

**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Honorable Christopher D. Jaime
Robert T. Matsui U.S. Courthouse
501 I Street, Sixth Floor
Sacramento, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: April 8, 2025

CALENDAR: 1:00 P.M. CHAPTER 13

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters and no appearance is necessary. 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 seven (7) days of the final hearing on the matter.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

April 8, 2025 at 1:00 p.m.

1. [24-25217](#)-B-13 ROSSLYN CARRISOSA MOTION TO CONFIRM PLAN
[GC-1](#) Juliius J. Cherry 2-16-25 [[23](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 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). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

April 8, 2025 at 1:00 p.m.

2. [24-24746](#)-B-13 ALFRED SALDANA
[PGM](#)-1 Peter G. Macaluso

MOTION TO CONFIRM PLAN
2-27-25 [[41](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 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). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

3. [24-24946](#)-B-13 BILLY SPURGIN
[PGM](#)-2 Peter G. Macaluso

MOTION TO CONFIRM PLAN
3-4-25 [[64](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 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). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). A written reply has been filed to the objection.

All objections have been resolved and the court has determined that oral argument is not necessary. See Local Bankr. R. 1001-1(f), 9014-1(h). This matter will be decided on the papers. No appearance at the hearing is necessary.

The court's decision is to overrule the objection and confirm the plan.

The Chapter 13 Trustee objects to confirmation of the plan on various grounds: (1) the plan does not properly provide for creditor Carrington Mortgage Services based on filed claim no. 10-1, (2) Debtor has failed to account for the increase in future income after his monthly child support obligation ends in 2.75 years, (3) Debtors' monthly expense of \$215.00 for public transportation on Form 122C-2 is actually an attempt to fund vacations based on past airfares to Arizona and Mexico, (4) the plan does not meet liquidation and the percentage to unsecured creditors must increase to 0.11%, (5) Debtors' Schedules I and J show different income amounts and using the lesser of the two would result in Debtors not being able to make plan payments, and (6) the Disclosure of Compensation of Attorney for Debtor form does not match that provided on the Eastern District of California court's website.

Debtors filed a response stating that all the issues are either resolved or not applicable:

First, Carrington Mortgage Services has filed an amended claim no. 10-2 showing that there is no default. Thus, this issue is resolved.

Second, while Debtor's child support obligations will end in 2.75 years, Debtors intend to give the extra money to their church. Debtors state that they are very religious people, go to church every weekend and bible study during the week, feed the homeless through their church, bring blankets and their own clothes to the homeless in Sacramento, and go to Mexico with their church to help children. Debtors contend that such charitable contributions under 15% of their gross income for the year are permissible under 11 U.S.C. § 1325(b)(2)(A)(ii). The court agrees, at least in an amount of up to 15% of the Debtors' gross income for the year in which the contributions are to be made. That said, the plan (through the confirmation order) must:

i. identify the Debtors' "church" (as referenced in the motion at dkt. 31, the declaration at dkt. 33, and the reply at dkt. 43);

ii. state that when the child support obligation ends payments previously used for child support payments in the amount of \$1,044.98 will be committed to charitable contributions to the Debtors' church identified in ¶ i, *supra*; and

iii. certify that the anticipated contributions to the Debtors' church meet the definition of "charitable contributions" under Section 548(d)(3) to a qualified religious or charitable entity or organization as defined in section 548(d)(4).

Third, Debtors contend that the \$215.00 on Form 122C-2 is not for vacations and that

their airfare to Arizona was to help family and to Mexico was to help children with their church. This issue is resolved.

Fourth, Debtors state that they can increase their plan payment to meet liquidation since it will be only an extra \$6.67 to unsecured creditors. This issue is resolved.

Fifth, Debtors have amended Schedules I and J to show that when Debtor's child support ends, it will go toward their church. This issue is resolved.

Sixth, Debtors filed a copy of their Disclosure of Compensation of Attorney for Debtor(s). Although it is not identical in formatting to that on the court's website, it is the revised December 2015 version.

The plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed February 13, 2025, is confirmed.

The objection is ORDERED OVERRULED for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

5. [25-20331](#)-B-13 DAMONE THOMPSON
[LGT](#)-1 Gregory J. Smith

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
3-6-25 [[13](#)]

Final Ruling

This matter was continued from April 1, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, April 4, 2025. The Chapter 13 Trustee filed a supplemental reply stating that Debtor has the burden to verify that the appropriate payroll and tax deductions for his non-filing spouse should be at 40.9% or \$4,000.00 per month when her paystubs actually show total tax deductions of less than \$2,000.00 for a 4-week period. This would result in an increase of income and therefore the plan is not confirmable.

Given the aforementioned, the court's conditional ruling at dkt. 25, sustaining the objection, shall become the court's final decision. The continued hearing on April 8, 2025, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.