



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

April 16, 2024 at 1:30 p.m.

Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (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/RemoteAppearances>. 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 medical 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.

UNITED STATES BANKRUPTCY COURT
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Honorable Christopher M. Klein
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April 16, 2024 at 1:30 p.m.

1. [24-20502](#)-C-13 JOHN BARNWELL
[LGT-1](#)

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE LILIAN G. TSANG
3-26-24 [[19](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 22.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor has failed to provide pay advices;
2. Plan is not feasible; and
3. Debtor has failed to amend his schedules.

DISCUSSION

The debtor has not provided the trustee with all required pay advices. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The plan mathematically requires a payment of \$28,831.18 per month, which is greater than the proposed \$427.75 payment.

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6)

The debtor has supplied insufficient information relating to the his assets to assist the Chapter 13 Trustee in determining whether the plan is proposed in good faith.

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That is reason to deny confirmation. Therefore, the Objection is sustained.

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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, 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 Objection is sustained.

2. [24-21043](#)-C-13 PATRICE MOORE
[MS-1](#)

MOTION TO VALUE COLLATERAL OF
FLAGSHIP CREDIT ACCEPTANCE
3-15-24 [[8](#)]

Final Ruling: No appearance at the April 16, 2024 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 32 days' notice was provided. Dkt. 11.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of Flagship Credit Acceptance's ("Creditor") claim secured by the debtor's property commonly known as 2021 Nissan Rogue S Sport Utility 4D (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$16,517.00. Declaration, Dckt. 10.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on March, 2021, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Upon review of the record, the court finds the value of the Property is \$16,517.00. There are \$22,187.00 of senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be \$16,517.00. 11 U.S.C. § 506(a).

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 to Value Collateral and Secured Claim filed by the debtor 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 pursuant to 11 U.S.C.

§ 506(a) is granted, and the claim of Flagship Credit Acceptance ("Creditor") secured by property commonly known as 2021 Nissan Rogue S Sport Utility 4D (the "Property") is determined to be a secured claim in the amount of \$16,517.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

3. [22-20492](#)-C-13 GENEROSA DIZON
[LGT-1](#)

MOTION TO PAY
4-2-24 [[290](#)]

DEBTOR DISMISSED: 03/14/2024

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 294.

The Motion Directing Payment is ~~XXXXXXXXXX~~.

The Chapter 13 Trustee, Lilian Tsang, ("Trustee") moves for an order directing payment of the balance of funds being held by the Trustee in the amount of \$17,591.00 in this unconfirmed dismissed Chapter 13 case.

APPLICABLE LAW

Pursuant to 11 U.S.C. § 1326(a)(2), if a plan is not confirmed, the Trustee shall return any such payments not previously paid and not yet due and owing to creditors to the debtor.

DISCUSSION

At the hearing ~~XXXXXXXXXX~~

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 Directing Payment by the Chapter 13 Trustee, Lilian Tsang, 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 is ~~XXXXXXXXXX~~

4. [22-20492](#)-C-13 GENEROSA DIZON
[MJH](#)-3

MOTION TO DIRECT PAYMENT OF
DEBTOR FUNDS HELD BY CHAPTER 13
STANDING TRUSTEE TO STANISLAUS
COUNTY SHERIFF CIVIL, LEVYING
OFFICER FILE NO. 2024001122, TO
THE BENEFIT OF JENNINE C.
BANAYAT, CREDITOR
4-2-24 [[295](#)]

DEBTOR DISMISSED: 03/14/2024

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that only 13 days' notice was provided. Dkt. 299.

The Motion Directing Payment is ~~XXXXXXXXXX~~.

Creditor, Jennine C Banayat, ("Creditor") moves for an order requiring Chapter 13 Trustee to deliver the balance of undistributed funds in the amount of \$17,591.00 in this unconfirmed dismissed Chapter 13 case to Stanislaus County Sheriff Civil, Levying Officer File No. 2024001122, to the benefit of Jennine C. Banayat, Creditor.

APPLICABLE LAW

Pursuant to 11 U.S.C. § 1326(a)(2), if a plan is not confirmed, the Trustee shall return any such payments not previously paid and not yet due and owing to creditors to the debtor.

DISCUSSION

At the hearing ~~XXXXXXXXXX~~

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 Directing Payment by Creditor, Jennine C. Banayat, 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 is ~~XXXXXXXXXX~~