

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

April 24, 2018 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.	18-20701-D-13	ERICA ORTEGA	OBJECTION TO CONFIRMATION OF
	MDE-1		PLAN BY GLOBAL LENDING
			SERVICES, LLC
			3-6-18 [22]

2.	18-20805-D-13	GRANT BROOKS	MOTION TO AVOID LIEN OF FIRST
	JCK-1		NATIONAL BANK OF OMAHA
			3-12-18 [19]

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 is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtor is entitled. As a result, the court will grant the debtor's motion to avoid the lien. Moving party is to submit an appropriate order, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

3. 17-28208-D-13 ALFREDO/VERONICA LACESTE MOTION TO CONFIRM PLAN
AF-3 2-27-18 [52]
4. 16-20614-D-13 ALFONSO PULIDO MOTION TO MODIFY PLAN
HLG-3 3-12-18 [84]
5. 17-27339-D-13 BOBBY/GINA RUIZ MOTION TO CONFIRM PLAN
JM-3 3-1-18 [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 referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

6. 18-20142-D-13 BLAIR/GRACIA BERGMANN MOTION TO CONFIRM PLAN
MSN-1 3-12-18 [25]

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 referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

7. 14-25149-D-13 SCOTT/SHEILA BOLLENGIER MOTION TO MODIFY PLAN
JCK-3 3-9-18 [57]

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 referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

8. 17-23259-D-13 ANTHONY WALTHALL MOTION TO MODIFY PLAN
SLH-2 3-19-18 [34]

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 referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

9. 17-27467-D-13 MAHMADHUSAN ULLHA MOTION TO CONFIRM PLAN
JCK-2 3-5-18 [29]

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 referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

10. 15-23371-D-13 HOK MA AND LOAN THAI MOTION TO APPROVE LOAN
MJH-3 MODIFICATION
3-16-18 [86]

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 approve loan modification is supported by the record. As such the court will grant the motion by minute order. No appearance is necessary.

11. 17-23581-D-13 EDGARDO HIRAM MORALES MOTION TO INCUR DEBT
TBK-5 3-30-18 [66]

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 incur debt is supported by the record. As such the court will grant the motion by minute order. No appearance is necessary.

12. 17-23785-D-13 JASWINDER SINGH MOTION TO APPROVE LOAN
MJH-6 MODIFICATION
3-14-18 [97]

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 approve loan modification is supported by the record. As such the court will grant the motion by minute order. No appearance is necessary.

13. 17-27485-D-13 GERALDINE OSEI CONTINUED OBJECTION TO
RDG-2 CONFIRMATION OF PLAN BY RUSSELL
D. GREER
12-29-17 [12]

14. 18-20785-D-13 ARTHUR LUND OBJECTION TO CONFIRMATION OF
RAS-1 PLAN BY REVERSE MORTGAGE
SOLUTIONS, INC.
3-7-18 [18]

15. 17-21791-D-13 PATRICIA BROWN
NLL-1
NATIONSTAR MORTGAGE, LLC VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
3-22-18 [105]

Final ruling:

This matter is resolved without oral argument. This is Nationstar Mortgage, LLC's motion for relief from automatic stay. The court records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and creditor's interest in the property is not adequately protected. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

16. 17-27495-D-13 ALEJANDRO PATINO
TOG-1

MOTION TO CONFIRM PLAN
3-12-18 [30]

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 referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

17. 17-25097-D-13 JULIANNA FANG
JCK-1

OBJECTION TO CLAIM OF LOBEL
FINANCIAL CORPORATION, CLAIM
NUMBER 3
3-6-18 [16]

Tentative ruling:

This is the debtor's objection to the claim of Lobel Financial Corporation ("Lobel"), Claim No. 3 on the court's claims register. Lobel has filed opposition and the debtor has filed a reply. The claim is in the amount of \$17,146.77 and purports to be fully secured by a lien on a motor vehicle. Attachments to the proof of claim show that the debtor, using the name Kao Vang,¹ and GE Thao bought a 1996 BMW 7 Series in 2006; that the vehicle was repossessed and sold in 2007; that Lobel obtained a judgment against Vang and Thao in 2008 and recorded an abstract of that judgment in 2009 in San Joaquin County.

The debtor objects to the claim only as a secured claim. She objects on the basis that the vehicle that was originally Lobel's only security was repossessed and sold ten years ago; that the debtor owns no real property in San Joaquin County (or anywhere); and therefore, that the claim is not secured. The problem is that the debtor's supporting declaration addresses only the vehicle and does not include testimony that she owns no real property in San Joaquin County to which the judgment might have attached as a lien. On March 22, 2018, the debtor filed a response to Lobel's opposition, stating she owns no real estate. However, the response is signed by the debtor's attorney, not the debtor. If the debtor brings a signed declaration of the debtor to the hearing for filing, in which she testifies she owns no real property, the court will sustain the objection.

Lobel's only point in opposition is that it recorded an abstract of judgment in 2009. Thus, Lobel requests its claim be allowed as filed or, in the alternative, that it be permitted to amend its claim. There is nothing preventing Lobel from filing an amended claim (or the debtor from objecting to it). But based on the facts now before the court, and assuming the debtor testifies under oath she owns no real property (or at any rate, none in San Joaquin County), it is difficult to perceive how Lobel would be able to assert secured status in an amended claim.

For the reasons stated, and subject to the filing of the declaration, the court intends to sustain the objection and disallow the claim as a secured claim, allowing it as a general unsecured claim. The court will hear the matter.

1 According to her petition, Kao P. Vang is another name used by the debtor in the past eight years.

18. 18-20601-D-13 KENNY BUCHMILLER OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
4-2-18 [13]

19. 18-20701-D-13 ERICA ORTEGA OBJECTION TO CONFIRMATION OF
RDG-3 PLAN BY RUSSELL D. GREER
4-2-18 [30]

20. 18-20878-D-13 MONICA HERRERA OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
4-2-18 [14]

Final ruling:

The debtor filed an amended plan on April 17, 2018. As a result the court will overrule this objection by minute order as moot. No appearance is necessary.

21. 18-20878-D-13 MONICA HERRERA

OBJECTION TO CONFIRMATION OF
PLAN BY US BANK TRUST, N.A.
4-4-18 [21]

Final ruling:

The debtor filed an amended plan on April 17, 2018. As a result the court will overrule this objection by minute order as moot. No appearance is necessary.