creditors; (5) general case administration; and (6) preparing fee application. Exs. A-C, Doc. #90. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion on a final basis.

This motion is GRANTED. The court allows on a final basis compensation requested by this motion in the amount of \$11,735.00 and no reimbursement for expenses to be paid in a manner consistent with the terms of the confirmed plan.

CONTINUED MOTION TO EXTEND AUTOMATIC STAY
2-19-2025 [\[8\]](#)

BONNIE BUCKMASTER/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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 court will issue an order.

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Debtor Bonnie Jean Buckmaster ("Debtor"), the debtor in this chapter 13 case, moves the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B). Doc. #8.

Debtor had a chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 23-12510 (Bankr. E.D. Cal.) (the "Prior Case"). The Prior Case was filed on November 9, 2023 and dismissed on November 18, 2024. Decl. of Bonnie Buckmaster, Doc. #10. Under 11 U.S.C. § 362(c)(3)(A), if a debtor had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the current case. Debtor filed this case on February 13, 2025. Petition, Doc. #1. The court previously found that Debtor had not met her burden of rebutting the presumption that this case was not filed in good faith, extended the automatic stay until March 31, 2025, and continued the hearing on this motion to March 27, 2025 at 9:30 a.m. to allow Debtor time to supplement her motion to extend the stay. Order, Doc. #17. As a result of the court's order continuing the hearing, the automatic stay will terminate in the present case on March 31, 2025.

Section 362(c)(3)(B) allows the court to extend the stay "to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed[.]" 11 U.S.C. § 362(c)(3)(B).

Section 362(c)(3)(C)(i) creates a presumption that the case was not filed in good faith if (1) the debtor filed more than one prior case in the preceding year; (2) the debtor failed to file or amend the petition or other documents without substantial excuse, provide adequate protection as ordered by the court, or perform the terms of a confirmed plan; or (3) the debtor has not had a substantial change in his or her financial or personal affairs since the

dismissal, or there is no other reason to believe that the current case will result in a discharge or fully performed plan. 11 U.S.C. § 362(c)(3)(C)(i).

The presumption of bad faith may be rebutted by clear and convincing evidence. 11 U.S.C. § 362(c)(3)(C). Under the clear and convincing standard, the evidence presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are 'highly probable.'" Factual contentions are highly probable if the evidence offered in support of them instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence offered in opposition." Emmert v. Taggart (In re Taggart), 548 B.R. 275, 288 n.11 (B.A.P. 9th Cir. 2016) (citations omitted) (vacated and remanded on other grounds by Taggart v. Lorenzen, 139 S. Ct. 1795 (2019)).

In this case, the presumption of bad faith arises. In the Prior Case, a notice of default and intent to dismiss case was served based on Debtor's default in plan payments in the Prior Case. Prior Case, Case No. 23-12510, Doc. #30. The Prior Case was dismissed by an order after Debtor failed to cure the plan default within 30 days. See Case No. 23-12510, Doc. ##33-34. Debtor states that she failed to cure the default in plan payments in the Prior Case due to unexpected expenses, which caused Debtor to fall behind on her plan payments, but that situation has changed. Buckmaster Decl., Doc. #10.

In support of this motion to extend the automatic stay, Debtor explains that she got behind in plan payments in the Prior Case due to unexpected expenses such as resolving a mold issue in her home that her homeowner's insurance did not cover, completely replacing a circuit box after it burned up, and paying off her husband's funeral. Supp. Decl. of Bonnie Buckmaster, Doc. #18. Debtor declares that she also has tightened up on her spending and has gotten rid of all non-essential bills. Buckmaster Decl., Doc. #10. Debtor's situation has changed as there are no current major expenses, and Debtor should be able to set aside money for future repairs should those future repairs occur. Buckmaster Supp. Decl., Doc. #18.

Further, Debtor states she is motivated to succeed in completing a chapter 13 plan in order to save her home and, without an extension of the automatic stay, Debtor fears the secured lender may foreclose on Debtor's home. Id. Debtor filed a proposed plan on February 13, 2025. Doc. #3. Debtor's Schedules I and J filed in this case list monthly income of \$6,522.75 and expenses of \$3,502.00, resulting in monthly net income of \$3,020.75 of which Debtor proposes to apply \$2,007.00 to plan payments in this case. Schedules I and J, Doc. #1; Plan, Doc. #3. Thus, Debtor's schedules show approximately \$1,000.00 per month in net income beyond the amount needed for Debtor's proposed plan payments.

The court is inclined to find that Debtor's explanation as to why the Prior Case was dismissed rebuts the presumption of bad faith that arose from the failure to cure plan defaults and stay current on plan payments in Debtor's Prior Case and that Debtor's petition commencing this case was filed in good faith. Further, there is reason to conclude that this case will result in a confirmed plan that will be fully performed.

Accordingly, the court is inclined to GRANT the motion and extend the automatic stay for all purposes only as to those parties named in Debtor's motion (Doc. #8), unless terminated by further order of the court. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is necessary.

11. [24-13300](#)-A-13 **IN RE: MICHAEL/MIRIAM BIAS**
[PBB-2](#)

CONTINUED MOTION TO CONFIRM PLAN
1-24-2025 [\[37\]](#)

MIRIAM BIAS/MV
PETER BUNTING/ATTY. FOR DBT.

NO RULING.

12. [23-12314](#)-A-13 **IN RE: DELILA RUCH**
[AP-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
10-30-2024 [\[55\]](#)

WILMINGTON SAVINGS FUND SOCIETY, FSB/MV
PETER BUNTING/ATTY. FOR DBT.
WENDY LOCKE/ATTY. FOR MV.

NO RULING.

13. [21-12222](#)-A-13 **IN RE: JAMES/CARLA MOORE**
[RSW-2](#)

CONTINUED MOTION TO INCUR DEBT
2-13-2025 [\[48\]](#)

CARLA MOORE/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

An order granting the motion was entered on March 24, 2025. Doc. #65.

14. [25-10030](#)-A-13 **IN RE: LUIS/SANDRA RAMIREZ**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
2-21-2025 [\[25\]](#)

LILIAN TSANG/MV
BENNY BARCO/ATTY. FOR DBT.

NO RULING.

15. [24-13287](#)-A-13 **IN RE: JOHN/NANCY ALVA**
[SDN-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
12-20-2024 [[12](#)]

FAMILIES AND SCHOOLS TOGETHER CREDIT UNION/MV
STEPHEN LABIAK/ATTY. FOR DBT.
SHERYL NOEL/ATTY. FOR MV.

NO RULING.

16. [24-13287](#)-A-13 **IN RE: JOHN/NANCY ALVA**
[SLL-2](#)

CONTINUED MOTION TO CONFIRM PLAN
2-6-2025 [[43](#)]

NANCY ALVA/MV
STEPHEN LABIAK/ATTY. FOR DBT.

NO RULING.

17. [24-10595](#)-A-13 **IN RE: DAVID RUSSO**
[WLG-1](#)

CONTINUED MOTION TO SELL
1-31-2025 [[24](#)]

DAVID RUSSO/MV
NICHOLAS WAJDA/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted if debtor consents to the trustee's requests.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The chapter 13 trustee ("Trustee") timely filed written opposition on March 5, 2025. Doc. #35. The failure of creditors, 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). Therefore, the defaults of the non-responding parties in interest are entered.

David Scott Russo ("Debtor") petitions the court for an order authorizing Debtor to sell real property located at 3559 West Harvard Avenue, Fresno, California 93722 (the "Property") for \$275,000.00 to Devin White. Doc. #24. Debtor filed a voluntary chapter 13 petition on March 11, 2024. Doc. #1. Debtor's chapter 13 plan was confirmed on June 12, 2024. Plan, Doc. #7; Order, Doc. #17.

LBR 3015-1(h)(1)(E) provides in relevant part that "if the debtor wishes to . . . transfer property on terms and conditions not authorized by [LBR 3015-1(h)(1)(A) through (D)], the debtor shall file the appropriate motion, serve it on the trustee, those creditors who are entitled to notice, and all persons requesting notice, and set the hearing on the Court's calendar with the notice required by Fed. R. Bankr. P. 2002 and LBR 9014-1."

This motion was properly served and noticed. Debtor has a fee simple ownership interest in the Property. Schedule A/B, Doc. #1. Debtor has claimed an exemption of the Property in the amount of \$109,443.75 under California Code of Civil Procedure § 704.730. Schedule C, Doc #1. The Property is encumbered by liens and/or security interests totaling \$146,775.76. Schedule D, Doc. #1; Decl. of David Scott Russo, Doc. #26.

Debtor will pay the closing costs and realtors' commissions. Russo Decl., Doc. #26. Pursuant to Trustee's timely filed response to the motion, Trustee does not oppose Debtor's motion so long as language is added to the order granting this motion stating: (1) the sale provides for all liens to be paid in full in a manner consistent with Debtor's confirmed plan; (2) Trustee shall approve the escrow and title company to be used; (3) Trustee shall approve the estimated closing statement and, when approved, disbursement may only be made in accordance with the approved estimated closing statement; and (4) Trustee shall demand sufficient funds to pay general unsecured claims in full at 100%. Doc. #35. The court finds that Trustee's requests are reasonable and should be incorporated into the order approving this motion. The court also finds that the sale of the Property is in the best interests of the estate.

Accordingly, subject to Debtor consenting to the conditions set forth in Trustee's response, the court is inclined to grant this motion.

1. [19-11628](#)-A-12 **IN RE: MIKAL JONES**
[19-1081](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
6-28-2019 [[1](#)]

DILDAY ET AL V. JONES
RILEY WALTER/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued May 28, 2025 at 3:00 p.m.

ORDER: The court will issue an order.

Pursuant to the joint status report filed on March 20, 2025 (Doc. #197), the status conference will be continued to May 28, 2025 at 3:00 p.m.

The parties shall file either joint or unilateral status report(s) not later than May 21, 2025.

2. [23-10947](#)-A-13 **IN RE: SONIA LOPEZ**
[23-1039](#)

CONTINUED PRE-TRIAL CONFERENCE RE: COMPLAINT
9-21-2023 [[1](#)]

LOPEZ V. UNIFIED MORTGAGE SERVICE, INC. ET AL
SUSAN SILVEIRA/ATTY. FOR PL.

NO RULING.

3. [24-11967](#)-A-11 **IN RE: LA HACIENDA MOBILE ESTATES, LLC**
[24-1020](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: NOTICE OF REMOVAL
7-30-2024 [[1](#)]

HACIENDA HOMEOWNERS FOR JUSTICE ET AL V. LA HACIENDA
RESPONSIVE PLEADING

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

DISPOSITION: Continued June 11, 2025 at 3:00 p.m.

ORDER: The court will issue an order.

As set forth on the record at a hearing held on March 26, 2025, this matter is continued to June 11, 2025 at 3:00 p.m.

4. [24-11967](#)-A-11 **IN RE: LA HACIENDA MOBILE ESTATES, LLC**
[24-1020](#) [OHS-2](#)

CONTINUED MOTION FOR REMAND
8-28-2024 [\[25\]](#)

HACIENDA HOMEOWNERS FOR JUSTICE ET AL V. LA HACIENDA
MARC LEVINSON/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Continued June 11, 2025 at 3:00 p.m.

ORDER: The court will issue an order.

As set forth on the record at a hearing held on March 26, 2025, this matter is continued to June 11, 2025 at 3:00 p.m.

5. [24-11967](#)-A-11 **IN RE: LA HACIENDA MOBILE ESTATES, LLC**
[24-1027](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
8-21-2024 [\[1\]](#)

LA HACIENDA MOBILE ESTATES, LLC V. CITY OF FRESNO ET AL
ADAM BOLT/ATTY. FOR PL.

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

DISPOSITION: Continued June 11, 2025 at 3:00 p.m.

ORDER: The court will issue an order.

As set forth on the record at a hearing held on March 26, 2025, this matter is continued to June 11, 2025 at 3:00 p.m.

6. [24-11967](#)-A-11 **IN RE: LA HACIENDA MOBILE ESTATES, LLC**
[24-1027](#) [JJB-2](#)

CONTINUED MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
10-21-2024 [\[26\]](#)

LA HACIENDA MOBILE ESTATES, LLC V. CITY OF FRESNO ET AL
JONATHAN BELAGA/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Continued June 11, 2025 at 3:00 p.m.

ORDER: The court will issue an order.

As set forth on the record at a hearing held on March 26, 2025, this matter is continued to June 11, 2025 at 3:00 p.m.

7. [24-13371](#)-A-7 **IN RE: RICARDO/INDIRA TREVINO**
[25-1005](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
1-29-2025 [[1](#)]

MONDRAGON ET AL V. TREVINO, JR.
HECTOR MARTINEZ/ATTY. FOR PL.

NO RULING.

8. [17-13776](#)-A-7 **IN RE: JESSICA GREER**
[18-1017](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
4-23-2018 [[1](#)]

SALVEN V. CALIFORNIA DEPARTMENT OF FOOD &
SHARLENE ROBERTS-CAUDLE/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

9. [24-12985](#)-A-7 **IN RE: TAYLOR WOODS**
[25-1002](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
1-24-2025 [[1](#)]

ASAP INTERNATIONAL HOTEL, LLC V. WOODS
ALEXANDER WYMAN/ATTY. FOR PL.
DISMISSED 1/28/25

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

DISPOSITION: Dropped as moot.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on January 28, 2025. Doc. #6.

10. [24-12985](#)-A-7 **IN RE: TAYLOR WOODS**
[25-1003](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
1-24-2025 [[1](#)]

CLAYDON HILL INVESTMENTS LTD ET AL V. WOODS
ALEXANDER WYMAN/ATTY. FOR PL.
DISMISSED 1/27/25

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

DISPOSITION: Dropped as moot.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on January 27, 2025. Doc. #6.

11. [24-12115](#)-A-7 **IN RE: MICHAEL/TATUM SCOTT**
[24-1042](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
10-22-2024 [[1](#)]

NOLEN V. SCOTT
PAUL NOLEN/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

12. [24-12873](#)-A-11 **IN RE: GRIFFIN RESOURCES, LLC**
[24-1065](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE COMPLAINT
12-31-2024 [[1](#)]

GRIFFIN RESOURCES, LLC V. CALIFORNIA DEPARTMENT OF
DONALD OLDAKER/ATTY. FOR PL.

NO RULING.

13. [24-12873](#)-A-11 **IN RE: GRIFFIN RESOURCES, LLC**
[24-1065](#) [DOJ-6](#)

CONTINUED MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
2-19-2025 [[13](#)]

GRIFFIN RESOURCES, LLC V. CALIFORNIA DEPARTMENT OF
ALICE SEGAL/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

14. [21-10679](#)-A-13 **IN RE: SYLVIA NICOLE**
[23-1029](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
11-20-2024 [[111](#)]

NICOLE V. LOS BANOS TRANSPORT & TOWING ET AL
RESPONSIVE PLEADING

NO RULING.