

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Ronald H. Sargis
Chief Bankruptcy Judge
Sacramento, California

Pursuant to District Court General Order 612, no persons are permitted to appear in court unless authorized by order of the court. All appearances of parties and attorneys shall be telephonic through CourtCall, which advises the court that it is waiving the fee for the use of its service by *pro se* (not represented by an attorney) parties through April 30, 2020. **The contact information for CourtCall to arrange for a phone appearance is: (866) 582-6878.**

MODESTO DIVISION CALENDAR

April 2, 2020 at 10:00 a.m.

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|------------------------------|---|-----------------------|--|
| 1. | <u>19-90382-E-7</u>
<u>RDW-1</u> | TRACY SMITH
Pro Se | MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
3-13-20 <u>[86]</u> |
|
JOHN WESTGATE VS. | | | |

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor (*pro se*), Chapter 7 Trustee, parties requesting special notice, and Office of the United States Trustee on March 13, 2020. By the court's calculation, 20 days' notice was provided. 14 days' notice is required.

The Motion for Relief from the Automatic Stay was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 7 Trustee, the U.S. Trustee,

and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing, unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing, -----.

The Motion for Relief from the Automatic Stay is denied without prejudice.

John R. Westgate and Judy L. Westgate, Trustees of the Westgate 2014 Trust as to an Undivided 100% Interest, its Successors and/or Assignees (“Movant”) seeks relief from the automatic stay with respect to Tracy Emery Smith’s (“Debtor”) real property commonly known as 297 East 10th Street, Merced, California (“Property”). Movant has provided the Declaration of John R. Westgate and Stanley Michael Combs to introduce evidence to authenticate the documents upon which it bases the claim and the obligation secured by the Property.

Movant argues Debtor has not made eight (8) post-petition payments, with a total of \$1,481.20 in post-petition payments past due. Declaration, Dckt. 88.

DISCUSSION

Movant states the following grounds for relief with particularity (Fed. R. Bankr. P. 9013) from the stay (Dckt. 86):

- A. The Motion is brought pursuant to 11 U.S.C. Section 362(d)(1) for cause.
- B. Debtor has failed to make payments, and directs the court to see the declaration of John Westgate to learn what such payments are being asserted as grounds for the relief requested.
- C. Cause exists due to Debtor’s failure to make the required payments.
- D. If the court does not grant relief from the stay, then Movant seeks an order requiring the “Borrower,” an undefined term, to “reinstate all past arrearages and immediately commence regular monthly payments.” ^{FN. 1.}

FN. 1. As discussed below, the “Borrower” on the Note is not the Debtor, but a corporation. In effect, Movant seeks the court issue a mandatory injunction against a third-party, who has not been served with this Motion (see Certificate of Service, Dckt. 94). At the hearing, counsel for Movant addressed how, if the court honors the basic principles of Due Process, it could issue such a mandatory injunction (putting aside the requirements of Fed. R. Bankr. P 7001) against a third-party with no notice of such relief being requested. Counsel for Movant explained that the proper basis, in light of the certifications made by Movant and counsel arising under Federal Rule of Bankruptcy Procedure 9011, are **XXXXXXXXXX**

- E. Movant seeks attorney's fees and costs pursuant to the contractual provisions of the Note and Deed of Trust.

Movant's Memorandum of Points and Authorities provides other "information," which would normally be expected to be asserted as the grounds, required to be stated in the motion, in support of the Motion (Dckt. 92). For purposes of this hearing, this other "information" is summarized as follows:

- A. Downkicker Holding Corp. is the Borrower on the Note secured by a Deed of Trust encumbering the Property.
- B. Debtor is the president and CEO of the Borrower.
- C. Debtor has included two corporations as dba in this bankruptcy, excluding Downkicker Holding Corp.
- D. As president and CEO of the Borrower, Debtor has failed to make eight (8) monthly payments to Movant.
- E. There is a limited amount of \$10,317.15 of equity in the Property.
- F. The Property is not a benefit to the estate for an effective reorganization.

Movant is requesting relief from the stay as to Property owned by Downkicker Holding Corp. The loan over said Property is under the name of Downkicker Holding Corp., signed by Debtor as President/CEO for Downkicker Holding Corp.

In this case, the automatic stay did not arise as to the Property because the Borrower is not a debtor in this case. The Property is owned by Borrower, not the Debtor. As Movant admits, the obligor on the note is Downkicker Holding Corp. As Movant further admits, the Property is owned by Downkicker, Inc. The automatic stay in Debtor's case does not reach out to work as a stay against Downkicker Holding Corp. or property of Downkicker Holding Corp. As discussed in *Collier on Bankruptcy*, ¶ 362.03 (emphasis added):

¶362.03 Scope of Stay; § 362(a)

The stay of section 362 is extremely broad in scope and, aside from the limited exceptions of subsection (b), applies to almost any type of formal or informal action taken against the debtor or the property of the estate. The stay applies to all entities. Under section 101, "entity" is broader than "person" and includes, in addition to a person, an "estate, trust, governmental unit, and the United States trustee." **Although the stay protects the debtor against a broad range of actions and activities, it does not protect separate legal entities, such as corporate directors, officers or affiliates, partners in debtor partnerships or codefendants in pending litigation.** [4] These entities may, however, obtain protection through a section 105 injunction if relief is appropriate.

[4] *Patton v. Bearden*, 8 F.3d 343 (6th Cir. 1993) (general partner); *Credit Alliance Corp. v. Williams*, 851 F.2d 119 (4th Cir.

1988) (guarantor); *Otoe County Nat'l Bank v. W&P Trucking, Inc.*, 754 F.2d 881 (10th Cir. 1985) (guarantor); *Williford v. Armstrong World Indus., Inc.*, 715 F.2d 124, 10 C.B.C.2d 569 (4th Cir. 1983); *Wedgeworth v. Fibreboard Corp.*, 706 F.2d 541, 8 C.B.C.2d 1119 (5th Cir. 1983) (codefendant); *Lynch v. Johns-Manville Sales Corp.*, 710 F.2d 1194, 7 C.B.C.2d 342 (6th Cir. 1983); *Aboussie Bros. Constr. Co. v. United Missouri Bank*, 3 C.B.C.2d 684, 8 B.R. 302 (E.D. Mo. 1981); *Nevada Nat'l Bank v. Casgul of Nevada, Inc. (In re Casgul of Nevada, Inc.)*, 6 C.B.C.2d 1351, 22 B.R. 65 (B.A.P. 9th Cir. 1982); *In re Otero Mills, Inc.*, 21 B.R. 777 (Bankr. D.N.M.), *aff'd*, 7 C.B.C.2d 1017, 25 B.R. 1018 (D.N.M. 1982).

As discussed by the Ninth Circuit Court of Appeals in *Boucher v. Shaw*, 572 F.3d 1087 (9th Cir. 2009):

As a general rule, the automatic stay protects only the debtor, property of the debtor or property of the estate. *See* 11 U.S.C. §§ 362(a); 541(a) (defining property of the estate); *Advanced Ribbons and Office Prods., Inc. v. U.S. Interstate Distrib., Inc.*, 125 B.R. 259, 263 (9th Cir. BAP 1991) (citation omitted); *see also Chugach*, 23 F.3d at 246. The stay "does not protect non-debtor parties or their property.

Here, Movant admits that the obligation is not owed by the Debtor and the Property is not owned by the Debtor. The obligation is owed by, and the Property securing that obligation is owned by, Downkicker Holding Corp - not the Debtor. Further, Debtor does not list this Property in his Schedules as being property in which he has any interest.

There are no allegations, whether stated in the grounds included in the Motion or the other "information" buried in the Points and Authorities that Debtor claims any interest in the Property. There is reference to Debtor asserting to have interests in several other corporations, but even if he claimed to own stock in Downkicker Holding Corp., that does not give him ownership of, or an interest in, the Property.

There is no stay to be given relief from. The Motion is denied.

The court denies Movant's request for attorney's fees and costs, the court having denied Movant any and all of the relief requested in the Motion.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by John R. Westgate and Judy L. Westgate, Trustees of the Westgate 2014 Trust as to an Undivided 100% Interest, its Successors and/or Assignees ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion for Relief from the Automatic Stay is denied without prejudice.

IT IS FURTHER ORDERED that Movant is denied any attorney's fees and costs in connection with this Motion, the court having denied Movant any and all of the relief requested in the Motion.

No other or additional relief is granted.

FINAL RULINGS

2. [20-90107-E-7](#)
[PP-1](#)

PAUL DASILVA
Jessica Dorn

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-3-20 [\[22\]](#)

HOLLY WRIGHT VS.

Final Ruling: No appearance at the April 2, 2020 hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, Chapter 7 Trustee, and Office of the United States Trustee on March 3, 2020. By the court's calculation, 30 days' notice was provided. 28 days' notice is required.

The Motion for Relief from the Automatic Stay has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

The Motion for Relief from the Automatic Stay is granted.
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Holly Wright, Richard Wright III, Jeremy Wright, Arvelle Lanch by successor in interest, Nicolette Lanch ("Movants") seeks relief from the automatic stay to allow *Holly Wright, et al. v. Paul Alexander Dasilva, et al.* Case No. 16CV296446 (the "State Court Litigation") to be concluded. Movant has provided the Declaration of Stephen F. Von Till to introduce evidence to authenticate the documents upon which it bases the claim and the obligation owed by Paul Alexander DaSilva ("Debtor").

Movants argues that the claims against Debtor will proceed more efficiently in the state court as they involve multiple parties and legal issues regarding personal injuries, insurance claims and liability. Movants do not seek to enforce any resulting judgement against the Debtor or the property of the estate but limit their request to liquidating claims and enforcement of any resulting judgment solely against the insurer(s) and non-bankruptcy parties. Declaration, Dckt. 24.

Debtor has filed a Response, stating that Debtor has no opposition to the relief being granted, so long as the enforcement pursuant to the relief is against only the insurance policy coverage amounts. Dckt. 32.

DISCUSSION

The court may grant relief from stay for cause when it is necessary to allow litigation in a nonbankruptcy court. 3 COLLIER ON BANKRUPTCY ¶ 362.07[3][a] (Alan N. Resnick & Henry J. Sommer eds. 16th ed.). The moving party bears the burden of establishing a prima facie case that relief from the automatic stay is warranted, however. *LaPierre v. Advanced Med. Spa Inc. (In re Advanced Med. Spa Inc.)*, No. EC-16-1087, 2016 Bankr. LEXIS 2205, at *8–9 (B.A.P. 9th Cir. May 23, 2016). To determine “whether cause exists to allow litigation to proceed in another forum, ‘the bankruptcy court must balance the potential hardship that will be incurred by the party seeking relief if the stay is not lifted against the potential prejudice to the debtor and the bankruptcy estate.’” *Id.* at *9 (quoting *Green v. Brotman Med. Ctr., Inc. (In re Brotman Med. Ctr., Inc.)*, No. CC-08-1056-DKMo, 2008 Bankr. LEXIS 4692, at *6 (B.A.P. 9th Cir. Aug. 15, 2008)) (citing *In re Aleris Int’l, Inc.*, 456 B.R. 35, 47 (Bankr. D. Del. 2011)). The basis for such relief under 11 U.S.C. § 362(d)(1) when there is pending litigation in another forum is predicated on factors of judicial economy, including whether the suit involves multiple parties or is ready for trial. *See Christensen v. Tucson Estates, Inc. (In re Tucson Estates, Inc.)*, 912 F.2d 1162 (9th Cir. 1990); *Packerland Packing Co. v. Griffith Brokerage Co. (In re Kemble)*, 776 F.2d 802 (9th Cir. 1985); *Santa Clara Cty. Fair Ass’n v. Sanders (In re Santa Clara Cty. Fair Ass’n)*, 180 B.R. 564 (B.A.P. 9th Cir. 1995); *Truebro, Inc. v. Plumberex Specialty Prods., Inc. (In re Plumberex Specialty Prods., Inc.)*, 311 B.R. 551 (Bankr. C.D. Cal. 2004).

The court finds that the nature of the State Court Litigation warrants relief from stay for cause. The matter has been pending since 2016 and was scheduled for a jury trial on the day Debtor filed this case. Therefore, judicial economy dictates that the state court scheduled trial be allowed to move forward after the considerable time and resources put into the matter already.

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests that the court grant relief from the Rule as adopted by the United States Supreme Court.

Movant has pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is granted.

The court shall issue an order modifying the automatic stay as it applies to Debtor to allow Movant to continue the State Court Litigation. The automatic stay is not modified with respect to enforcement of the judgment against Debtor, Michael D. McGranahan (“the Chapter 7 Trustee”), or property of the bankruptcy estate. Any judgment obtained shall be submitted to this court for the proper treatment of any claims arising under the Bankruptcy Code.

No other or additional relief is granted by the court.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by Holly Wright, Richard Wright III, Jeremy Wright, and Arvelle Lanch by successor in interest, Nicolette Lanch (“Movants”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the automatic stay provisions of 11 U.S.C. § 362(a) are modified as applicable to Paul Alexander DaSilva (“Debtor”) to allow Movant, its agents, representatives, and successors, and trustee under the trust deed, and any other beneficiary or trustee, and their respective agents and successors to proceed with litigation in *Holly Wright, et al. v. Paul Alexander Dasilva, et al.* Case No. 16CV296446.

IT IS FURTHER ORDERED that the automatic stay is not modified with respect to enforcement of any judgment against Debtor, Michael D. McGranahan (“the Chapter 7 Trustee”), or property of the bankruptcy estate. Any judgment obtained by Movant shall be submitted to this court for the proper treatment of any claims arising under the Bankruptcy Code. Movant may enforce the judgment against any insurance policy and proceeds therefore relating to the claim.

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived for cause.

No other or additional relief is granted.

3. [20-90120](#)-E-7
[ASW](#)-1

OMAYRA DOMINGUEZ
Pro Se

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-25-20 [\[16\]](#)

DEUTSCHE BANK NATIONAL TRUST
COMPANY VS.

DEBTOR DISMISSED 3/2/20

Final Ruling: No appearance at the April 2, 2020 hearing is required.

Deutsche Bank National Trust Company, as Trustee for the WAMU Mortgage Pass-Through Certificates, Series 2004-AR2 (“Creditor”) having filed a Notice of Withdrawal, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041, **the Motion for Relief from Automatic Stay was dismissed without prejudice, and the matter is removed from the calendar.**

AMERICREDIT FINANCIAL
SERVICES, INC. VS.

Final Ruling: No appearance at the April 2, 2020 hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, Chapter 7 Trustee, and Office of the United States Trustee on February 21, 2020. By the court's calculation, 41 days' notice was provided. 28 days' notice is required.

The Motion for Relief from the Automatic Stay has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

<p>The Motion for Relief from the Automatic Stay is granted.</p>

Americredit Financial Services, Inc. dba GM Financial ("Movant") seeks relief from the automatic stay with respect to an asset identified as a 2018 Chevrolet Silverado, VIN ending in 3617 ("Vehicle"). The moving party has provided the Declaration of Aaron Rangel (Dckt. 13) and Adriana Arredondo (Dckt. 14) to introduce evidence to authenticate the documents upon which it bases the claim and the obligation owed by Vernon Lushes Ellis ("Debtor").

Movant argues Debtor has two (2) pre-petition payments in default, with a pre-petition arrearage of \$1,879.26. Declaration, Dckt. 13.

Movant has also provided a copy of the NADA Valuation Report for the Vehicle. The Report has been properly authenticated and is accepted as a market report or commercial publication generally relied on by the public or by persons in the automobile sale business. FED. R. EVID. 803(17).

DISCUSSION

From the evidence provided to the court, and only for purposes of this Motion for Relief, the debt secured by this asset is determined to be \$49,156.74 (Declaration, Dckt. 13), while the value of the Vehicle is determined to be \$33,320.00, as stated in Schedules B and D filed by Debtor, which is less than the retail value as stated on the NADA Valuation Report.

Pursuant to the Statement of Intention, Debtor will surrender the Vehicle. Dckt. 1.

11 U.S.C. § 362(d)(1): Grant Relief for Cause

Whether there is cause under 11 U.S.C. § 362(d)(1) to grant relief from the automatic stay is a matter within the discretion of a bankruptcy court and is decided on a case-by-case basis. *See J E Livestock, Inc. v. Wells Fargo Bank, N.A. (In re J E Livestock, Inc.)*, 375 B.R. 892 (B.A.P. 10th Cir. 2007) (quoting *In re Busch*, 294 B.R. 137, 140 (B.A.P. 10th Cir. 2003)) (explaining that granting relief is determined on a case-by-case basis because “cause” is not further defined in the Bankruptcy Code); *In re Silverling*, 179 B.R. 909 (Bankr. E.D. Cal. 1995), *aff’d sub nom. Silverling v. United States (In re Silverling)*, No. CIV. S-95-470 WBS, 1996 U.S. Dist. LEXIS 4332 (E.D. Cal. 1996). While granting relief for cause includes a lack of adequate protection, there are other grounds. *See In re J E Livestock, Inc.*, 375 B.R. at 897 (quoting *In re Busch*, 294 B.R. at 140). The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *W. Equities, Inc. v. Harlan (In re Harlan)*, 783 F.2d 839 (9th Cir. 1986); *Ellis v. Parr (In re Ellis)*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay, including defaults in post-petition payments that have come due. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432.

11 U.S.C. § 362(d)(2)

A debtor has no equity in property when the liens against the property exceed the property’s value. *Stewart v. Gurley*, 745 F.2d 1194, 1195 (9th Cir. 1984). Once a movant under 11 U.S.C. § 362(d)(2) establishes that a debtor or estate has no equity in property, it is the burden of the debtor or trustee to establish that the collateral at issue is necessary to an effective reorganization. 11 U.S.C. § 362(g)(2); *United Sav. Ass’n of Texas v. Timbers of Inwood Forest Assocs. Ltd.*, 484 U.S. 365, 375–76 (1988). Based upon the evidence submitted, the court determines that there is no equity in the Vehicle for either Debtor or the Estate. 11 U.S.C. § 362(d)(2). This being a Chapter 7 case, the Vehicle is *per se* not necessary for an effective reorganization. *See Ramco Indus. v. Preuss (In re Preuss)*, 15 B.R. 896 (B.A.P. 9th Cir. 1981).

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having lien rights against the Vehicle, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests that the court grant relief from the Rule as adopted by the United States Supreme Court.

Movant has pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is granted.

No other or additional relief is granted by the court.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by Americredit Financial Services, Inc. dba GM Financial (“Movant”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant, its agents, representatives, and successors, and all other creditors having lien rights against the Vehicle, under its security agreement, loan documents granting it a lien in the asset identified as a 2018 Chevrolet Silverado, VIN ending in 3617 (“Vehicle”), and applicable nonbankruptcy law to obtain possession of, nonjudicially sell, and apply proceeds from the sale of the Vehicle to the obligation secured thereby.

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived for cause.

No other or additional relief is granted.