

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Hearing Date: Wednesday, March 27, 2019  
Place: Department B - Courtroom #13  
Fresno, 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. 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. [18-14808](#)-B-7     **IN RE: SILVIA VEGA**  
[ASW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
2-22-2019    [\[17\]](#)

BRIDGECREST CREDIT COMPANY,  
LLC/MV  
TIMOTHY SPRINGER  
CAREN CASTLE/ATTY. FOR MV.  
DISCHARGED 3/13/19

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

DISPOSITION:        Granted in part as to the trustee's interest and  
denied as moot in part as to the debtor's interest.

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

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The motion will be DENIED AS MOOT as to the debtor pursuant to 11 U.S.C. § 362(c)(2)(C). The debtor's discharge was entered on March 13, 2019. Docket #23. The motion will be GRANTED IN PART for cause shown as to the chapter 7 trustee.

The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The order shall provide the motion is DENIED AS MOOT as to the debtor. The proposed order shall specifically describe the property or action to which the order relates. The collateral is a 2010 Nissan Maxima. Doc. #19. The collateral has a value of \$8,375.00 and debtor owes \$16,257.88. Doc. #21.

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral is a depreciating asset. The court notes that the debtor did not list this vehicle in her schedules.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available

in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

2. [19-10016](#)-B-7     **IN RE: QUALITY FRESH FARMS, INC.**  
[FRB-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
3-11-2019    [\[29\]](#)

LEASING INNOVATIONS, INC./MV  
RILEY WALTER  
MICHAEL GOMEZ/ATTY. FOR MV.  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Order denying motion but confirming stay not  
in effect as set forth below.

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

This motion for relief from stay was noticed pursuant to LBR 9014-1(f)(2) and written opposition was not required. Debtor filed non-opposition on March 14, 2019. Doc. #57. Unless the trustee presents opposition at the hearing, the court intends to enter the trustee's default and enter the following ruling. 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.

This motion relates to an executory contract or lease of personal property. The case was filed on January 4, 2019 and the lease was not assumed by the chapter 7 trustee within the time prescribed in 11 U.S.C. § 365(d)(1). Pursuant to § 365 (p)(1), the leased property is no longer property of the estate and the automatic stay under § 362(a) has already terminated by operation of law.

Movant may submit an order denying the motion as to trustee and confirming that the automatic stay has already terminated as to debtor and trustee on the grounds set forth above. No other relief is granted.

TRUSTEE'S FINAL REPORT  
2-14-2019    [\[138\]](#)

BENNY BARCO  
IRMA EDMONDS/ATTY. FOR MV.

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

DISPOSITION:      Approved.

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

This final report 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 debtor, 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 approval of the report. 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 Systems, 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.

LBR 9004-2(c)(1) requires that motions, exhibits, *inter alia*, to be filed as separate documents. Here, the final report and exhibits were combined into one document and not filed separately.

This report is approved. 11 U.S.C. §§ 326 and 330 allow reasonable compensation to the chapter 7 trustee for the trustee's services. 11 U.S.C. § 330 requires the court to find that the fees requested are reasonable and for actual and necessary services to the estate, as well as reimbursement for actual and necessary expenses.

Based on the trustee's narrative report and other included evidence, the court finds that the requested fees and costs are reasonable for the actual and necessary services and expenses to the estate.

This case was initially filed as a chapter 13 petition. The case was then converted to chapter 7 on June 26, 2015 and Mr. Salven was appointed as the interim trustee. The § 341 meeting of creditors was held and concluded on July 30, 2015. All of the debtors' asserts were subject to available exemptions, and debtors initially failed to disclose a wrongful termination claim they were pursuing. Doc. #56, 141. The wrongful termination claim was eventually settled. Id.

The debtors claimed exemptions have been paid, and the case has been administered and is ready to close.

4. [11-14820](#)-B-7     **IN RE: JAMES/MARJORIE YOUNGBLOOD**  
[JES-2](#)

MOTION FOR COMPENSATION FOR JAMES E. SALVEN, ACCOUNTANT(S)  
2-26-2019    [\[89\]](#)

JAMES SALVEN/MV  
MARK ZIMMERMAN

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 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, 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 Systems, 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.

The motion will be GRANTED. Trustee's accountant, James Salven, requests fees of \$1,125.00 and costs of \$215.05 for a total of \$1,330.05 for services rendered from January 30, 2019 through February 26, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Conflict review and preparation of employment application, (2) Prepared and processed tax return for both debtors, (3) Transmitted prompt determination letters, and (4) Prepared and filed this fee application. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded \$1,125.00 in fees and \$215.05 in costs.

5. [19-10828](#)-B-7     **IN RE: MICHAEL PETTY**  
[SL-1](#)

MOTION TO COMPEL ABANDONMENT  
3-18-2019    [\[18\]](#)

MICHAEL PETTY/MV  
SCOTT LYONS  
OST 3/15/19

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 will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(3) and an order shortening time (doc. #13) 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.

11 U.S.C. § 554(b) provides that "on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." In order to grant a motion to abandon property, the bankruptcy court must find either that: (1) the property is burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. In re Vu, 245 B.R. 644, 647 (9th Cir. B.A.P. 2000). As one court noted, "an order compelling abandonment is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset . . . Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." In re K.C. Mach. & Tool Co., 816 F.2d 238, 246 (6th Cir. 1987). And in evaluating a proposal to abandon property, it is the interests of the estate and the creditors that have primary consideration, not the interests of the debtor. In re Johnson, 49 F.3d 538, 541 (9th Cir. 1995) (noting that the debtor is not mentioned in § 554). In re Galloway, No. AZ-13-1085-PaKiTa, 2014 Bankr. LEXIS 3626, at 16-17 (B.A.P. 9th Cir. 2014).

Debtor asks this court to compel the chapter 7 trustee to abandon the estate's interest in debtor's corporation as a pest control operator. He is the sole owner of this business. Doc. #20. The assets include 1,000 shares of Fierce Pest Control, Inc., a GMC Sierra Denali, and business-related assets ("Business Assets").

The court finds that the Business Assets are of inconsequential value and benefit to the estate. The Business Assets were accurately scheduled and exempted in their entirety. Therefore, this motion is GRANTED.

The order shall include a specific list of the property abandoned.

6. [18-14634](#)-B-7     **IN RE: BILL/DELORES ALVIS**  
[DJD-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
2-22-2019    [\[32\]](#)

HARLEY-DAVIDSON CREDIT  
CORP./MV  
ROBERT WILLIAMS  
DARREN DEVLIN/ATTY. FOR MV.  
DISCHARGED 3/15/19

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

DISPOSITION:     Granted in part as to the trustee's interest and  
denied as moot in part as to the debtor's interest.

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

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The motion will be DENIED AS MOOT as to the debtors pursuant to 11 U.S.C. § 362(c)(2)(C). The debtors' discharge was entered on March 15, 2019. Doc. #41. The motion will be GRANTED IN PART for cause shown as to the chapter 7 trustee.

The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The order shall provide the motion is DENIED AS MOOT as to the debtors. The proposed order shall specifically describe the property or action to which the order relates.

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral is a depreciating asset. The collateral is a 2014 Harley-Davidson Triglide Ultra Classic. Doc. #36. The collateral has a value of \$22,920.00 and debtor owes \$25,909.48. *Id.*

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

7. [18-13240](#)-B-7     **IN RE: DAVID MOBLEY**  
[JES-2](#)

MOTION FOR COMPENSATION FOR JAMES E. SALVEN, ACCOUNTANT(S)  
2-27-2019    [\[72\]](#)

JAMES E. SALVEN, CERTIFIED  
PUBLIC ACCOUNTANT/MV  
PETER BUNTING

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 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, 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 Systems, 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.

The motion will be GRANTED. Trustee's accountant, James Salven, requests fees of \$1,150.00 and costs of \$218.47 for a total of \$1,368.47 for services rendered from January 30, 2019 through February 26, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Conflict review and preparation of employment application, (2) Prepared and processed tax return for debtor, (3) Transmitted prompt determination letters, and (4) Prepared and filed this fee application. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded fees of \$1,150.00 and costs of \$218.47.



8. [19-10154](#)-B-7     **IN RE: CHARLES/ROBYN AIROZA**  
[DJD-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
2-22-2019    [\[14\]](#)

HARLEY-DAVIDSON CREDIT  
CORP./MV  
SCOTT LYONS  
DARREN DEVLIN/ATTY. FOR MV.

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 for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtors' and the trustee's defaults will be entered. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a 2011 Harley-Davidson Heritage Softail Classic. Doc. #18. The collateral has a value of \$8,750.00 and debtor owes \$9,372.09. *Id.*

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral has been surrendered and is in the creditor's possession.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

MOTION FOR RELIEF FROM AUTOMATIC STAY MOTION TO COMPEL  
ABANDONMENT  
2-27-2019    [\[13\]](#)

VOLVO FINANCIAL SERVICES/MV  
PETER FEAR  
SHELBY POTEET/ATTY. FOR MV.

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

DISPOSITION:      Denied without prejudice.

ORDER:              No appearance is necessary. The court will issue the  
order.

This motion is DENIED WITHOUT PREJUDICE for failure to comply with  
the Local Rules of Practice ("LBR").

First, there is no Docket Control Number. LBR 9004-2(a)(6), (b)(5),  
(b)(6), (e) and LBR 9014-1(c), (e)(3) are the rules about Docket  
Control Numbers ("DCN"). These rules require the 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.

Second, LBR 9004-2(c)(1) requires that motions, notices, *inter alia*,  
to be filed as separate documents. Here, the motion and notice were  
combined into one document and not filed separately. Doc. #13, 14.

Third, there is an issue of joinder. LBR 9014-1(d)(5) requires every  
motion to "be filed separately from any other request, except that  
(1) relief in the alternative based on the same statute or rule may  
be filed in a single motion; and (2) as otherwise provided by these  
rules." Movant asks for both relief from the automatic stay and an  
order compelling the trustee to abandon certain property. Doc. #13.  
The requested orders are not "based on the same statute or rule" nor  
are they provided for in the LBR. Movant must file separately a  
motion compelling abandonment of the insurance proceeds and a motion  
for relief from the automatic stay, though if the proceeds are  
abandoned they will no longer be estate property and thus not  
subject to the automatic stay, so a motion for relief from stay may  
be moot.

10. [18-15061](#)-B-7     **IN RE: JHINGER TRUCKING, INC**  
[SAP-1](#)

MOTION TO APPROVE STIPULATION FOR RELIEF FROM THE AUTOMATIC  
STAY  
2-27-2019    [\[9\]](#)

ESTATE OF GARY KENLEY/MV  
PETER FEAR  
SHELBY POTEET/ATTY. FOR MV.

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 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, 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 Systems, 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.

This motion is GRANTED. The stipulation between the estate and the estate of Gary Kenley is granted. The 14 day stay under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived.

11. [18-10376](#)-B-7     **IN RE: AMMANDO/MARIA MORALEZ**  
[JES-2](#)

MOTION FOR COMPENSATION FOR JAMES E. SALVEN, ACCOUNTANT(S)  
2-27-2019    [\[86\]](#)

JAMES SALVEN/MV  
LAYNE HAYDEN  
JOINT DEBTOR DISMISSED 5/23/2018

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 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, 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 Systems, 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.

The motion will be GRANTED. Trustee's accountant, James Salven, requests fees of \$1,300.00 and costs of \$203.38 for a total of \$1,503.38 for services rendered from February 10, 2019 through February 27, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Conflict review and preparation of employment application, (2) Prepared and processed tax return for debtor, (3) Transmitted prompt determination letters, and (4) Prepared and filed this fee application. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded fees of \$1,300.00 and costs of \$203.38.

12. [17-14678](#)-B-7     **IN RE: SEAN MOONEY**  
[JES-2](#)

MOTION FOR COMPENSATION FOR JAMES E. SALVEN, ACCOUNTANT(S)  
2-27-2019    [\[48\]](#)

JAMES SALVEN/MV  
NICHOLAS WAJDA

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 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, 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 Systems, 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.

The motion will be GRANTED. Trustee's accountant, James Salven, requests fees of \$1,275.00 and costs of \$202.69 for a total of \$1,477.69 for services rendered from January 18, 2019 through February 27, 2019.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) Conflict review and preparation of employment application, (2) Prepared and processed tax return for debtor, (3) Transmitted prompt determination letters, and (4) Prepared and filed this fee application. The court finds the services reasonable and necessary and the expenses requested actual and necessary.

Movant shall be awarded fees of \$1,275.00 and costs of \$202.69.

13. [19-10080](#)-B-7     **IN RE: ROGER VAN TASSEL**  
[BPC-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
3-13-2019    [\[31\]](#)

THE GOLDEN 1 CREDIT UNION/MV  
ERIC ESCAMILLA  
JARRETT OSBORNE-REVIS/ATTY. FOR MV.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                Granted unless opposed at the hearing.

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

This motion for relief from stay was noticed pursuant to LBR 9014-1(f)(2) and written opposition was not required. Unless opposition is presented at the hearing, the court intends to enter the debtor's and the trustee's defaults and enter the following ruling granting the motion for relief from stay. 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.

The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a 2017 Jeep Wrangler Unlimited. Doc. #33. The collateral has a value in between \$24,850.00 and \$31,232.00. *Id.* The debtor owes \$40,601.95. *Id.*

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral is a depreciating asset and the debtor has indicted in his Statement of Intention to surrender the vehicle.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

14. [18-12798](#)-B-7     **IN RE: FRANCISCO/CHRISTINA ROBLEDO**  
[JES-1](#)

MOTION TO SELL  
2-21-2019    [\[31\]](#)

JAMES SALVEN/MV  
JERRY LOWE

TENTATIVE RULING:            This matter will proceed for higher and better bids only.

DISPOSITION:                Granted.

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

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 debtor, 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 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 Systems, 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.

This motion is GRANTED. 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."

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, No. 16-00327-GS, 2018 WL 6584772, at \*2 (Bankr. D. Alaska Dec. 11, 2018); citing 240 North Brand Partners, Ltd. v. Colony GFP Partners, LP (In re 240 N. Brand Partners, Ltd.), 200 B.R. 653, 659 (9th Cir. BAP 1996) citing In re Wilde Horse Enterprises, 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 Adventure, LLC, 2018 WL 6584772, at \*4, quoting 3 Collier on Bankruptcy ¶ 363.02[4] (Richard Levin & Henry J. Sommer eds., 16th ed.). "[T]he trustee's business judgment is to be given great judicial deference." Id., citing In re Psychometric Systems, Inc., 367 B.R. 670, 674 (Bankr. D. Colo. 2007), citing In re Bakalis, 220 B.R. 525, 531-32 (Bankr. E.D.N.Y. 1998).

The chapter 7 trustee asks this court for authorization to sell three vehicles back to the debtor: a 2005 Honda Accord (\$2,300.00 fair market value ("FMV") less \$2,000.00 exemption), a 2002 Toyota Camry (\$1,500.00 FMV, no exemption) and a 1988 Ford F 250 (\$2,000.00 FMV less \$1,050.00 exemption) ("Vehicles") for a net to the estate of \$2,750.00. The sale is subject to higher and better bids at the hearing.

It appears that the sale of the Vehicles is in the best interests of the estate, for a fair and reasonable price, supported by a valid business judgment, and proposed in good faith.



1:30 PM

1. [19-10516](#)-B-13     **IN RE: FRANK CRUZ**  
[19-1030](#)

NOTICE OF STATUS CONFERENCE RE: NOTICE OF REMOVAL  
3-5-2019    [[1](#)]

CRUZ V. ABDELAZIZ  
FRANK CRUZ/ATTY. FOR PL.

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

DISPOSITION:        Continued to April 24, 2019 at 1:30 p.m.

ORDER:                The court will issue an order.

Defendant has yet to answer the complaint or file other pleadings, and a motion for remand and sanctions has been set for hearing on April 24, 2019 at 1:30 p.m. Therefore this status conference will be continued to that date to be heard concurrently with that motion.

2. [19-10516](#)-B-13     **IN RE: FRANK CRUZ**  
[19-1031](#)

STATUS CONFERENCE RE: NOTICE OF REMOVAL  
3-5-2019    [[1](#)]

ABDELAZIZ V. CRUZ  
UNKNOWN TIME OF FILING/ATTY. FOR PL.

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

DISPOSITION:        Continued to April 24, 2019 at 1:30 p.m.

ORDER:                The court will issue an order.

Defendant has yet to answer the complaint or file other pleadings, and a motion to vacate has been set for hearing on April 24, 2019 at 1:30 p.m. Therefore this status conference will be continued to that date to be heard concurrently with that motion.

3. [18-15027](#)-B-7     **IN RE: MARI SULUKYAN**  
[19-1016](#)

STATUS CONFERENCE RE: COMPLAINT  
1-26-2019    [\[1\]](#)

SULUKYAN V. TARGET NATIONAL  
BANK  
TIMOTHY SPRINGER/ATTY. FOR PL.

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

DISPOSITION:        This matter will be continued to May 15, 2019 at  
                         1:30 p.m.

ORDER:                The court will issue the order.

Plaintiff shall file a motion for entry of default and judgment or dismissal before the continued hearing. If such a motion is filed, the status conference will be dropped and the court will hear the motion when scheduled. If no motion for default and judgment or dismissal is filed prior to the continued hearing, the court will issue an order to show cause why this case should not be dismissed.

4. [18-13238](#)-B-7     **IN RE: DENISE DAWSON**  
[18-1085](#)

STATUS CONFERENCE RE: AMENDED COMPLAINT  
2-18-2019    [\[16\]](#)

DAWSON V. VILLANUEVA ET AL  
JEFFREY ROWE/ATTY. FOR PL.  
CONTINUED TO 4/24/19 PER ECF ORDER #13

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

DISPOSITION:        Continued to April 24, 2019 at 1:30 p.m.

NO ORDER REQUIRED:    The court already issued an order. Doc. #13.

5. [18-13541](#)-B-13     **IN RE: MORGAN BROWN**  
[18-1087](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
12-14-2018    [[1](#)]

JEAN KELSEY WRIGHT, GUARDIAN  
AD LITEM FOR JTW, A M V. BROWN  
SCOTT CARR/ATTY. FOR PL.

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED:            An order staying the adversary proceeding has  
already been entered. Doc. #14.

6. [18-14243](#)-B-7     **IN RE: SALEH MOHAMED**  
[19-1015](#)

STATUS CONFERENCE RE: COMPLAINT  
1-25-2019    [[1](#)]

MERCHANTS ACQUISITION GROUP,  
LLC V. MOHAMED  
RICHARD SNYDER/ATTY. FOR PL.

NO RULING.