



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Wednesday, April 1, 2026
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, (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.

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.

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.

1. [22-12016](#)-A-11 **IN RE: FUTURE VALUE CONSTRUCTION, INC.**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
11-28-2022 [[1](#)]

NO RULING.

2. [22-12016](#)-A-11 **IN RE: FUTURE VALUE CONSTRUCTION, INC.**
[SA-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
1-16-2026 [[639](#)]

LOGAN INVESTMENTS, INC./MV
SIMON ARON/ATTY. FOR MV.

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 the hearing.

This motion was originally filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice 9014-1(f)(2). The debtor opposed the motion at the initial hearing held on February 4, 2026. The court continued the hearing and required the debtor to file and serve written opposition to the motion on or before March 18, 2026. Order, Doc. #653. The debtor did not file any written opposition by the deadline set by the court.

The movant, Logan Investments, Inc., as agent for Robert Korda, Trustee of the Survivor's Trust created under the Robert and Rosina Korda Living Trust dated August 28, 2002 ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to undeveloped real property commonly known as Lakeview at Rio Bravo, Bakersfield, California ("Lakeview Lots") plus Phase 1, Lot 8, 12104 Wildhorse Avenue ("Lot 8", and together with the Lakeview Lots, the "Property"). Doc. #639.

Future Value Construction, Inc. ("Debtor"), the debtor and debtor-in-possession in this chapter 11 bankruptcy case, owns and operates a residential subdivision in Bakersfield, California that consists of the Lakeview Lots. Decl. of Ron Sentchuk, Doc. #642. The Lakeview Lots consist of 7 finished lots, 44 partially finished lots, and 21.2 acres of vacant land approved for development into approximately 62 lots. In addition, Debtor owns Lot 8 and three other lots located in Santa Barbara, California. Id.

On or about September 7, 2021, Debtor entered into a loan transaction with Movant for an initial principal amount of \$2.6 million that matured on April 2, 2023. Sentchuk Decl., Doc. #642. The promissory note is secured by a senior lien on all but two of the Lakeview Lots as well as a senior lien on Lot 8. Id. Debtor has been in default on the loan since at least November 1, 2022. Id.

Movant was preparing to record a notice of default when Debtor filed its chapter 11 bankruptcy case on November 28, 2022. Id.

Movant has not received any payments on its loan during Debtor's chapter 11 case. Sentchuk Decl., Doc. #642. In addition, Debtor has failed to pay real property tax installments for the Property since the installment payment due on November 1, 2021. Id. Outstanding real property tax obligations, including penalties, total \$127,180.00 as of January 16, 2026. Id. Movant's loan matured during the bankruptcy case, and Movant is owed \$4,875,736.94 as of December 1, 2025, consisting of principal balance, accrued interest, late charges and unpaid legal fees and advances. Id. In addition, there is a junior deed of trust against the Property in favor of CAVU/Rock Properties Project, LLC in the original principal amount of \$1.32 million. Id.

Movant recently obtained a current opinion of value of the Property by a leading land sale and consulting firm. Based on that opinion, Movant asserts a market value for the Lakeview Lots of \$4,394,500.00 as of December 31, 2025. Sentchuk Decl., Doc. #642; Decl. of Dana Levy, Doc. #641; Ex. 7, Doc. #643. Movant asserts a current market value for Lot 8 of \$100,000.00. Levy Decl., Doc. #641.

RELIEF UNDER 11 U.S.C. § 362(d) (1)

11 U.S.C. § 362(d) (1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

After review of the included evidence, the court finds that "cause" exists to lift the stay because Debtor has failed to (i) make any payments on Movant's loan since November 1, 2022, (ii) payoff the Movant's loan at maturity, and (iii) pay post-petition real property taxes. In addition, Movant lacks adequate protection because the value of the Property securing Movant's loan is less than the amount owed by Debtor on Movant's loan, and the senior real property tax lien continues to accrue, further eroding Movant's secured position in the Property.

RELIEF UNDER 11 U.S.C. § 362(d) (2)

11 U.S.C. § 362(d) (2) allows the court to grant relief from the stay if the debtor does not have any equity in such property and such property is not necessary to an effective reorganization.

Once no equity is shown, it is Debtor's burden to establish that the Property is necessary for an effective reorganization. 11 U.S.C. § 362(g); United Sav. Ass'n of Texas v. Timbers of Inglewood Forest Assocs., Ltd., 484 U.S. 365, 375 (1988). To make this showing under Timbers, Debtor must show: (1) the Property is needed for an effective reorganization; and (2) the Property is essential for an effective reorganization that is in prospect, which means "a reasonable possibility of a successful reorganization within a reasonable time." Timbers, 484 U.S. at 375-76.

The court finds that Debtor does not have any equity in the Property. The Property is valued at \$4,494,500.00, and Debtor owed real property taxes of \$127,180.00 as of January 16, 2026, plus \$4,875,736.94 to Movant as of December 1, 2025. While this motion has been pending, the amount owed for real estate taxes has continued to grow. Moreover, there is a junior lien against the Lakeview Lots that further erodes any equity Debtor may have in the Property.

It is then Debtor's burden to show that the Property is necessary for an effective reorganization that is in prospect. Here, Debtor has been in bankruptcy for nearly three and one-half years. Debtor is still working on obtaining issuance of a recorded tract map for Phase 2 of the Lakeview Lots ("Phase 2 Tract Map") so Debtor can start selling those lots. It was Movant's understanding at the time this motion was filed on January 16, 2026 that issuance of the Phase 2 Tract Map will take another 6 months. Doc. #644. Debtor has repeatedly represented to this court during the pendency of this bankruptcy case that its reorganization relies on the issuance of the Phase 2 Tract Map. Because it will take several additional months for the Phase 2 Tract Map to be recorded, it does not appear that an effective reorganization of Debtor is in prospect.

CONCLUSION

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be ordered waived because Debtor has failed to (i) make any payments on Movant's loan since November 1, 2022, (ii) payoff the Movant's loan at maturity, and (iii) pay post-petition real property taxes. In addition, Movant lacks adequate protection for its security interest in the Property.

3. [26-10524](#)-A-11 **IN RE: MICHAEL JERKOVICH**
[CAE-1](#)

STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
2-6-2026 [1]

NO RULING.

4. [26-10524](#)-A-11 **IN RE: MICHAEL JERKOVICH**
[MJB-1](#)

MOTION TO EMPLOY MICHAEL JAY BERGER AS ATTORNEY(S)
3-9-2026 [22]

MICHAEL JERKOVICH/MV
MICHAEL JAY BERGER/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

Notice by mail of this motion was sent on March 9, 2026, with a hearing date set for April 1, 2026. The motion was set for hearing on less than 28 days' notice and is governed by Local Rule of Practice ("LBR") 9014-1(f)(2). Pursuant to LBR 9014-1(f)(2), written opposition was not required, and any opposition may be raised at the hearing. However, the notice of hearing filed with the

motion stated that opposition must be filed and served no later than fourteen days before the hearing and that failure to file written response may result in the court granting the motion prior to the hearing. Doc. #23. The notice of hearing does not comply with LBR 9014-1(f) (2).

5. [25-26635](#)-A-9 **IN RE: DIABLO GRANDE COMMUNITY FACILITIES DISTRICT NO. 1**
[BWS-2](#)

MOTION TO EMPLOY KURTZMAN CARSON CONSULTANTS, LLC AS CLAIMS, NOTICING,
AND BALLOTING AGENT
3-18-2026 [[34](#)]

DIABLO GRANDE COMMUNITY FACILITIES DISTRICT NO. 1/MV
JOSEPH BUCHMAN/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR"). LBR 9014-1(d) (3) (D) requires in relevant part that "[e]very motion or other request for relief shall be accompanied by evidence establishing its factual allegations and demonstrating that the movant is entitled to the relief requested." Here, no declaration was filed and served with the motion (Doc. #34) to support the factual findings the court is required to make in order to grant the relief sought by the movant. Because no evidence was filed or served with the motion, the movant has not met its required burden of proof or complied with this court's Local Rules of Practice.

6. [26-10548](#)-A-11 **IN RE: CLIFFORD CATON**
[CAE-1](#)

STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
2-10-2026 [[1](#)]

PETER FEAR/ATTY. FOR DBT.

NO RULING.

MOTION TO SELL FREE AND CLEAR OF LIENS AND/OR MOTION FOR COMPENSATION
FOR ERIC JAURIQUE-POUNCEY, REALTOR(S), MOTION FOR COMPENSATION FOR
MY GLOBAL REALTY, REALTOR(S)
3-10-2026 [[26](#)]

CLIFFORD CATON/MV
PETER FEAR/ATTY. FOR DBT.
PETER SAUER/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled for higher and
better offers.

DISPOSITION: Granted if the Moving Party adequately supplements the
record 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 the hearing.

This motion was filed and served on at least 21 days' notice prior to the hearing date pursuant to Federal Rule of Bankruptcy Procedure 2002 and 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 subject to higher and better offers if the record is adequately supplemented at 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 an initial procedural matter, the court requires clarification regarding the names of the lienholders whose liens the debtor seeks to sell the property free and clear of. The motion states that the property to be sold is encumbered by a lien held by "Gary J. Reiner, et al". Doc. #26. However, according to the certificate of service filed with the motion, only Gary J. Reiner, as an individual, was served. Doc. #31. The court needs clarification on whether "Gary J. Reiner, et al" includes lienholders who require service other than on Gary J. Reiner as an individual in order to confirm that all lienholders for which the debtor seeks to sell the property free and clear of their liens were served properly pursuant to Federal Rule of Bankruptcy Procedure 7004. If "Gary J. Reiner, et al" consists of lienholders for whom service is required in a manner other than to Gary J. Reiner as an individual, the court would continue the motion to permit proper service or require the other lienholders to consent affirmatively to the proposed sale free and clear of their liens. At the hearing, the debtor should be prepared to (a) explain who "Gary J. Reiner, et al" includes, (b) explain why the names of each lienholder to whom the debtor seeks to sell the property free and clear were not listed in the motion, (c) supplement the record to show how lienholders other than Gary J. Reiner were given notice of this motion, and (d) whether such additional lienholders consent to the sale of the property free and clear of their liens.

Clifford Caton ("Debtor") moves the court pursuant to 11 U.S.C. § 363 for an order authorizing the sale of commercial real property addressed at 3191 M Street, Merced, California 95348, bearing Merced County APN 236-220-012-000 (the "Property"), to RAN Health Services, Inc. ("Buyer") for the purchase price of \$2,100,000.00, subject to higher and better bids at the hearing. Doc. #26. Debtor seeks to sell the Property free and clear of any interests in

the Property of Gary J. Reiner, et al (collectively, "Creditor") pursuant to § 363(f)(4). Id. Creditor recorded a judgment lien in Merced County against Debtor on January 13, 2026 ("Judgment Lien"). Ex. A, Doc. #30. The Judgment Lien was recorded less than 90 days before Debtor filed his chapter 11 bankruptcy case on February 10, 2026. Doc. #1. Thus, the Judgment Lien is subject to avoidance under 11 U.S.C. § 547 and is in bona fide dispute. Doc. #26. In addition, the underlying judgment is subject to an ongoing appeal. Id. Debtor also seeks authorization to pay a total broker commission of 5% to be split evenly between Better Homes and Garden Everything Real Estate ("Broker"), who represents Debtor, and My Global Realty, who represents Buyer. Doc. #26.

Selling Property of Estate under 11 U.S.C. §§ 363(b) Permitted

Pursuant to 11 U.S.C. §§ 363(b)(1), the debtor in possession, after notice and a hearing, may "use, sell, or lease, other than in the ordinary course of business, property of the estate." 11 U.S.C. § 363(b)(1). Sales proposed by a debtor in possession under § 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. 240 N. Brand Partners, Ltd. v. Colony GFP Partners, L.P. (In re 240 N. Brand Partners, Ltd.), 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996). In the context of sales of estate property under § 363, a bankruptcy court "should determine only whether the [debtor in possession's] judgment [is] reasonable and whether a sound business justification exists supporting the sale and its terms." 3 COLLIER ON BANKRUPTCY ¶ 363.02[4] (Richard Levin & Henry J. Sommer eds., 16th ed.).

Debtor and Buyer have entered into a contract for the sale of the Property for \$2,100,000.00. Decl. of Eric Jaurique-Pouncey, Doc. #28; Decl. of Clifford Caton, Doc. #29. The contract is conditioned upon approval by the bankruptcy court and subject to better and higher offers at the hearing. Id.

It appears to the court that approval of the sale on the terms set forth in the motion is in the best interests of creditors and the estate. The preliminary title report on the Property lists taxes currently owed or in default, which will be paid through escrow. Caton Decl., Doc. #29; Ex. A, Doc. #30. The Property is further encumbered by the Judgment Lien in favor of Creditor. Caton Decl., Doc. #29. Debtor will pay Creditor the net proceeds of sale from escrow, which will pay Creditor's Judgment Lien in part. Doc. #26. Such payment will be without prejudice to Creditor's requirement to repay such funds in the event that Creditor's judgment is overturned on appeal. Id.

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

Accordingly, subject to opposition and overbid offers made at the hearing, the court will GRANT Debtor's motion and authorize the sale of the Property to Buyer pursuant to 11 U.S.C. § 363(b)(1).

Selling Property of Estate under 11 U.S.C. § 363(f)(4) Permitted

The debtor in possession may sell property under § 363(b) free and clear of any interest of an entity other than the estate only if, among other things, the interest is in bona fide dispute. 11 U.S.C. § 363(f)(4). If seeking to sell free and clear under § 363(f)(4), the debtor in possession has the burden of establishing the existence of a bona fide dispute, which can be accomplished if the debtor in possession believes that a dispute exists. Sherer v. Fed. Nat'l

Mortg. Ass'n (In re Terrace Chalet Apartments), 159 B.R. 821, 828 (Bankr. N.D. Ill. 1993).

Debtor seeks to sell the Property free and clear of any interest of Creditor on the ground that the recordation of the Judgment Lien is an avoidable transfer. Doc. #26. Creditor recorded an abstract of judgment in Merced County within 90 days of the filing of Debtor's bankruptcy petition. Ex. A, Doc. #30. Thus, the Judgment Lien is avoidable as a preferential transfer under 11 U.S.C. § 547 as to the Property.

Accordingly, the court will authorize the sale of the Property free and clear of the Judgment Lien pursuant to 11 U.S.C. § 363(f)(4) so long as Creditor was served properly with the motion pursuant to Federal Rule of Bankruptcy Procedure 7004.

Compensation to Broker

Debtor also seeks authorization to pay Broker a 2.5% commission for the sale of the Property as well as a 2.5% commission to the broker for Buyer. Caton Decl., Doc. #29. With respect to Broker, the court has authorized Broker to be employed by Debtor. Order, Doc. #20. The court finds the compensation sought is reasonable, actual, and necessary.

Conclusion

Accordingly, subject to (a) Debtor showing that Creditor was served properly pursuant to Federal Rule of Bankruptcy Procedure 7004, (b) opposition being raised at the hearing, and (c) overbid offers made at the hearing, the court will GRANT Debtor's motion and authorize the sale of the Property to Buyer pursuant to 11 U.S.C. § 363(b)(1) and (f)(4) as to any interest in the Property asserted by Creditor. The court will approve broker commission of 5% to be split evenly between Broker and Buyer's broker.

8. [26-10548-A-11](#) **IN RE: CLIFFORD CATON**
[FW-5](#)

MOTION TO SELL FREE AND CLEAR OF LIENS AND/OR MOTION FOR COMPENSATION FOR BETTER HOMES AND GARDEN EVERYTHING REAL ESTATE, BROKER(S), MOTION FOR COMPENSATION FOR HOMESMART PV & ASSOCIATES, BROKER(S)
3-11-2026 [[32](#)]

BETTER HOMES AND GARDEN EVERYTHING REAL ESTATE/MV
PETER FEAR/ATTY. FOR DBT.
PETER SAUER/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled for higher and better offers.

DISPOSITION: Granted if the Moving Party adequately supplements the record 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 the hearing.

This motion was filed and served on at least 21 days' notice prior to the hearing date pursuant to Federal Rule of Bankruptcy Procedure 2002 and 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 subject to higher and better offers if the record is adequately supplemented at 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 an initial procedural matter, the court requires clarification regarding the names of the lienholders whose liens the debtor seeks to sell the property free and clear of. The motion states that the property to be sold is encumbered by a lien held by "Gary J. Reinero, et al". Doc. #32. However, according to the certificate of service filed with the motion, only Gary J. Reinero, as an individual, was served. Doc. #37. The court needs clarification on whether "Gary J. Reinero, et al" includes lienholders who require service other than on Gary J. Reinero as an individual in order to confirm that all lienholders for which the debtor seeks to sell the property free and clear of their liens were served properly pursuant to Federal Rule of Bankruptcy Procedure 7004. If "Gary J. Reinero, et al" consists of lienholders for whom service is required in a manner other than to Gary J. Reinero as an individual, the court would continue the motion to permit proper service or require the other lienholders to consent affirmatively to the proposed sale free and clear of their liens. At the hearing, the debtor should be prepared to (a) explain who "Gary J. Reinero, et al" includes, (b) explain why the names of each lienholder to whom the debtor seeks to sell the property free and clear were not listed in the motion, (c) supplement the record to show how lienholders other than Gary J. Reinero were given notice of this motion, and (d) whether such additional lienholders consent to the sale of the property free and clear of their liens.

Clifford Caton ("Debtor") moves the court pursuant to 11 U.S.C. § 363 for an order authorizing the sale of residential real property addressed at 1151 Mazatlan Place, Merced, California 95348, bearing Merced County APN 058-290-024-000 (the "Property"), to Eric Shane Berger and Maria Celia Berger (together, "Buyers") for the purchase price of \$444,888.00, subject to higher and better bids at the hearing. Doc. #32. Debtor seeks to sell the Property free and clear of any interests in the Property of Gary J. Reinero, et al (collectively, "Creditor") pursuant to § 363(f)(4). Id. Creditor recorded a judgment lien in Merced County against Debtor on January 13, 2026 ("Judgment Lien"). Ex. A, Doc. #36. The Judgment Lien was recorded less than 90 days before Debtor filed his chapter 11 bankruptcy case on February 10, 2026. Doc. #1. Thus, the Judgment Lien is subject to avoidance under 11 U.S.C. § 547 and is in bona fide dispute. Doc. #32. In addition, the underlying judgment is subject to an ongoing appeal. Id. Debtor also seeks authorization to pay a total broker commission of 4.5% to be split between Better Homes and Garden Everything Real Estate ("Broker") at 2.5%, who represents Debtor, and HomeSmart PV & Associates at 2%, who represents Buyers. Doc. #32.

Selling Property of Estate under 11 U.S.C. §§ 363(b) Permitted

Pursuant to 11 U.S.C. §§ 363(b)(1), the debtor in possession, after notice and a hearing, may "use, sell, or lease, other than in the ordinary course of business, property of the estate." 11 U.S.C. § 363(b)(1). Sales proposed by a debtor in possession under § 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. 240 N. Brand Partners, Ltd. v. Colony GFP Partners, L.P. (In re 240 N. Brand Partners, Ltd.), 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996). In the context of sales of estate property under § 363, a bankruptcy court "should determine only whether the [debtor in possession's] judgment [is] reasonable and whether a sound business justification exists supporting the sale and its terms."

3 COLLIER ON BANKRUPTCY ¶ 363.02[4] (Richard Levin & Henry J. Sommer eds., 16th ed.).

Debtor and Buyers have entered into a contract for the sale of the Property for \$444,888.00. Decl. of Clifford Caton, Doc. #34. The contract is conditioned upon approval by the bankruptcy court and subject to better and higher offers at the hearing. Id.

It appears to the court that approval of the sale on the terms set forth in the motion is in the best interests of creditors and the estate. The preliminary title report on the Property lists taxes currently owed or in default, which will be paid through escrow. Caton Decl., Doc. #34; Ex. A, Doc. #36. The Property is further encumbered by the Judgment Lien in favor of Creditor. Caton Decl., Doc. #34. Debtor will pay Creditor the net proceeds of sale from escrow, which will pay Creditor's Judgment Lien in part. Doc. #32. Such payment will be without prejudice to Creditor's requirement to repay such funds in the event that Creditor's judgment is overturned on appeal. Id.

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

Accordingly, subject to opposition and overbid offers made at the hearing, the court will GRANT Debtor's motion and authorize the sale of the Property to Buyers pursuant to 11 U.S.C. § 363(b)(1).

Selling Property of Estate under 11 U.S.C. § 363(f)(4) Permitted

The debtor in possession may sell property under § 363(b) free and clear of any interest of an entity other than the estate only if, among other things, the interest is in bona fide dispute. 11 U.S.C. § 363(f)(4). If seeking to sell free and clear under § 363(f)(4), the debtor in possession has the burden of establishing the existence of a bona fide dispute, which can be accomplished if the debtor in possession believes that a dispute exists. Sherer v. Fed. Nat'l Mortg. Ass'n (In re Terrace Chalet Apartments), 159 B.R. 821, 828 (Bankr. N.D. Ill. 1993).

Debtor seeks to sell the Property free and clear of any interest of Creditor on the ground that the recordation of the Judgment Lien is an avoidable transfer. Doc. #32. Creditor recorded an abstract of judgment in Merced County within 90 days of the filing of Debtor's bankruptcy petition. Ex. A, Doc. #36. Thus, the Judgment Lien is avoidable as a preferential transfer under 11 U.S.C. § 547 as to the Property.

Accordingly, the court will authorize the sale of the Property free and clear of the Judgment Lien pursuant to 11 U.S.C. § 363(f)(4) so long as Creditor was served properly with the motion pursuant to Federal Rule of Bankruptcy Procedure 7004.

Compensation to Broker

Debtor also seeks authorization to pay Broker a 2.5% commission for the sale of the Property as well as a 2% commission to the broker for Buyers. Caton Decl., Doc. #34. With respect to Broker, the court has authorized Broker to be employed by Debtor. Order, Doc. #20. The court finds the compensation sought is reasonable, actual, and necessary.

Conclusion

Accordingly, subject to (a) Debtor showing that Creditor was served properly pursuant to Federal Rule of Bankruptcy Procedure 7004, (b) opposition being raised at the hearing, and (c) overbid offers made at the hearing, the court will GRANT Debtor's motion and authorize the sale of the Property to Buyer pursuant to 11 U.S.C. § 363(b) (1) and (f) (4) as to any interest in the Property asserted by Creditor. The court will approve broker commission of 4.5% to be split between Broker at 2.5% and Buyers' broker at 2%.

9. [26-10469](#)-A-12 **IN RE: MCCALL'S NURSERIES, INC.**
[CAE-1](#)

STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY PETITION
2-3-2026 [[1](#)]

RILEY WALTER/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

10. [25-22194](#)-A-11 **IN RE: JJ PFISTER DISTILLING COMPANY, LLC**
[RLC-23](#)

MOTION FOR COMPENSATION FOR GONZALES AND ASSOCIATES, INC., ACCOUNTANT(S)
2-17-2026 [[185](#)]

GONZALES AND ASSOCIATES, INC./MV
STEPHEN REYNOLDS/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part if an amended certificate of service is filed before the hearing; the total fees requested will be reduced by \$166.00.

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

As an initial procedural matter, this motion will be heard if an amended certificate of service is filed prior to the hearing with respect to the amended notice of hearing served on February 20, 2026. Doc. #192. The certificate of service showing service of the original notice of hearing on February 18, 2026 checked box 6(B) (1) (a) and included a Clerk's Matrix of Creditors as an attachment. Doc. #189. However, the certificate of service showing service of the amended notice of hearing on February 20, 2026 did not include the Clerk's Matrix of Creditors as an attachment. Doc. #192. Assuming that proper service of the amended notice of hearing was made on all interested parties on February 20, 2026, the court will hear the motion if an amended certificate of service is filed before the hearing.

Assuming that this motion was properly served on all interested parties, this motion was set for hearing on at least 28 days' notice 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). Therefore, the defaults of the above-mentioned parties in interest are entered. Because the court is reducing the fees requested, this matter will proceed as scheduled.

Gonzales and Associates, Inc. ("Movant"), accountants for debtor in possession JJ Pfister Distilling Company, LLC, requests allowance of final compensation for services rendered from November 5, 2025 through January 26, 2026. Doc. #185. The court authorized employment of Movant effective on November 14, 2026. Order, Doc. #129. Movant provided accounting services valued at \$13,404.50, and pursuant to Movant's motion for compensation and declaration, Movant requests compensation for \$13,404.50. Doc. #185; Decl. of Gene Gonzales, Doc. #187. Movant does not request reimbursement for expenses. Doc. #185.

Section 330(a)(1) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a "professional person." 11 U.S.C. § 330(a)(1). 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, taking into account all relevant factors. 11 U.S.C. § 330(a)(3).

Movant's services included, without limitation: (1) reviewing 2024 corporate tax return; (2) preparing an engagement letter; (3) conflict check and review of employment documents; (4) reviewing bank statements for MOR reporting and discussing MOR issues; (5) restoring and reviewing 2024 Lacerte tax program file and updating information within the program accordingly; (6) completing monthly operating report packets for June through November 2025; (7) preparing December 2025 monthly operating report; (8) discussing payment on pre-petition rent and plan confirmation issues with the debtor's attorney; (9) reviewing 2025 QuickBooks; and (10) preparing 2025 tax workpapers for 2025 Partnership tax return. Doc. #185; Ex. 1-5, Doc. #188.

The court notes that the Order Granting Authorization to Employ Accountant authorized Movant's employment for services effective November 14, 2025 and forward. Order, Doc. #129. Because services rendered prior to November 14, 2025 were not authorized by the bankruptcy court, the court will reduce the award of compensation by the amount billed to the estate prior to November 14, 2025, a total of \$166.00. Exs. 1-5, Doc. #188. 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.

Accordingly, pending an amended certificate of service being filed before the hearing, this motion will be GRANTED IN PART, the total fees requested will be reduced by \$166.00. The court will allow compensation in the amount of \$13,238.50 on a final basis.

1. [26-10601](#)-A-7 **IN RE: T.G.S. TRANSPORTATION, INC**
[HRH-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-12-2026 [7]

CROSSROADS EQUIPMENT LEASE AND FINANCE, LLC/MV
PETER FEAR/ATTY. FOR DBT.
RAFFI KHATCHADOURIAN/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The motion will be DENIED WITHOUT PREJUDICE because service of the motion and supporting papers does not comply with the Federal Rules of Bankruptcy Procedure ("Rule"). Rule 4001(a)(1) requires that a motion "for relief from an automatic stay provided by the Code . . . shall be made in accordance with Rule 9014[.]" Rule 9014 states that "[t]he motion shall be served in the manner provided for service of a summons and complaint by Rule 7004[.]" Rule 7004 requires service by first class mail.

Here, the chapter 7 trustee was not served by first class mail with the motion and related pleadings as required by Rule 7004(b)(1). Instead, the chapter 7 trustee was served electronically pursuant to Rule 9036. Doc. #13. However, Rule 9036 "does not apply to any pleading or other paper required to be served in accordance with Rule 7004." Accordingly, service of the motion and related pleadings is inadequate.

2. [22-12133](#)-A-7 **IN RE: COMMUNITY REGIONAL ANESTHESIA MEDICAL GROUP, INC.**
[RTW-2](#)

MOTION FOR COMPENSATION FOR RATZLAFF, TAMBERI & GILL, LLP, ACCOUNTANT(S)
2-25-2026 [76]

RATZLAFF, TAMBERI & GILL, LLP/MV
RILEY WALTER/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The Clerk's Matrix of Creditors used by the moving party to serve the notice, motion and supporting pleadings does not comply with Local Rule of Practice ("LBR") 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve pleadings be downloaded not more than 7 days prior to the date the pleadings are served. Here, the moving party served the notice, motion and supporting pleadings on February 25, 2026 using a Clerk's Matrix of Creditors

that was generated on February 17, 2026. Doc. #81. Accordingly, service of the motion does not comply with LBR 7005-1(d).

3. [26-10341](#)-A-7 **IN RE: SOCORRO FERNANDEZ**
[GAL-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-3-2026 [[15](#)]

UNIFY FINANCIAL CREDIT UNION/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
GARRY MASTERSON/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The motion will be DENIED WITHOUT PREJUDICE. The certificate of service does not comply with Local Rule of Practice 9014-1(e)(3), which requires that the certificate of service "identify the title of the pleadings and documents served." Here, Section 4 of the certificate of service states "MOTION FOR RELIEF FROM STAY AND SUPPORTING DOCUMENTS", which is an insufficient description for this court to determine which documents were actually served.

The court urges counsel to review the local rules in order to be compliant in future matters. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

4. [25-13742](#)-A-7 **IN RE: ALISA FLORES**
[JSP-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-4-2026 [[20](#)]

AMERICAN REAL ESTATE & PROPERTY MANAGEMENT, INC./MV
ANTHONY ROTHMAN/ATTY. FOR DBT.
JOSEPH PEARL/ATTY. FOR MV.
DISCHARGED 02/09/2026

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

DISPOSITION: Granted in part and denied as moot in part.

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
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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 motion will be GRANTED IN PART as to the trustee's interest and DENIED AS MOOT IN PART as to the debtor's interest pursuant to 11 U.S.C. § 362(c)(2)(C). The debtor's discharge was entered on February 9, 2026. Doc. #18. The motion will be GRANTED IN PART for cause shown as to the chapter 7 trustee.

The movant, American Real Estate & Property Management, Inc. ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to residential real property located at 509 Joe Ave., Bakersfield, California 93307 ("Property"). Doc. #20. Movant is the Property owner's agent, but Alisa Eleanor Flores ("Debtor") had an interest in the Property at the time of commencing her chapter 7 case stemming from a month-to-month residential lease agreement between Movant and Debtor. Exs. 2 & 3, Doc. #25. Movant requests relief from the automatic stay to continue the unlawful detainer action pending in state court and allow Movant to proceed under applicable non-bankruptcy law to enforce Movant's remedies to gain possession of the Property. Doc. #20.

Debtor breached the lease agreement with Movant on September 1, 2025 by repeatedly failing to make the monthly rental payments prior to the filing of Debtor's bankruptcy petition. Decl. of Adrianna Barrera, Doc. #23. The total pre-petition unpaid rent owed by Debtor is \$2,138.40. Id. Debtor also has failed to make post-petition monthly rental payments, and the post-petition unpaid rent as of the date this motion was filed was \$8,240.40. Id.; Ex. 5, Doc. #25. Pre-petition, Movant commenced an unlawful detainer action against Debtor in the Superior Court of California, Kern County, Case No. 25CLB00422 ("Unlawful Detainer Action"), which has been stayed by the automatic stay. Ex. 4, Doc. #25.

11 U.S.C. § 362(d)(1) Analysis

11 U.S.C. § 362(d)(1) allows the court to grant relief from the automatic stay for cause. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985). When a movant prays for relief from the automatic stay to initiate or continue non-bankruptcy court proceedings, a bankruptcy court may consider the "Curtis factors" in making its decision. In re Kronemyer, 405 B.R. 915, 921 (B.A.P. 9th Cir. 2009). "[T]he Curtis factors are appropriate, nonexclusive, factors to consider in determining whether to grant relief from the automatic stay" to allow litigation in another forum. Id. The Curtis factors include: (1) whether the relief will result in a partial or complete resolution of the issues; (2) the lack of any connection with or interference with the bankruptcy case; (3) whether the non-bankruptcy forum has the expertise to hear such cases; (4) whether litigation in another forum would prejudice the interests of other creditors; and (5) the interest of judicial economy and the expeditious and economical determination of litigation for the parties. In re Curtis, 40 B.R. 795, 799-800 (Bankr. D. Utah 1984).

Here, granting Movant relief from the automatic stay will allow Movant to continue the Unlawful Detainer Action in state court, which will allow the issue of possession of the Property to be adjudicated on its merits. Further, the interests of judicial economy favor granting relief from the automatic stay so that Movant can regain possession of the Property. Finally, Debtor will

suffer no legally cognizable harm by being forced to resolve the Unlawful Detainer Action in state court.

For these reasons, the court finds that cause exists to lift the stay pursuant to 11 U.S.C. § 362(d) (1) to permit Movant to proceed with the Unlawful Detainer Action in state court and enforce any resulting judgment.

Conclusion

Accordingly, this motion for relief from the automatic stay is DENIED AS MOOT as to Debtor's interest in the Property and GRANTED pursuant to 11 U.S.C. § 362(d) (1) as to the trustee's interest in the Property to permit Movant to continue the Unlawful Detainer Action currently pending in California Superior Court, Kern County and proceed under applicable non-bankruptcy law to enforce Movant's remedies to gain possession of the Property should Movant prevail in the unlawful detainer action. No other relief is awarded

The 14-day stay of Fed. R. Bankr. P. 4001(a) (3) will be ordered waive to permit the unlawful detainer action in state court to continue.

5. [25-14269](#)-A-7 **IN RE: MILLIE GILLIAM**
[EAT-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
2-24-2026 [13]

VILLAGE CAPITAL & INVESTMENT LLC/MV
MICHAEL REID/ATTY. FOR DBT.
MARISOL NAGATA/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 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 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Village Capital & Investment, LLC ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d) (1) and (d) (2) with respect to real property located at 8100 Hemlock Ave, California City, California 93505 ("Property"). Doc. #13.

11 U.S.C. § 362(d) (1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d) (2) allows the court to grant relief from the stay if the debtor does not have any equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least six complete pre- and post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$13,412.40. Decl. of Katherine Marinero, Doc. #17.

The court also finds that the debtor does not have any equity in the Property and the Property is not necessary to an effective reorganization because the debtor is in chapter 7. The Property is valued at \$305,000.00 and the debtor owes \$331,864.26. Marinero Decl., Doc. #17.

Accordingly, the motion is granted pursuant to 11 U.S.C. § 362(d) (1) and (d) (2) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The order shall also provide that the bankruptcy proceeding has been finalized for purposes of California Civil Code § 2923.5.

The 14-day stay of Fed. R. Bankr. P. 4001(a) (4) will be ordered waived because the debtor has failed to make at least six payments, both pre- and post-petition to Movant.

6. [24-12873](#)-A-7 **IN RE: GRIFFIN RESOURCES, LLC**
[JCW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-3-2026 [[474](#)]

FORD MOTOR CREDIT COMPANY LLC/MV
RILEY WALTER/ATTY. FOR DBT.
JENNIFER WONG/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 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 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 Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Ford Motor Credit Company LLC ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to a 2022 Ford F150 Regular Cab XL Pickup 2D six and one-half feet, VIN: 1FTMF1CB5NKE78395 ("Vehicle"). Doc. #474.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least ten complete post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$8,643.24. Decl. of Pamela Rucker, Doc. #476.

Accordingly, the motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) is ordered waived because the debtor has failed to make at least ten post-petition payments to Movant and the Vehicle is a depreciating asset.

7. 26-10380-A-7 **IN RE: GLEN/ROBIN HARMONSON**
JCW-1

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-3-2026 [10]

FORD MOTOR CREDIT COMPANY LLC/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
JENNIFER WONG/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 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 debtors, 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 movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Ford Motor Credit Company LLC ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2025 Ford Explorer Active Sport Utility 4D, VIN: 1FMUK7DHXSGA94088 ("Vehicle"). Doc. #10.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtors do not have any equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtors have failed to make at least five complete pre- and post-petition payments. Movant has produced evidence that the debtors are delinquent by at least \$4,235.65. Decl. of Pamela Rucker, Doc. #14. According to the debtors' Statement of Intention, the Vehicle will be surrendered. Doc. #1. The Vehicle was surrendered pre-petition to Movant on December 11, 2025. Rucker Decl., Doc. #14.

The court also finds that the debtors do not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtors are in chapter 7. The Vehicle is valued at \$33,680.00 and the debtors owe \$41,604.51. Rucker Decl., Doc. #14.

Accordingly, the motion is granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) is ordered waived because the debtors have failed to make at least five pre- and post-petition payments to Movant, the Vehicle is a depreciating asset, and the debtors have already voluntarily surrendered the Vehicle to Movant.

8. [24-20882](#)-A-7 **IN RE: RJQ COMPANIES, INC.**
[KMT-2](#)

MOTION TO EMPLOY TMC AUCTION INC. AS AUCTIONEER, AUTHORIZING SALE OF
PROPERTY AT PUBLIC AUCTION AND AUTHORIZING PAYMENT OF AUCTIONEER
FEES AND EXPENSES
3-9-2026 [[249](#)]

ETHAN BIRNBERG/MV
STEPHEN REYNOLDS/ATTY. FOR DBT.
GABRIEL HERRERA/ATTY. FOR MV.

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 the hearing.

This motion was filed and served on at least 21 days' notice prior to the hearing date pursuant to Federal Rule of Bankruptcy Procedure ("Rule") 2002 and 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.

Ethan J. Birnberg ("Trustee"), the chapter 7 trustee of the bankruptcy estate of RJQ Companies, Inc. ("Debtor"), moves the court for an order (1) authorizing the employment of Stephen Slater of TMC Auction, Inc. ("Auctioneer"); (2) authorizing the estate to pay Auctioneer commission and expenses; (3) authorizing the sale of a (i) 2009 CRSN Trailer, (ii) 2008 Carson Trailer, (iii) 2017 Thor Motorhome, (iv) 2016 Bigtx Trailer, (v) 2010 Pace Trailer, (vi) 2000 Carson Enclosed Trailer, (vii) 2007 Hallmark Enclosed Trailer, (viii) 2003 Chevrolet Truck, (ix) 2006 GMC Truck, (x) 2015 Chevrolet Truck, (xi) 2021 Chevrolet Traverse, and (xii) 2019 Chevrolet Truck (together, the "Property") at public auction; (4) authorizing Trustee to pay undisputed liens; and (5) waiving the 14-day stay period imposed by Rule 6004(h). Tr.'s Mot., Doc. #249.

Pursuant to 11 U.S.C. § 363(b)(1), the trustee, after notice and a hearing, may "use, sell, or lease, other than in the ordinary course of business, property of the estate." Proposed sales under § 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, Ltd. v. Colony GFP Partners, L.P. (In re 240 N. Brand Partners, Ltd.), 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996)). "In the context of sales of estate property under § 363, a bankruptcy court 'should determine only whether the trustee's judgment [is] reasonable and whether a sound business justification exists supporting the sale and its terms.'" Alaska Fishing Adventure, 594 B.R. at 889 (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. at 889-90 (quoting In re Psychometric Sys., Inc., 367 B.R. 670, 674 (Bankr. D. Colo. 2007)).

Trustee believes that approval of the sale of the Property on the terms set forth in the motion is in the best interests of creditors and the estate. Decl. of Ethan J. Birnberg, Doc. #251. Trustee's experience indicates that sale of the Property at public auction will yield the highest net recovery to the estate. Id. The proposed sale is made in good faith.

Section 327(a) of the Bankruptcy Code provides, in relevant part, "the trustee, with the court's approval, may employ . . . auctioneers . . . that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title." 11 U.S.C. § 327(a). The trustee may, with the court's approval, employ an auctioneer on any reasonable terms and conditions of employment, including on a retainer, on an hourly basis, on a fixed or percentage fee basis, or on a contingent fee basis. 11 U.S.C. § 328(a). An application to employ a professional on terms and conditions to be pre-approved by the court must unambiguously request approval under § 328. See Circle K. Corp. v. Houlihan, Lokey, Howard & Zukin, Inc., 279 F.3d 669, 671 (9th Cir. 2002).

The court finds that Auctioneer is a disinterested person as defined by 11 U.S.C. § 101(14) and does not hold or represent an interest adverse to the estate. Decl. of Stephen Slater, Doc. #253. Trustee requires Auctioneer's services to advertise the sale of the Property, assist in storing the Property until sold, and assist in other matters related to the auction sale of the Property. Birnberg Decl., Doc. #251. Trustee has agreed to pay Auctioneer a commission of 10% plus a 10% buyer's premium and expenses in an amount not to exceed \$1,000.00. Birnberg Decl., Doc. #251 Trustee unambiguously requests pre-approval of payment to Auctioneer pursuant to § 328. Doc. #249; Birnberg Decl., Doc. #251.

Accordingly, pending opposition being raised at the hearing, this motion will be GRANTED. Trustee's business judgment is reasonable and the proposed sale of the Property at public auction is in the best interests of creditors and the estate. The arrangement between Trustee and Auctioneer is reasonable in this instance. Trustee is authorized to sell the Property on the terms set forth in the motion and to employ and pay Auctioneer for services as set forth in the motion. Trustee shall submit a form of order that specifically states that employment of Auctioneer has been approved pursuant to 11 U.S.C. § 328.

The 14-day stay of Rule 6004(h) will be ordered waived to allow the proposed auction to proceed as soon as possible.

9. [25-12382](#)-A-7 **IN RE: SLEEP FIT CORPORATION**
[BAL-1](#)

MOTION FOR ADMINISTRATIVE EXPENSES
2-27-2026 [[85](#)]

ICON RENO PROPERTY OWNER POOL 6 WEST/SOUTHWEST, LLC/MV
RILEY WALTER/ATTY. FOR DBT.
NAHAL ZARNIGHIAN/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The Clerk's Matrix of Creditors used by the moving party to serve the notice, motion and supporting pleadings does not comply with Local Rule of Practice ("LBR") 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve pleadings be downloaded not more than 7 days prior to the date the pleadings are served. Here, the moving party served the notice, motion and supporting pleadings on February 27, 2026 using a Clerk's Matrix of Creditors that was generated on February 13, 2026. Doc. #90. Accordingly, service of the motion does not comply with LBR 7005-1(d).

10. [23-20793](#)-A-7 **IN RE: DOUGLAS RODRIGUEZ**
[DNL-10](#)

MOTION FOR COMPENSATION FOR J. MICHAEL HOPPER, CHAPTER 7 TRUSTEE(S)
3-2-2026 [[133](#)]

J. HOPPER/MV
PETER MACALUSO/ATTY. FOR DBT.
J. CUNNINGHAM/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 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 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 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.

J. Michael Hopper ("Trustee"), the chapter 7 trustee, requests allowance of final compensation and reimbursement for expenses for services rendered as trustee in this case. Doc. #133. Trustee provided trustee services valued at \$9,250.00, and requests compensation for that amount. Id. Since being appointed to this case on March 15, 2023, Trustee administered the estate, employed counsel and accountants, disposed of estate property, reviewed and reconciled financial records, and prepared final filings. Doc. #7; Decl. of J. Michael Hopper, Doc. #135; Ex. A, Doc. #136.

Section 330(a)(1) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a chapter 7 trustee. 11 U.S.C. § 330(a)(1). In determining the amount of reasonable compensation to be awarded a chapter 7 trustee, the court shall treat such compensation as a commission, based on § 326 of the Bankruptcy Code. 11 U.S.C. § 330(a)(7). Here, Trustee demonstrates reasonable compensation in accordance with the statutory framework of § 326. Hopper Decl., Doc. #135. Further, the court finds Trustee's services and requested expenses were actual and necessary to the administration of this estate.

This motion is GRANTED. The court allows statutory compensation in the amount of \$9,250.00.

11. [23-20793](#)-A-7 **IN RE: DOUGLAS RODRIGUEZ**
[DNL-7](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF DESMOND, NOLAN, LIVAICH & CUNNINGHAM FOR J. RUSSELL CUNNINGHAM, TRUSTEES ATTORNEY(S)
3-2-2026 [[127](#)]

J. HOPPER/MV
PETER MACALUSO/ATTY. FOR DBT.
J. CUNNINGHAM/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 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 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 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.

Desmond, Nolan, Livaich & Cunningham ("Movant"), attorneys for chapter 7 trustee J. Michael Hopper ("Trustee"), requests allowance of final compensation and reimbursement for expenses for services rendered from August 9, 2023 through February 11, 2026. Order, Doc. #48; Doc. #127; Ex. A, Doc. #131. Movant provided legal services valued at \$34,746.75, and requests compensation in the capped amount of \$14,918.39. Doc. #127. Movant requests reimbursement for expenses in the amount of \$81.61. Id. This is Movant's first and final fee application. Trustee consents to the amount requested in Movant's application. Decl. of J. Michael Hopper, Doc. #129.

Section 330(a)(1) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a "professional person." 11 U.S.C. § 330(a)(1). 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, taking into account all relevant factors. 11 U.S.C. § 330(a)(3).

Movant's services included, without limitation: (1) communicating with the debtor regarding the sale of the Harley Davidson to the debtor; (2) assessing a personal injury claim and settlement; (3) disbursing of funds to medical and insurance liens; (4) providing counsel to Trustee as to the administration of the chapter 7 case, including the employment of Special Counsel to file personal injury complaint and discussing settlement; (5) preparing and filing employment and fee applications; (6) providing counsel to Trustee as to tax issues; (7) providing counsel to Trustee regarding medical liens and insurance funds from personal injury claim; and (8) communicating with Special Counsel regarding the negotiation and settlement of the personal injury claim and resulting motion to approve the settlement. Decl. of J. Russell Cunningham, Doc. #130; Ex. A, Doc. #131. The court finds the compensation and reimbursement sought are reasonable, actual, and necessary.

This motion is GRANTED on a final basis. The court allows final compensation in the amount of \$14,918.39 and reimbursement for expenses in the amount of \$81.61. Trustee is authorized to make a combined payment of \$15,000.00, representing compensation and reimbursement, to Movant. Trustee is authorized to pay the amount allowed by this order from available funds only if the estate is administratively solvent and such payment is consistent with the priorities of the Bankruptcy Code.

12. [26-10577](#)-A-7 **IN RE: KA'REN KETENDJIAN**
[SAH-2](#)

MOTION TO COMPEL ABANDONMENT
3-23-2026 [25]

KA'REN KETENDJIAN/MV
SUSAN HEMB/ATTY. FOR DBT.
OST 3/24/26

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.

On March 24, 2026, the court granted the debtor's ex parte motion for order shortening time to hear the debtor's motion to compel abandonment. Doc. #31. This motion was set for hearing on April 1, 2026 at 1:30 p.m. pursuant to Local Rule of Practice ("LBR") 9014-1(f)(3). 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.

Ka'ren Ketendjian ("Debtor"), the chapter 7 debtor in this case, moves the court to compel the chapter 7 trustee to abandon Debtor's sole proprietorship law office business and related business equipment (collectively, the "Property"). Doc. #25. The business equipment consists of used office furniture (desk, chair, file cabinet, credenza, drawer), miscellaneous wall prints, and computer equipment (computer, monitor, and printer). Id. Debtor asserts that Debtor has no non-exempt equity in the Property and the Property therefore has no value to the bankruptcy estate. Id.

11 U.S.C. § 554(b) permits the court, on request of a party in interest and after notice and a hearing, to order the trustee to abandon property that is burdensome to the estate or of inconsequential value and benefit to the estate. Vu v. Kendall (In re Vu), 245 B.R. 644, 647 (B.A.P. 9th Cir. 2000). To grant a motion to abandon property, the bankruptcy court must find either that the property is (1) burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. Id. (citing Morgan v. K.C. Mach. & Tool Co. (In re K.C. Mach. & Tool Co.), 816 F.2d 238, 245 (6th Cir. 1987)). However, "an order compelling abandonment [under § 554(b)] 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." Id. (quoting K.C. Mach. & Tool Co., 816 F.2d at 246).

Here, Debtor does not allege that the Property is burdensome to the estate. Doc. #25. Therefore, Debtor must establish that the Property is of inconsequential value and benefit to the estate. 11 U.S.C. § 554(b); Vu, 245 B.R. at 647. Amongst Debtor's Property is a desk, chair, file cabinet, credenza, and drawer valued at \$530.00 and is encumbered by a \$84,000.00 lien. Am. Schedule A/B, Doc. #23; Schedule D, Doc. #1. Debtor's Property also includes wall prints, a computer, a monitor, and a printer valued at \$280.00

that is not encumbered by any lien. Id. Under California Civil Procedure Code § 704.060, Debtor claims a \$280.00 exemption on the wall prints, computer, monitor, and printer. Am. Schedule C, Doc. #23; Decl. of Ka'ren Ketendjian, Doc. #27. Further, the only non-exempt asset is the goodwill of the business, which Debtor states has no value because Debtor has no employees and the business is completed entirely by Debtor's labor and personal relationships with clients. Id. The court finds that Debtor has met his burden of establishing by a preponderance of the evidence that the Property is of inconsequential value and benefit to the estate.

Accordingly, subject to opposition being raised at the hearing, this motion will be GRANTED. The order shall specifically identify the property abandoned.

13. [26-10704](#)-A-7 **IN RE: ERIC/LORI KESSLER**
[VBP-1](#)

MOTION FOR DETERMINATION THAT PROPERTY OF NON-DEBTOR
THIRD-PARTY CORPORATION IS NOT PROPERTY OF THE ESTATE
3-27-2026 [[22](#)]

WELLS FARGO COMMERCIAL
DISTRIBUTION FINANCE, LLC/MV
STEPHEN LABIAK/ATTY. FOR DBT.
VALERIE PEO/ATTY. FOR MV.
OST 3/30/26

NO RULING.