

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

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: April 16, 2024

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
Modesto, California

April 16, 2024 at 1:00 p.m.

1. [19-90604](#)-B-13 CURTIS/SHARI ESCOBAR MOTION TO MODIFY PLAN
 [BSH](#)-5 Brian S. Haddix 3-6-24 [[94](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d) (2), 9014-1(f) (1), and Federal Rule of Bankruptcy Procedure 3015(g). 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 permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtors have filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, 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.

2. [21-90211](#)-B-13 STEPHANIE STANDEN MOTION TO MODIFY PLAN
[SSH](#)-3 Simran Singh Hundal 3-8-24 [[64](#)]

Final Ruling

An amended notice of hearing was filed rescheduling the hearing on the motion to confirm Debtor's second modified plan to May 7, 2024. No appearance at the April 16, 2024, hearing is required.

The matter is continued to **May 7, 2024, at 1:00 p.m.** at the Modesto Courtroom.

The court will issue an order.

3. [22-90339](#)-B-13 SAMMY/OLIVIA RIVERA
[SLH](#)-1 Seth L. Hanson

MOTION TO MODIFY PLAN
3-8-24 [[31](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). 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 permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtors have filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, 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.

4. [24-90060](#)-B-13 LUIS/ANGELA OLIVEIRA OBJECTION TO CONFIRMATION OF
[LGT](#)-1 David C. Johnston PLAN BY LILIAN G. TSANG
Thru #5 3-26-24 [[24](#)]

CONTINUED TO 5/07/24 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 5/01/24.

Final Ruling

No appearance at the April 16, 2024, hearing is required. The court will issue an order.

5. [24-90060](#)-B-13 LUIS/ANGELA OLIVEIRA OBJECTION TO CONFIRMATION OF
[RAS](#)-1 David C. Johnston PLAN BY DEUTSCHE BANK NATIONAL
TRUST COMPANY
3-12-24 [[21](#)]

CONTINUED TO 5/07/24 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 5/01/24.

Final Ruling

No appearance at the April 16, 2024, hearing is required. The court will issue an order.

6. [24-90167](#)-B-13 CHRISTINA TAFURI MOTION TO IMPOSE AUTOMATIC STAY
[PGM](#)-1 Peter G. Macaluso 4-1-24 [[10](#)]

Final Ruling

Hearing continued to **April 30, 2024, at 11:00 a.m.**, at the Sacramento Courtroom 32, for additional briefing and automatic stay temporarily imposed by order issued on April 15, 2024.

No appearance on April 16, 2024, at 1:00 p.m. is required.

7. [23-90576](#)-B-13 GURMAIL SINGH AND KULDEEP MOTION FOR RELIEF FROM
[JBS](#)-1 KAUR AUTOMATIC STAY
David C. Johnston 3-19-24 [[55](#)]

JMS FINANCIAL, INC. VS.

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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). The Chapter 13 Trustee filed two responses. No opposition was filed by Debtors Gurmail Singh and Kuldeep Kaur.

The court's decision is to **continue the matter to April 23, 2024, at 1:00 p.m.** to allow movant JMS Financial, Inc. to file Form EDC 3-468, Relief from Stay Summary Sheet, as required by Local Bankr. R. 4001-1.

The court will issue an order.

8. [24-90077](#)-B-13 COURTNEY HERRERA
[CJY-1](#) Christian J. Younger

MOTION TO VALUE COLLATERAL OF
ONEMAIN FINANCIAL
3-12-24 [[12](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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 grant the motion to value collateral.

Debtor moves to value the secured claim of OneMain Financial ("Creditor"). Debtor is the owner of a 2008 Toyota Corolla LE ("Vehicle"). The Debtor seeks to value the Vehicle at a replacement value of \$5,750.00 as of the petition filing date. As the owner, Debtor's opinion of value is evidence of the asset's value and, in the absence of contrary evidence, it may be taken as conclusive of value. See Fed. R. Evid. 701; see also *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

Proof of Claim Filed

The court has reviewed the Claims Registry for this bankruptcy case. Claim No. 3-1 filed by OneMain Financial is the claim which may be the subject of the present motion.

Discussion

The lien on the Vehicle's title does not secure a purchase-money loan and instead was a lien against the Vehicle in exchange for a loan of \$11,837.00. Because of this, the requirement that the loan be incurred more than 910 days prior to filing of the petition is not applicable.

Debtor seeks to value the Vehicle at \$5,750.00 based on both her knowledge and similar cars listed for sale on Carfax. Debtor has submitted as an exhibit Black Book Lender Solutions Online Suite to value her Vehicle. The court will disregard the exhibit. See *In re Guerra*, 2008 WL 3200831, at *2 n.4 (Bankr. E.D. Cal. Aug. 7, 2008) ("Filed with Guerra's declaration was an unauthenticated document titled: 'Edmonds.com True Market Value Pricing Report.' The court has not considered this attachment in that it is inadmissible hearsay[.]"). Instead, the court will rely solely on the Debtor's opinion as the conclusive value of the Vehicle for purposes of the motion. Dkt. 14 at ¶ 5 ("Based on my personal knowledge, I believe the Vehicle to have a fair market value of \$5,750.00[.]").

In the Chapter 13 context, the replacement value of personal property used by debtors for personal, household or family purposes is "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." See 11 U.S.C. § 506(a)(2). The time value is determined is the date of filing of the petition without deduction for costs of sale or marketing. *Id.*

The Debtor has persuaded the court regarding the value of the Vehicle. The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is granted.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.