

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

April 22, 2014 at 10:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled "Amended Civil Minute Order."

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.
3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.
4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	14-90002-D-13	GREGORY SCOTT	CONTINUED OBJECTION TO
	RDG-1		CONFIRMATION OF PLAN BY RUSSELL
			D. GREER
			2-24-14 [26]

Final ruling:

The trustee's objection was continued to allow the debtor to file a reply by April 8, 2014. The debtor has filed nothing further and the trustee has not received all of the documentation outlined in the objection from the debtor. Accordingly, the trustee's objection is sustained. No appearance is necessary.

2.	13-92003-D-13	MICHAEL/MONICA ALLEN	MOTION TO CONFIRM PLAN
	SDM-2		3-11-14 [39]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

3. 10-93504-D-13 SCARLETT VON EICHEL
DCJ-4

MOTION TO MODIFY PLAN
3-11-14 [67]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

4. 14-90204-D-13 WILFRID/RONDA ESSEX
JAD-1

MOTION TO VALUE COLLATERAL OF
RIVER CITY BANK
2-26-14 [11]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of River City Bank at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of River City Bank's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

5. 13-90806-D-13 DAVID/MAELENA SMITH
SSA-2

MOTION FOR COMPENSATION FOR
STEVEN S. ALTMAN, TRUSTEE'S
ATTORNEY
3-18-14 [75]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

6. 13-90806-D-13 DAVID/MAELENA SMITH
SSA-3

MOTION FOR COMPENSATION FOR
MICHAEL D. GRANAHAAN, CHAPTER 7
TRUSTEE
3-18-14 [70]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

7. 10-92209-D-13 JEFFREY/DEVONNE MOTION TO VALUE COLLATERAL OF
JDP-1 GREENHALGH OCWEN
3-12-14 [57]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of OCWEN at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of OCWEN's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

8. 09-90410-D-13 MICHAEL/CAROL CURRY MOTION TO MODIFY PLAN
CJY-8 3-11-14 [122]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

9. 13-91812-D-13 DOUGLAS/KAREN METCALFE MOTION TO MODIFY PLAN
SSA-4 3-3-14 [61]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

10. 13-92116-D-13 DIANA ROCHA MOTION TO CONFIRM PLAN
CJY-1 2-26-14 [33]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the moving party failed to serve the creditors added to her Schedule F by amendment filed February 21, 2014. Thus, the moving party failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(b). As a result of this service defect, the motion will be denied, and the court need not reach the issues raised by Cedarbrook Homeowners' Association at this time. The motion will be denied by minute order. No appearance is necessary.

11. 10-94019-D-13 GERARDO/CRISTELA MOTION TO MODIFY PLAN
BPC-3 HERNANDEZ 3-5-14 [46]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

12. 13-90919-D-13 HARRY/CAROL BERGER MOTION FOR RELIEF FROM
APN-2 AUTOMATIC STAY
HTD LEASING, LLC VS. 3-14-14 [53]

13. 09-93920-D-13 RAFAEL URIBE MOTION TO MODIFY PLAN
CJY-4 3-10-14 [50]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

14. 09-91828-D-13 DANIEL CAVANAGH MOTION TO MODIFY PLAN
CJY-2 3-6-14 [68]

15. 13-91828-D-13 THOMAS/JOCELYN OWENS MOTION TO CONFIRM PLAN
TPH-4 3-4-14 [57]

16. 14-90034-D-13 MARIA SALAS MOTION TO VALUE COLLATERAL OF
TOG-1 MARIA SOTO
3-10-14 [25]

Final ruling:

The matter is resolved without oral argument. This is the debtor's motion to value the secured claim of Maria Soto at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtor's residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Maria Soto's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

17. 14-90034-D-13 MARIA SALAS MOTION TO VALUE COLLATERAL OF
TOG-3 GMAC MORTGAGE
3-12-14 [31]

18. 11-94239-D-13 SHELLY MCKAY MOTION TO MODIFY PLAN
JCK-3 3-14-14 [37]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

19. 14-90339-D-13 JARED CARRILLO MOTION TO VALUE COLLATERAL OF
JDP-1 BANK OF AMERICA, N.A.
3-20-14 [10]

Final ruling:

This matter has been resolved by stipulation filed April 11, 2014. The parties should submit a proposed order approving the stipulation if they have not already done so. The matter will be removed from calendar.

20. 10-94640-D-13 BETH LEONARDO-WYATT MOTION TO MODIFY PLAN
SDM-2 3-7-14 [44]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

21. 13-92142-D-13 JAMES/CHRISTINA AZEVEDO MOTION TO CONFIRM PLAN
SDM-1 3-12-14 [27]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

22. 09-91648-D-13 SHELLEY WARD MOTION TO VALUE COLLATERAL OF
JDP-1 HSBC FINANCE CORP.
3-6-14 [85]

Final ruling:

This matter has been resolved by stipulation filed April 8, 2014, which has been approved by order filed April 9, 2014. The matter will be removed from calendar.

23. 12-91851-D-13 JOHN/EILEEN SANCHEZ CONTINUED MOTION TO MODIFY PLAN
RLF-5 1-21-14 [70]
24. 13-92159-D-13 MICHAEL/CAROL MCDANIEL CONTINUED OBJECTION TO
RDG-1 CONFIRMATION OF PLAN BY RUSSELL
D. GREER
2-10-14 [16]
25. 12-92764-D-13 THOMAS BREWSTER MOTION TO MODIFY PLAN
CJY-1 3-17-14 [23]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

26. 11-90266-D-13 JOHNNY/TAMARA MATTHEWS MOTION TO COMPROMISE
RWR-1 CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH WELLS FARGO
BANK, N.A.
3-20-14 [277]

Final ruling:

The matter is resolved without oral argument. There is no timely opposition to the motion to approve compromise of controversy, and the movant has demonstrated the compromise is in the best interest of the creditors and the estate. Specifically, the motion demonstrates that when the compromise is put up against the factors enumerated in In re Woodson, 839 F.2d 610 (9th Cir. 1988), the likelihood of success on the merits, the complexity of the litigation, the difficulty in collectability, and the paramount interests of creditors, the compromise should be approved. Accordingly, the motion is granted and the compromise approved. The moving party is to submit an appropriate order. No appearance is necessary.

27. 11-93269-D-13 ULYSSES O'DELL AND MOTION TO MODIFY PLAN
SDM-5 CYNTHIA BORGES-O'DELL 3-11-14 [78]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

28. 13-92172-E-7 RAMIRO GARCIA MOTION TO CONFIRM PLAN
TOG-6 3-4-14 [47]

Final ruling:

This case was converted to a case under Chapter 7 on March 31, 2014. As a result the motion will be denied by minute order as moot. No appearance is necessary.

29. 14-90172-D-13 BASILIO GARCIA OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
3-28-14 [25]

30. 11-91477-D-13 STEVEN/DONNA LADONGA MOTION TO EXCUSE CO-DEBTOR FROM
CJY-3 COMPLETING POST PETITION
FINANCIAL INSTRUCTIONAL COURSE,
11 U.S.C. SECTION 1328
CERTIFICATE OR CERTIFICATE OF
CHAPTER 13 DEBTOR RE: 11 U.S.C.
522(Q) EXEMPTIONS
3-17-14 [72]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion to excuse co-debtor Donna J. Ladonga from completing post petition instructional course and 11 U.S.C. section 1328 certificate or certificate of Chapter 13 debtor re: 11 U.S.C. section 522(q) exemptions is supported by the record. As such the court will grant the motion to excuse co-debtor Donna J. Ladonga from completing post petition instructional course and 11 U.S.C. section 1328 certificate or certificate of Chapter 13 debtor re: 11 U.S.C. section 522(q) exemptions. Moving party is to submit an appropriate order. No appearance is necessary.

31. 09-93190-D-13 LOUIE/ROSIE ENRIQUEZ MOTION TO MODIFY PLAN
CJY-1 3-17-14 [98]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

32. 13-91890-D-13 CAROLE ANDERSON MOTION TO CONFIRM PLAN
JAD-1 2-14-14 [33]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

33. 11-91294-D-13 RUBEN SAMPERIO AND MARIA MOTION TO VALUE COLLATERAL OF
JDP-2 GONZALEZ JP MORGAN CHASE BANK, N.A.
3-17-14 [59]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of JP Morgan Chase Bank, N.A. at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of JP Morgan Chase Bank, N.A.'s secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

34. 13-92116-D-13 DIANA ROCHA MOTION TO APPROVE POST PETITION
ARM-1 DUES OF CEDARBROOK HOMEOWNERS
ASSOCIATION AS AN
ADMINISTRATIVE PRIORITY
4-8-14 [44]

35.	14-90431-D-13 DCJ-1	MARK/ADELE FRINGS	MOTION TO EXTEND AUTOMATIC STAY 4-8-14 [9]
36.	14-90433-D-13 DCJ-1	AMARPAL DOSANJH	MOTION TO EXTEND AUTOMATIC STAY 4-8-14 [10]
37.	14-90034-D-13 TOG-2	MARIA SALAS	CONTINUED MOTION TO CONFIRM PLAN 2-12-14 [15]
38.	14-90139-D-13 MRG-1	COREY HUGHES	OBJECTION TO CONFIRMATION OF PLAN BY HARLEY-DAVIDSON CREDIT CORP. 3-31-14 [23]

39.	14-90139-D-13 RDG-2	COREY HUGHES	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 3-28-14 [20]
40.	10-92545-D-13 JDP-1	CARLO/SARAH CANTO	MOTION TO VALUE COLLATERAL OF WELLS FARGO BANK, N.A. 4-3-14 [57]
41.	14-90154-D-13 RDG-1	RENEE VENTURA	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 3-28-14 [15]
42.	14-90461-D-13 SJS-1	JANIS WHITBY	MOTION TO EXTEND AUTOMATIC STAY 4-8-14 [9]

43.	12-92865-D-13 MLP-1	VANCE PRATHER	MOTION TO INCUR DEBT 4-1-14 [26]
44.	13-91870-D-13 BHT-1 DEUTSCHE BANK NATIONAL TRUST COMPANY VS.	MICHAEL HORMAN	MOTION FOR RELIEF FROM AUTOMATIC STAY 4-1-14 [22]
45.	13-90077-D-13 CJY-1	SUDESH/RIAA NARAYAN	MOTION TO APPROVE LOAN MODIFICATION 3-31-14 [82]
46.	11-93485-D-13 TOG-2	JUAN/MARYLU GUTIERREZ	CONTINUED MOTION TO MODIFY PLAN 2-17-14 [45]