

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

April 28, 2015 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.**

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|------|---------------------------|-------------------------|--------------------------------|
| 1. | 14-32307-D-13 | JOSE HERNANDEZ | AMENDED MOTION FOR RELIEF FROM |
| | CAPITAL EQUITY MANAGEMENT | | AUTOMATIC STAY |
| | GROUP, INC. VS. | | 3-25-15 [48] |
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| 2. | 15-20910-D-13 | LAPHONSA/COURTNEY GIBBS | OBJECTION TO CONFIRMATION OF |
| | RDG-1 | | PLAN BY RUSSELL D. GREER |
| | | | 4-2-15 [14] |

3. 14-30013-D-13 ALICIA SANTOS
KAZ-1

CONTINUED MOTION TO APPROVE
LOAN MODIFICATION
2-26-15 [36]

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 to approve loan modification April 20, 2015 by minute order. No appearance is necessary.

4. 14-31517-D-13 RICK/DENISE HUBER
PK-1

CONTINUED MOTION TO CONFIRM
PLAN
2-13-15 [29]

5. 15-20922-D-13 PHILLIP SAVAGE
RDG-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
4-2-15 [14]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

6. 14-31524-D-13 PAUL/JAY WHELAN
CAH-1

MOTION TO CONFIRM PLAN
3-13-15 [31]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The trustee filed opposition, and on April 21, 2015, the debtors filed a reply stating that they concede the issues raised by the trustee and that the motion should not be granted at this time. Accordingly, the motion will be denied by minute order. No appearance is necessary.

7. 14-31633-D-13 CRAIG VINCENT
JCK-3

CONTINUED MOTION TO CONFIRM
PLAN
2-6-15 [51]

8. 14-27834-D-13 DORELLE WYATT
JCK-3

MOTION TO MODIFY PLAN
3-13-15 [43]

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. 15-21234-D-13 BRIAN/ASHLEY MILLER
RDG-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
4-2-15 [19]

10. 13-35436-D-13 CHARLES/LARA GLIEBE
LRR-5

MOTION TO MODIFY PLAN
3-10-15 [81]

Final ruling:

This is the debtors' motion to confirm a modified chapter 13 plan. On April 2, 2015, the trustee filed opposition. On April 15, 2015, the debtors purported to withdraw the motion. However, pursuant to Fed. R. Civ. P. 41(a)(1), incorporated herein by Fed. R. Bankr. P. 7041 and 9014(c), the debtors were not permitted to withdraw the motion once the trustee had filed opposition. As indicated in their purported withdrawal, however, the debtors wished to withdraw the motion "due to the filed objection." Thus, the court concludes the debtors do not wish to contest the trustee's opposition to their present motion, and the motion will be denied. The motion will be denied by minute order. No appearance is necessary.

11.	15-22138-D-13	CARLOS/MELANIE LEYVA	MOTION TO VALUE COLLATERAL OF
	RAC-1		FIRST TENNESSEE BANK, N.A.
			3-20-15 [8]

12.	14-28039-D-13	MARCO PIEDRA	MOTION TO CONFIRM PLAN
	NFG-2		2-27-15 [75]

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.

13.	14-30039-D-13	FERNANDO/CATALINA MENDOZA	MOTION TO CONFIRM PLAN
	TOG-3		3-5-15 [51]

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.	15-21057-D-13	IRMA MARTINEZ AND	OBJECTION TO CONFIRMATION OF
	RDG-1	CHRISTOBAL MARTINEZ LOPEZ	PLAN BY RUSSELL D. GREER
			4-2-15 [20]

15.	14-31367-D-13 JCK-4	RAMONA/MIGUEL PEREZ	MOTION TO CONFIRM PLAN 3-5-15 [39]
16.	15-21073-D-13 CJY-1	HUMBERTO/JULIE HUIZAR	MOTION TO VALUE COLLATERAL OF BANK OF AMERICA, N.A. 4-1-15 [14]
17.	10-40977-D-13 DRE-2	MARTIN/ZEYNA MORA	MOTION TO APPROVE LOAN MODIFICATION 3-20-15 [109]
18.	12-28479-D-13 SJS-3	DARRICK/EMELINA LOGAN	MOTION TO INCUR DEBT 3-26-15 [47]

19. 10-41783-D-13 EDWIN SEDILLO
PLG-4

CONTINUED OBJECTION TO CLAIM OF
CAPITAL ONE AUTO FINANCE, CLAIM
NUMBER 2
12-31-14 [73]

Final ruling:

This is the debtor's objection to the claim of Capital One Auto Finance (the "Claimant"), Claim No. 2 on the court's claims register. The hearing was continued to permit the moving party to file a notice of continued hearing and serve it on the Claimant at its address on the debtor's Schedule D, as required by LBR 3007-1(c). However, although the moving party filed a notice of continued hearing, he again failed to serve the Claimant at the address on Schedule D.

As a result of this service defect, the objection will be overruled by minute order. No appearance is necessary.

20. 14-28986-D-13 MARGARITA GUTIERREZ
PGM-2

MOTION TO APPROVE LOAN
MODIFICATION
3-30-15 [121]

21. 14-32392-D-13 FELICIDAD BANIQUED

MOTION TO CONFIRM PLAN
2-11-15 [23]

Final ruling:

The motion will be denied as moot. The debtor filed an amended plan on March 14, 2015, making this motion moot. As a result the court will deny the motion without prejudice by minute order. No appearance is necessary.

22. 15-21692-D-13 MARIA GONZALEZ
TOG-3

MOTION TO VALUE COLLATERAL OF
SANTANDER CONSUMER, USA
3-21-15 [28]

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. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

23. 15-21692-D-13 MARIA GONZALEZ
TOG-5

MOTION TO VALUE COLLATERAL OF
OCWEN LOAN SERVICING, LLC
3-21-15 [23]

Final ruling:

The matter is resolved without oral argument. This is the debtor's motion to value the secured claim of OCWEN Loan Servicing, LLC 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 OCWEN Loan Servicing, LLC's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

24. 14-30095-D-13 SHEILA TERRY
BAS-1

MOTION TO CONFIRM PLAN
2-18-15 [59]

Final ruling:

This is the debtor's motion to confirm a fourth amended chapter 13 plan. On April 20, 2015, the debtor filed a fifth amended chapter 13 plan. As a result of the filing of the fifth amended plan, the present motion is moot. The motion will be denied as moot by minute order. No appearance is necessary.

25. 13-21396-D-13 RICK/MELANIE PAYNE
TBK-6

MOTION TO MODIFY PLAN
3-11-15 [95]

26. 14-32401-D-13 ANDREW BOYLE AND MELANIE
RDG-1 LEWIS

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
D. GREER
2-20-15 [21]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

27.	15-20823-D-13 SSA-1	MARINA GALINDO	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY STOCKTON MORTGAGE, INC. 3-17-15 [19]
28.	15-20830-D-13 RDG-1	MAURICE/VENISE SMALLEY	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 3-20-15 [18]
29.	12-21542-D-13 CJY-7	GILBERT RODRIGUEZ AND STEPHANIE	CONTINUED OBJECTION TO NOTICE OF MORTGAGE PAYMENT CHANGE AND/OR MOTION TO PAY 2-23-15 [114]
30.	15-20967-D-13 RDW-1	BENJAMIN/WHITLEY FRENCH	OBJECTION TO CONFIRMATION OF PLAN BY SAN MATEO CREDIT UNION 4-7-15 [16]

