

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee

Hearing Date: Wednesday, April 9, 2014

Place: Department B – Courtroom #12

Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

9:00 A.M.

1. [13-16606](#)-B-7 DONALD/DIANA HAWKINS MOTION FOR ENTRY OF DEFAULT
[13-1128](#) TCS-1 JUDGMENT
HAWKINS, JR. V. MOUNTAIN LION 2-18-14 [[15](#)]
ACQUISITIONS, INC.
TIMOTHY SPRINGER/Atty. for mv.
WITHDRAWN, ADV. DISMISSED

This motion will be dropped from calendar without a disposition. This matter is deemed withdrawn. The adversary proceeding has been settled and has already been dismissed. No appearance is necessary.

2. [12-16311](#)-B-7 MARK FORREST MOTION TO ENFORCE SETTLEMENT
[12-1163](#) DRJ-1 AGREEMENT
QUINTANA ET AL V. FORREST 3-4-14 [[50](#)]
JOHN PHILLIPS/Atty. for mv.

The court has reviewed the Plaintiffs' motion, to enforce a settlement agreement dated July 10, 2013 (the "Motion"). The motion was fully noticed and there was no opposition from the defendant. It appears from the record that a settlement was reached in the context of voluntary participation in the Bankruptcy Dispute Resolution Program (the "Settlement Agreement") which was reduced to writing and signed by all the parties, their counsels, and the BDRP mediator. The terms of that settlement include the Debtor/Defendant's agreement to execute a judgment in favor of the Plaintiffs, Ismael Quintana and Jesse Lujan, in the amount of \$60,000. The Settlement Agreement does not make any provision for attorneys fees, costs, or prejudgment interest.

Therefore, based on the Motion and good cause appearing, Plaintiffs Ismael Quintana and Jesse Lujan will be hereby awarded a money judgment against Defendant Mark Alan Forrest in the amount of \$60,000, to accrue interest at the federal judgment rate in affect at the time of entry.

In addition, this judgment will be non-dischargeable pursuant to 11 U.S.C. §523(a)(2)(A) and (6).

The court will enter an order and a judgment. No appearance is necessary.

10:00 A.M.

1. [11-63503](#)-B-7 FRANK/ALICIA ITALIANE MOTION TO COMPROMISE
TGM-2 CONTROVERSY/APPROVE SETTLEMENT
JAMES SALVEN/MV AGREEMENT WITH KATHLEEN L.
ITALIANE AND SUSAN LEONARD
3-12-14 [[66](#)]

ARTURO MATTHEWS/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

2. [13-16705](#)-B-7 JOHN ARANJO MOTION TO AVOID LIEN OF GE
FJG-2 CAPITAL RETAIL BANK
JOHN ARANJO/MV 2-26-14 [[26](#)]
F. GIST/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

3. [11-61313](#)-B-7 FELIPE MARTINEZ MOTION TO COMPROMISE
THA-3 CONTROVERSY/APPROVE SETTLEMENT
JAMES SALVEN/MV AGREEMENT WITH JOSE ALBERTO
MARTINEZ
3-7-14 [[53](#)]

THOMAS GILLIS/Atty. for dbt.
THOMAS ARMSTRONG/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

4. [13-12422](#)-B-7 EUNICE EVANS
PLF-2
EUNICE EVANS/MV

MOTION TO AVOID LIEN OF PREMIER
VALLEY BANK, TOM TAYLOR, WELLS
FARGO BANK, AND TRAVELERS
CASUALTY AND SURETY COMPANY OF
AMERICA
3-11-14 [[18](#)]

PETER FEAR/Atty. for dbt.

This matter will be continued to April 23, 2014, at 10:00 a.m. This bankruptcy case was closed as a no-asset case on July 19, 2013, and needs to be reopened for further relief pursuant to § 350(b) before the court can rule on the motion.

In addition, the debtor needs to file a copy of the subject abstracts of judgment or other evidence to show that the judgment liens are related to debts owed by the debtor and that the debtor owned the subject property at the time the judgment liens attached. *Farrey v. Sanderfoot*, 111 S.Ct. 667.

The court will prepare a minute order. No appearance is necessary.

5. [13-18028](#)-B-7 ANA BARNETT
UST-1
TRACY DAVIS/MV

CONTINUED MOTION AGAINST
MELODIE FURTADO FOR FINES AND
PAYMENT TO DEBTOR PURSUANT TO
11 U.S.C. SECTION 110
2-6-14 [[24](#)]

ROBIN TUBESING/Atty. for mv.
DISMISSED

The matter has been resolved by stipulation of the parties and order signed April 5, 2014. No appearance is necessary.

6. [13-18030](#)-B-7 MELISSA RUBALCAVA AND
UST-1 JOSEPH MAESTAS
TRACY DAVIS/MV

CONTINUED MOTION AGAINST
MELODIE FURTADO FOR FINES AND
PAYMENT TO DEBTORS
2-6-14 [[21](#)]

ROBIN TUBESING/Atty. for mv.
DISMISSED

The matter has been resolved by stipulation of the parties and order signed April 5, 2014. No appearance is necessary.

7. [14-11337](#)-B-7 RAUL/REBECCA JARA
SW-1
RAUL JARA/MV
STARR WARSON/Atty. for dbt.

MOTION TO DISMISS CASE
3-19-14 [[35](#)]

The motion will be dropped from calendar without disposition. No hearing is necessary. The court has already entered an order which fully resolves this motion. No appearance is necessary.

8. [13-17341](#)-B-7 HOWARD SAGASER
WFH-1
SHERYL STRAIN/MV
HAGOP BEDOYAN/Atty. for dbt.
DANIEL EGAN/Atty. for mv. MOTION TO TRANSFER FUNDS FROM
BLOCKED ACCOUNT
3-19-14 [[274](#)]
9. [13-17341](#)-B-7 HOWARD SAGASER
WFH-2
SHERYL STRAIN/MV
HAGOP BEDOYAN/Atty. for dbt.
SHERYL STRAIN/Atty. for mv. MOTION TO EMPLOY DANIEL L. EGAN
AS ATTORNEY(S)
3-12-14 [[258](#)]
10. [13-17341](#)-B-7 HOWARD SAGASER
WFH-3
SHERYL STRAIN/MV
HAGOP BEDOYAN/Atty. for dbt.
DANIEL EGAN/Atty. for mv. MOTION FOR AUTHORITY TO USE
SALES PROCEEDS
3-19-14 [[277](#)]
11. [12-60444](#)-B-7 CARLOS/MARIA GUTIERREZ
DRJ-4
JAMES SALVEN/MV
THOMAS GILLIS/Atty. for dbt.
DAVID JENKINS/Atty. for mv. MOTION TO SELL
3-6-14 [[138](#)]

This matter will be continued to April 23, 2014, at 9:00 a.m., to be heard with the rescheduled motions for turnover and abandonment, and the objection to the debtors' amended exemption of this property. The court will prepare a minute order. No appearance is necessary.

12. [14-10347](#)-B-7 MARIA MENDIVIL
RHT-1
ROBERT HAWKINS/MV

ROBERT HAWKINS/Atty. for mv.
RESPONSIVE PLEADING MOTION OPPOSING AUTOMATIC
ABANDONMENT OF VEHICLE FROM THE
BANKRUPTCY ESTATE
3-12-14 [[16](#)]
13. [13-15250](#)-B-7 DENNIS GAI AND EILEEN
TMT-3 BLANCARTE-GAI
TRUDI MANFREDO/MV
MARIO LANGONE/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv. MOTION TO SELL
3-12-14 [[36](#)]
14. [14-10850](#)-B-7 STEPHANIE NUNEZ

STEPHANIE NUNEZ/MV

STEPHANIE NUNEZ/Atty. for mv. MOTION FOR WAIVER OF THE
CHAPTER 7 FILING FEE OR OTHER
FEE
3-11-14 [[20](#)]
15. [14-10451](#)-B-7 DUSTIN ALLISON
RHT-1

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
3-6-14 [[11](#)]

16. [12-60054](#)-B-7 DWIGHT/NELLIE LONG
RHT-10
ROBERT HAWKINS/MV
LAYNE HAYDEN/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

MOTION TO SELL FREE AND CLEAR
OF LIENS
3-19-14 [[112](#)]

17. [13-18058](#)-B-7 JOSE/MARIA RIVERA
TMT-1
TRUDI MANFREDO/MV

MOTION TO EMPLOY GOULD AUCTION
AS AUCTIONEER, AUTHORIZING SALE
OF PROPERTY AT PUBLIC AUCTION
AND AUTHORIZING PAYMENT OF
AUCTIONEER FEES AND EXPENSES
3-5-14 [[20](#)]

MARK ZIMMERMAN/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

18. [14-10566](#)-B-7 EDWARD ARAJAUO

EDWARD ARAJAUO/MV

EDWARD ARAJAUO/Atty. for mv.
RESPONSIVE PLEADING

MOTION FOR WAIVER OF THE
CHAPTER 7 FILING FEE OR OTHER
FEE
2-6-14 [[5](#)]

19. [13-15969](#)-B-7 JAMES BAGGOTT AND CAMILLE
JES-1 BRYANT
JAMES SALVEN/MV
YELENA GUREVICH/Atty. for dbt.
JAMES SALVEN/Atty. for mv.
RESPONSIVE PLEADING

MOTION TO COMPEL AND/OR MOTION
FOR TURNOVER OF PROPERTY
3-7-14 [[43](#)]

20. [13-17569](#)-B-7 MARIA MONREAL
UST-1
TRACY DAVIS/MV

CONTINUED MOTION AGAINST
MELODIE FURTADO FOR FINES AND
PAYMENT TO DEBTOR PURSUANT TO
11 U.S.C. 110
2-6-14 [[32](#)]

ROBIN TUBESING/Atty. for mv.

The matter has been resolved by stipulation of the parties and order signed April 5, 2014. No appearance is necessary.

21. [12-60284](#)-B-7 PATRICIA JAEGLER
RHT-1
ROBERT HAWKINS/MV
PETER BUNTING/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

MOTION TO ABANDON
3-5-14 [[18](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

22. [12-17990](#)-B-7 NOE FERNANDEZ
HDN-2
NOE FERNANDEZ/MV
HENRY NUNEZ/Atty. for dbt.

MOTION TO AVOID LIEN OF
AMERICAN EXPRESS BANK, F.S.B.
2-25-14 [[24](#)]

This motion will be denied. The debtor seeks to avoid a judicial lien that impairs an exemption in real property. However, the subject property was not exempted in the bankruptcy schedules.

In addition, there is no evidence to show that the debtor owned an interest in the Bundy Avenue property at the time the abstract of judgment was recorded in May 2011. *Farrey v. Sanderfoot*, 111 S.Ct. 667. The address on the abstract of judgment suggests that the debtor lived on Perrin Avenue at the time. No appearance is necessary.

23. [12-17990](#)-B-7 NOE FERNANDEZ
HDN-3
NOE FERNANDEZ/MV
HENRY NUNEZ/Atty. for dbt.

MOTION TO AVOID LIEN OF CACH,
L.L.C.
2-25-14 [[28](#)]

The motion will be denied. The subject property was not listed as exempt in the debtor's schedules.

In addition, no abstract of judgment or other evidence was filed to show that the judgment lien is related to a debt owed by the debtor and that the debtor owned an interest in the subject property at the time the judgment lien attached. *Farrey v. Sanderfoot*, 111 S.Ct. 667. The court will prepare a minute order. No appearance is necessary.

24. [12-17990](#)-B-7 NOE FERNANDEZ
HDN-4
NOE FERNANDEZ/MV
HENRY NUNEZ/Atty. for dbt.

MOTION TO AVOID LIEN OF DAL
TILE DISTRIBUTING CO.
2-25-14 [[33](#)]

The motion will be denied. The subject property was not listed as exempt in the debtor's schedules.

In addition, no evidence was submitted to show that the debtor owned an interest in the subject property at the time the abstract of judgment was recorded in July 2010. *Farrey v. Sanderfoot*, 111 S.Ct. 667. The court will prepare a minute order. No appearance is necessary.

25. [12-17990](#)-B-7 NOE FERNANDEZ
HDN-5
NOE FERNANDEZ/MV
HENRY NUNEZ/Atty. for dbt.

MOTION TO AVOID LIEN OF PATELCO
CREDIT UNION
2-25-14 [[38](#)]

The motion will be denied. The subject property was not listed as exempt in the debtor's schedules.

In addition, no abstract of judgment or other evidence was filed to show that the judgment lien is related to a debt owed by the debtor and that the debtor owned an interest in the subject property at the time the judgment lien attached. *Farrey v. Sanderfoot*, 111 S.Ct. 667. The court will prepare a minute order. No appearance is necessary.

26. [13-15895](#)-B-7 LARRY BURNITZKI
SAS-1
SHERYL STRAIN/MV
JUSTIN SWEENEY/Atty. for dbt.
SHERYL STRAIN/Atty. for mv.

MOTION TO SELL
3-12-14 [[15](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

27. [14-10898](#)-B-7 MANUELA RUBIO

MANUELA RUBIO/MV

SCOTT LYONS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION FOR WAIVER OF THE
CHAPTER 7 FILING FEE OR OTHER
FEE
2-27-14 [[5](#)]

The debtor's application to waive the chapter 7 filing fee will be deemed withdrawn. The trustee's objection will be overruled as moot. In response to the trustee's objection, the debtor has consented to pay the filing fee in installments. No appearance is necessary.

10:30 A.M.

1. [14-11005](#)-B-7 LESLIE/BARBARA TEES MOTION FOR RELIEF FROM
MDZ-1 AUTOMATIC STAY
FEDERAL HOME LOAN MORTGAGE 3-10-14 [[12](#)]
CORPORATION/MV
MICHAEL ZEFF/Atty. for mv.
DISMISSED

This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

2. [14-11218](#)-B-7 JUAN LOPEZ MOTION FOR RELIEF FROM
SC-1 AUTOMATIC STAY
MARTINGALE INVESTMENTS, LLC/MV 3-18-14 [[13](#)]
SAM CHANDRA/Atty. for mv.
3. [13-18125](#)-B-7 CARY SHAFER MOTION FOR RELIEF FROM
MDE-1 AUTOMATIC STAY
SPECIALIZED LOAN SERVICING, 3-10-14 [[15](#)]
LLC/MV
CHELSEA RYAN/Atty. for dbt.
MARK ESTLE/Atty. for mv.

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

4. [11-18532](#)-B-7 SALLY REYNOSO
GAR-1
NATIONSTAR MORTGAGE LLC/MV
M. ENMARK/Atty. for dbt.
GAIL RINALDI/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-28-14 [[129](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

5. [14-10045](#)-B-7 MARIO NUNEZ
EGS-1
BAYVIEW LOAN SERVICING, LLC/MV
THOMAS GILLIS/Atty. for dbt.
EDWARD SCHLOSS/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-12-14 [[14](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

6. [14-10777](#)-B-7 IRA BOWERMAN
JHW-1
TD AUTO FINANCE LLC/MV
PETER BUNTING/Atty. for dbt.
JENNIFER WANG/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-6-14 [[10](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

7. [14-10595](#)-B-7 SALVADOR VALDIVIA
SMK-1
THE BANK OF NEW YORK MELLON/MV
SHERI KANESAKA/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-27-14 [[18](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

11:00 A.M.

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|----|-------------------------------|------------------------|---|
| 1. | 14-10915 -B-7 | ANGEL/DIANA ALMAGUER | PRO SE REAFFIRMATION AGREEMENT
WITH SANTANDER CONSUMER USA
INC.
3-21-14 [9] |
| 2. | 14-10726 -B-7 | JOSE/MAGGIE LARA | PRO SE REAFFIRMATION AGREEMENT
WITH MERCED SCHOOL EMPLOYEES
FCU
3-21-14 [14] |
| 3. | 13-17938 -B-7 | JOEL/VERONICA CAMPBELL | REAFFIRMATION AGREEMENT WITH
AMERICAN HONDA FINANCE CORP.
3-5-14 [16] |
- PETER FEAR/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtors' attorney signed the reaffirmation agreement certifying that he has explained the agreement to the debtors, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. The bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.