



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

Chief Judge Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: MONDAY
DATE: APRIL 28, 2025
CALENDAR: 10:30 A.M. CHAPTER 7 CASES

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (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 **Court Appearances** page of our website at:

<https://www.caeb.uscourts.gov/Calendar/CourtAppearances>

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 the 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:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- 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 media 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.

PRE-HEARING DISPOSITION INSTRUCTIONS

RULINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling.

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [25-21203](#)-A-7 **IN RE: ALAINA ELDER**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
4-3-2025 [\[13\]](#)

BONNIE BAKER/ATTY. FOR DBT.
RESPONSIVE ENTRY: 4/8/2025

Final Ruling

The Order to Show Cause is discharged. No appearances are required.
The court will issue a civil minute order.

2. [25-21109](#)-A-7 **IN RE: ANISA PIERCE**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
3-28-2025 [\[12\]](#)

RONALD HOLLAND/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

The Order to Show Cause is discharged. No appearances are required.
The court will issue a civil minute order.

3. [25-21137](#)-A-7 **IN RE: KYLE COLLINS AND BERNICE WARD**
[LOT-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
4-3-2025 [\[24\]](#)

WEI LAM/ATTY. FOR MV.
CENTURY GARDEN REALTY VS.

Tentative Ruling

Motion: Stay Relief

Notice: LBR 9014-1(f)(2); no written opposition required

Disposition: Granted

Order: Civil minute order

Subject: 33 Sable, Irvine, California

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record,

accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

STAY RELIEF

The debtor is obligated to make loan payments to the moving party pursuant to a promissory note secured by a deed of trust on the real property described above. The debtor has defaulted on the loan as four prepetition payments totaling \$17,100.00 and one postpetition payment totaling \$4,650.00 are past due. Section 362(d)(1) authorizes stay relief for cause shown. 11 U.S.C. § 362(d)(1). Cause exists to grant relief under § 362(d)(1).

The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Century Garden Realty's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 33 Sable, Irvine, California, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

4. [25-20538](#)-A-7 **IN RE: JESSE PINEDA CARRASCO**
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-24-2025 [\[13\]](#)

SETH HANSON/ATTY. FOR DBT.
KIRSTEN MARTINEZ/ATTY. FOR MV.
AMERICAN HONDA FINANCE CORPORATION VS.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Stay Relief

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Subject: 2023 Honda CRV

Cause: delinquent installment payments 18 months totaling \$
11,178.18

These minutes constitute the court's findings of fact and conclusions of law required by Fed. R. Civ. P. 52(a), *incorporated* by Fed. R. Bankr. P. 7052, 9014(c). The findings of fact are as set forth above; the conclusions of law are as set forth below.

DEFAULT OF RESPONDENT

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated* by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

STAY RELIEF

"[A]fter notice and a hearing," the court may terminate, annul, modify or condition the stay: (1) "for cause, including the lack of adequate protection"; or (2) "with respect to a stay of an act against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); *see also* Fed. R. Bankr. P. 4001(a)(1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g)(1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g., the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g)(2).

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). The debtor bears the burden of proof. 11 U.S.C. § 362(g)(2). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1). "An undersecured creditor is entitled to adequate protection only for the decline in the [collateral's] value after the bankruptcy filing." See Kathleen P. March, Hon. Alan M. Ahart & Janet A. Shapiro, *California Practice Guide: Bankruptcy* ¶ 8:1065.1 (rev. 2019) (citing *United Sav. Ass'n v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 370-73 (1988)); see also *In re Weinstein*, 227 BR 284, 296 (9th Cir. BAP 1998) ("Adequate protection is provided to safeguard the creditor against depreciation in the value of its collateral during the reorganization process"); *In re Deico Electronics, Inc.*, 139 BR 945, 947 (9th Cir. BAP 1992) ("Adequate protection payments compensate undersecured creditors for the delay bankruptcy imposes upon the exercise of their state law remedies").

The debtor is obligated to make debt payments to the moving party pursuant to a loan contract that is secured by a security interest in the debtor's vehicle described above. The debtor has defaulted on such loan with the moving party, and postpetition payments are past due. Vehicles depreciate over time and with usage. As a consequence, the moving party's interest in the vehicle is not being adequately protected due to the debtor's ongoing postpetition default.

Cause exists to grant relief under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

American Honda Finance Corporation's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 2023 Honda CRV, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

5. [25-21343](#)-A-7 **IN RE: LAURANCE IHDE**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
4-8-2025 [\[13\]](#)

CHRISTOPHER LANGLEY/ATTY. FOR DBT.
4/8/2025 FILING FEE PAID \$338

Final Ruling

As the filing fee has been paid in full, the order to show cause is discharged. The case will remain pending.

6. [25-20748](#)-A-7 **IN RE: LEON/ERIKA TAYLOR**
[JMB-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-26-2025 [\[23\]](#)

JAMES BLUCKER/ATTY. FOR MV.
CANYON PINES, LTD. VS.
TRUSTEE NON-OPPOSITION

Tentative Ruling

Motion: Stay Relief to Pursue Unlawful Detainer Action and Writ of Possession

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted only to the extent specified in this ruling

Order: Civil minute order

Subject: Exercise of state law rights and remedies to obtain possession of real property located at 655 North Brea Boulevard #13, Brea, California, including all actions necessary to pursue an unlawful detainer action and execute a writ of possession

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

FACTS

On October 4, 2024, the movant served a three day notice to pay rent or quit to tenants named under the lease for non-payment of rent. On October 30, 2024, the movant filed a complaint for unlawful detainer against Elaine Valdez, the named lessee, and all occupants in possession. Ex. 3, ECF No. 26. On November 12, 2024, Debtor Leon Taylor filed a Prejudgment Claim of Right of Possession adding themselves to the unlawful detainer case. Ex. 8, ECF No. 26. On January 16, 2025, the debtor filed a voluntary petition for Chapter 7 bankruptcy. The unlawful detainer trial was initially set for January 21, 2025, but was then continued to February 24, 2025. On February 3, 2025, the debtor Leon Taylor's Chapter 7 case was dismissed for failure to file the necessary documents. On February 21, 2025, the debtors, Leon Taylor and Erika Taylor, filed the voluntary petition for the instant Chapter 7 bankruptcy case. The unlawful detainer matter has been continued to April 7, 2025, to allow the plaintiff to seek relief from the automatic stay.

SECTION 362(d) (1)

Cause

The automatic stay is applicable to "any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate". 11 U.S.C. § 362(a)(3). The court can grant relief from the stay "for cause". 11 U.S.C. § 362(d)(1). In this instant case, the debtor has not paid rent since October 2024. The debtor's failure to make rental payments is cause under 11 U.S.C. § 362(d)(1).

Exception to Cause

Notwithstanding the fact that cause in Chapter 7 exists with the lack of pre-petition rental arrears, there is a narrow exception protecting residential tenants. 11 U.S.C. § 362(l) provides that if the debtor files and serves with the petition a certificate that they are entitled to cure under state law and have deposited the money to cure the entire default under state law, then a pre-petition default is not cause for stay relief. 11 U.S.C. § 362(l).

Here, the debtor has not invoked these rights. Under LBR 9014-1(f)(2), no written opposition is required for this motion. The court has reviewed the docket and finds that the debtor does not qualify for the exception under 11 U.S.C. § 362(l). No such certificate and/or deposit of funds exists.

As a result, the moving party shall have relief from stay to pursue through judgment the pending state-court litigation identified in the motion. The moving party may also file post-judgment motions, and appeals. But no bill of costs may be filed without leave of this court, no attorney's fees shall be sought or awarded, and no action shall be taken to collect or enforce any judgment, except: (1) from applicable insurance proceeds; or (2) by filing a proof of claim in this court.

The motion will be granted to the extent specified herein, and the stay of the order provided by Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

SECTION 362(d)(4)

Section 362(d)(4) authorizes binding, in rem relief from stay "by a creditor whose claim is secured by an interest in such real property, if the court finds that the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved either-(A) transfer of all or part ownership of, or other interest in, such real property without the consent of the secured creditor or court approval; or (B) multiple bankruptcy filings affecting such real property." 11 U.S.C. § 362(d)(4) (emphasis added).

In this instant matter, the movant's claim is not secured by an interest in real property. Landlords do not have a secured interest in the property they are renting. Therefore, this relief is not available to the movant. Relief will not be granted under 11 U.S.C. 362(d)(4).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Canyon Pines Ltd.'s motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted to the extent specified in this order. The automatic stay is vacated to allow the movant to enforce its rights and remedies against the debtor to obtain possession of real property located at 655 North Brea Boulevard #13, Brea, California, and to pursue an unlawful detainer action through judgment and execution of a writ of possession, if necessary.

IT IS FURTHER ORDERED that the movant may also file post-judgment motions, and appeals. But no bill of costs may be filed without leave of this court, no attorney's fees shall be sought or awarded, and no action shall be taken to collect or enforce any money judgment against -debtor, except by (1) filing a proof of claim in this court or (2) filing an adversary proceeding to determine the debt nondischargeable, and executing on a favorable judgment entered in such adversary proceeding. And the stay of the order provided by Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived.

IT IS FURTHER ORDERED that the motion for relief under 11 U.S.C. 362(d)(4) is denied.

7. [25-20564](#)-A-7 **IN RE: DONALD/ANGELA TINSLEY**
[SAD-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY , AND/OR
MOTION/APPLICATION TO CONFIRM TERMINATION OR ABSENCE OF STAY
3-25-2025 [\[15\]](#)

SHANNON DOYLE/ATTY. FOR MV.
U.S. BANK NATIONAL ASSOCIATION VS.
RESPONSIVE PLEADING

Tentative Ruling

Motion: Stay Relief
Disposition: Denied as moot
Order: Civil minute order

Petition filed: February 10, 2025

Bankruptcy Filings Within One Year: *In re Angela June Tinsley*, Case No. 23-21428-E-13, E.D. Cal. Bankr. (2024); *In re Angela June Tinsley*, Case No. 24-24078-A-13, E.D. Cal. Bankr. (2025).

WITDRAWAL OF MOTION

Fed. R. Civ. P. 41

Federal Rule of Civil Procedure 41 governs the circumstances where a party may withdraw a motion or objection. Fed. R. Civ. P. 41, *incorporated by* Fed. R. Bankr. P. 7041, 9014(c) (applying rule dismissal of adversary proceedings to contested matters). A motion or objection may be withdrawn without a court order only if it has not been opposed or by stipulation "signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A). In all other instances, a motion or objection may be withdrawn "only by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2).

On April 21, 2025, the movant attempted to withdraw their motion for stay relief as follows:

U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE OF BKPL-EG HOLDING TRUST ("Movant") in the above-entitled Bankruptcy proceeding, hereby withdraws, without prejudice, its Motion to Confirm the Absence of the Automatic Stay filed as Docket Number 15 on March 25, 2025, with regards to real property located at 1517 Midway Drive, Woodland, CA 95695 ("Property").

Withdrawal, ECF No. 46, 1:25-2:3.

Opposition to the Motion for Relief from stay has been filed by both the debtor and the trustee. As such the movant may not unilaterally withdraw their motion for relief from automatic stay. The court does not deem withdrawal proper as the overreaching issue related to the automatic stay must be addressed for the parties.

AUTOMATIC STAY

U.S. Bank National Association has moved to seek relief from the automatic stay. Movant, debtor, and the trustee have filed motions regarding the finality of the foreclosure and how that relates to the automatic stay citing the analysis of *In re Hager*, 651 B.R. 873 (Bkrtcy.E.D.Cal. 2023). The court believes that the merit of these issues need not be reached because this case is subject to the Bankruptcy Code provisions that terminate or negate the stay in cases involving repeat individual bankruptcy filers. See 11 U.S.C. § 362(c) (3)-(4).

Debtor Angela Tinsley has filed the following Chapter 13 bankruptcy cases which were pending and dismissed within the last year: (1) *In re Angela June Tinsley*, Case No. 23-21428-E-13, E.D. Cal. Bankr. (2024) – filed May 1, 2023, dismissed July 12, 2024; and (2) *In re Angela June Tinsley*, Case No. 24-24078-A-13, E.D. Cal. Bankr. (2025) – filed September 12, 2024, dismissed January 8, 2025.

The petition in the instant case was filed February 10, 2025, Vol. Pet., ECF No. 1. No motion to impose the automatic stay was filed.

Prior Bankruptcy Cases

(4) (A) (i) if a single or joint case is filed by or against a debtor who is an individual under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and (ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

(B) *if, within 30 days after the filing of the later case*, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and a hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

11 U.S.C. § 362(c) (4) (emphasis added).

Debtor Angela Tinsley has had two previous cases pending within the one-year period prior to filing the instant case, and such cases were dismissed. Accordingly, the stay did not go into effect when the instant case was filed.

Upon request of a party in interest, the court may impose the automatic stay where the debtor has had 2 or more previous bankruptcy cases pending within the 1-year period prior to the filing of the current bankruptcy case but was dismissed. See 11

U.S.C. § 362(c)(4)(B). However, the motion requesting imposition of the stay must be filed within 30 days of the petition in the latter case. *Id.*

The petition in this case was filed on February 10, 2025. But no motion to impose the stay was filed, and a motion to impose the stay must be filed within 30 days of the filing of the latter case. 11 U.S.C. § 362(c)(4)(B). Accordingly, the automatic stay was not in effect during the foreclosure or finalization of the sale, nor is it currently in effect. The motion will be denied as moot.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

U.S. Bank National Association's Motion for Stay Relief has been presented to the court. Having considered the motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the motion is denied as moot.

8. [19-20389](#)-A-7 **IN RE: CAROLYN ANGUIANO**
[GMR-5](#)

MOTION FOR COMPENSATION FOR MICHAEL GABRIELSON,
ACCOUNTANT(S)
3-24-2025 [\[147\]](#)

NICHOLAS WAJDA/ATTY. FOR DBT.
DEBTORS DISCHARGED: 04/29/19

Final Ruling

Application: Allowance of Second and Final Compensation and Expense Reimbursement

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

In this Chapter 7 case, Michael Gabrielson, accountant for the trustee, has applied for an allowance of final compensation and

reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$837.00 and reimbursement of expenses in the amount of \$74.55.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Michael Gabrielson's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$837.00 and reimbursement of expenses in the amount of \$74.55.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

9. [24-25289](#)-A-7 **IN RE: MONA HEFLIN**
[HLR-2](#)

MOTION TO AVOID LIEN OF SIERRA CENTRAL CREDIT UNION
3-27-2025 [\[53\]](#)

KRISTY HERNANDEZ/ATTY. FOR DBT.
DEBTOR DISCHARGED: 03/04/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Disposition: Continued to June 9, 2025, at 10:30 a.m.

Order: Civil minute order

The court will continue the motion to June 9, 2025, at 10:30 a.m. to allow the debtor to properly serve the responding party. A motion to avoid a lien is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4003(d), 9014(b); see also *In re Villar*, 317 B.R. 88, 92 n.6 (B.A.P. 9th Cir. 2004). Under Rule 7004, service on FDIC-insured institutions must "be made by certified mail addressed to an officer of the institution" unless one of the exceptions applies. Fed. R. Bankr. P. 7004(h).

Service of the motion was insufficient. Service of the motion was not made by certified mail. No showing has been made that the exceptions in Rule 7004(h) are applicable. See Fed. R. Bankr. P. 7004(h) (1)-(3).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's motion to avoid lien has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is continued to June 9, 2025, at 10:30 a.m. to allow the debtor to properly serve the responding party. The movant must file and serve a notice of continued hearing along with the motion and all ancillary documents. The notice shall specify the continued hearing date and shall state that written opposition must be filed no later than May 26, 2025. A reply to any opposition may be filed and served no later than June 2, 2025. Movant shall file a certificate of service indicating compliance with this order.

10. [24-25289](#)-A-7 **IN RE: MONA HEFLIN**
[HLR-4](#)

MOTION TO AVOID LIEN OF TK CREDIT RECOVERY
3-26-2025 [\[47\]](#)

KRISTY HERNANDEZ/ATTY. FOR DBT.
DEBTOR DISCHARGED: 03/04/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Continued to June 9, 2025, at 10:30 a.m.

Order: Civil Minute Order

Subject: 6115 Carl Sandburg Circle, Sacramento, California

Judicial Lien Avoided: Sierra Central Credit Union; Placer County
Creditors Bureau

Judicial Lien Avoided:

All Other Liens:

- #1 \$5,861.15 Sierra Central Credit Union
- #2 \$5,075.13 Placer County Creditors Bureau
- #3 \$93,052.25 TK Credit Recovery

- **Deed of Trust** - \$61,705.00 (PHH Mortgage)

Exemption: \$532,500.00

Value of Property: \$364,400.00

CONTINUED HEARING

This matter is continued to June 9, 2025, at 10:30 a.m. The court does this to avoid inconsistent rulings between the other motions to avoid lien. Mot. Avoid Lien, ECF No. 53; Mot. Avoid Lien, ECF No. 58.

ON THE MERITS

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Lien-Avoidance Standards

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the

property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

Reverse-Priority Analysis

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C. § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) TK Credit Recovery, (ii) Placer County Creditor Bureau, (iii) Sierra Central Credit Union. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$532,000.00 exemption in the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$635,988.53. The value of the property is \$364,400.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the respondent's judicial lien will be avoided entirely.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the motion to avoid lien is continued to June 9, 2025, at 10:30 a.m.

IT IS FURTHER ORDERED that if the motion to avoid lien relating to Sierra Central Credit Union is properly served and granted on the merits, then the court will grant this motion based on the reasons listed above.

11. [24-25289](#)-A-7 **IN RE: MONA HEFLIN**
[HLR-6](#)

MOTION TO AVOID LIEN OF PLACER CREDITORS BUREAU
3-27-2025 [\[58\]](#)

KRISTY HERNANDEZ/ATTY. FOR DBT.
DEBTOR DISCHARGED: 03/04/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption
Notice: LBR 9014-1(f)(1); written opposition required
Disposition: Continued to June 9, 2025, at 10:30 a.m.
Order: Civil Minute Order

Subject: 6115 Carl Sandburg Circle, Sacramento, California

Judicial Lien Avoided: Sierra Central Credit Union; TK Credit Recovery

All Other Liens:

- #1 \$5,861.15 Sierra Central Credit Union
- #2 \$5,075.13 Placer County Creditors Bureau
- #3 \$93,052.25 TK Credit Recovery
- **Deed of Trust** - \$61,705.00 (PHH Mortgage)

Exemption: \$532,500.00

Value of Property: \$364,400.00

CONTINUED HEARING

This matter is continued to June 9, 2025, at 10:30 a.m. The court does this to avoid inconsistent rulings between the other motions to avoid lien. Mot. Avoid Lien, ECF No. 53; Mot. Avoid Lien, ECF No. 47.

ON THE MERITS

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Lien-Avoidance Standards

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3)

the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

Reverse-Priority Analysis

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C. § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) TK Credit Recovery, (ii) Placer County Creditor Bureau, (iii) Sierra Central Credit Union. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$532,000.00 exemption in the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$635,988.53. The value of the property is \$364,400.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the respondent's judicial lien will be avoided entirely.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the motion to avoid lien is continued to June 9, 2025, at 10:30 a.m.

IT IS FURTHER ORDERED that if the motion to avoid lien relating to Sierra Central Credit Union is properly served and granted on the merits, then the court will grant this motion based on the reasons listed above.

12. [23-23092](#)-A-7 **IN RE: GURSEVAK SINGH**
[JCW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-28-2025 [\[22\]](#)

CHAD JOHNSON/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.
DEBTOR DISCHARGED: 12/18/23; FEDERAL HOME LOAN
MORTGAGE CORPORATION VS.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Stay Relief

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted in part; denied in part as moot

Order: Civil minute order

Subject: 11716 Brook Valley Way, Rancho Cordova, California

Discharge Date: December 18, 2023

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

AS TO THE DEBTOR

The motion is denied as moot. The stay that protects the debtor terminates at the entry of discharge. 11 U.S.C. § 362(c)(2). In this case, discharge has been entered. As a result, the motion is moot as to the debtor.

AS TO THE ESTATE

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

"[U]nder section 362(d)(1), the stay must be terminated for 'cause.' Lack of adequate protection is but one example of "cause" for relief from stay." *In re Ellis*, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985). The panel in the *Ellis* case rejected the argument that under § 362(d)(1) "the stay can only be terminated if [the movant-creditors] show a lack of adequate protection." *Id.*

The debtor has missed 3 post-petition payments due on the debt secured by the moving party's lien totaling \$4,994.13. This constitutes cause for stay relief.

The court does not address grounds for relief under § 362(d)(2) as relief is warranted under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Federal Home Loan Mortgage's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted in part and denied as moot in part. The automatic stay is vacated with respect to the interest of the trustee in the property described in the motion, commonly known as 11716 Brook Valley Way, Rancho Cordova, California. Relief from the automatic stay as to the interest of the debtor in such property is denied as moot given the entry of the discharge in this case. 11 U.S.C. § 362(c)(2)(C).

IT IS FURTHER ORDERED that the 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

13. [21-22898](#)-A-7 **IN RE: HEATH V. FULKERSON LLC**
[DNL-8](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF DESMOND, NOLAN,
LIVAICH & CUNNINGHAM FOR BENJAMIN C. TAGERT, TRUSTEES
ATTORNEY(S)
3-31-2025 [\[208\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

Final Ruling

Application: Allowance of Final Compensation and Expense
Reimbursement

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

In this Chapter 7 case, the Chapter 7 Trustee Nikki Farris, has applied for an allowance of final compensation and reimbursement of expenses for her counsel, Desmond, Nolan, Livaich & Cunningham. The applicant requests that the court allow compensation in the capped amount of \$16,000.00 for fees and expenses.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Trustee Farris' application for allowance of first and final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$16,000.00 and reimbursement of expenses in the amount of \$0.00.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.