



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Department B – Courtroom #13
Fresno, California
Hearing Date: Tuesday, April 29, 2025**

Unless otherwise ordered, all matters before the Honorable René Lastreto II, shall be simultaneously: (1) **In Person** at, Courtroom #13 (Fresno hearings only), (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 or their attorneys 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/CourtAppearances>. Each party/attorney 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 and their attorneys who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest and/or their attorneys 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 who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

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 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.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called, and all parties will need to appear at the hearing unless otherwise ordered. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

Post-Publication Changes: The court endeavors to publish its rulings as soon as possible. However, calendar preparation is ongoing, and these rulings may be revised or updated at any time prior to 4:00 p.m. the day before the scheduled hearings. Please check at that time for any possible updates.

9:30 AM

1. [20-10809](#)-B-11 **IN RE: STEPHEN SLOAN**
[WF-30](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF WILKE FLEURY LLP
FOR JASON G. ELDRED, TRUSTEES ATTORNEY(S)
4-1-2025 [\[830\]](#)

PETER FEAR/ATTY. FOR DBT.
JASON ELDRED/ATTY. FOR MV.

After posting the original pre-hearing dispositions, the court has modified its intended ruling on this matter.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

Daniel Egan ("Egan") on behalf of Wilke Fleury LLP ("Applicant"), counsel for Chapter 11 Plan Administrator Terence J. Long ("Administrator") in the above-styled Chapter 11 case, comes before the court on Applicant's *Fourth Interim Application for Fees And Expenses Pursuant to 11 U.S.C. § 331*. Doc. #830 *et seq.* The Application requests attorney fees in the amount of **\$38,665.50**, plus expenses in the amount of **\$886.23**. *Id.*

This is the Fourth Interim Application brought by this Applicant, and it covers services rendered from October 1, 2024, through February 28, 2025. *Id.* Included with the Application is a Declaration signed by the Administrator evincing his consent to this fee application. Doc. #832.

Applicant's employment was approved by an order of the court dated October 21, 2022. Doc. #573. This court previously granted Applicant's first interim application on October 18, 2023, awarding Applicant \$61,248.50 in fees and \$7.05 in costs. Doc. #617. The court granted Applicant's second interim application on July 17, 2024, awarding applicant \$70,083.50 in fees and \$1,433.03 in costs. Doc. #714. The court granted Applicant's third interim application on November 1, 2024, awarding applicant 71,191.00 in fees and \$3,439.00 in expenses Doc. #783.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such

opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a prima facie case for the requested relief. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

No party in interest timely filed written opposition, and the defaults of all nonresponding parties will be entered. This motion will be GRANTED.

The Application is accompanied by: (a) exhibits consisting of a copy of the order approving Applicant's employment, Applicant's invoice, and biographies of Applicant's counsel working on this case, (b) a statement of consent to the fees by the Plan Administrator, and (c) a Declaration from Egan. Docs. ##832-34. In addition, the motion included a narrative summary of the services provided in this case and a summary of the work performed and the expenses incurred. Doc. #830. The moving papers indicate that Applicant incurred 72.40 hours of legal fees as follows:

Attorneys	Hourly Rate	Hours	Total Fees
Daniel Egan (2025)	\$565.00	25.50	\$14,407.50
Daniel Egan (2024)	\$545.00	38.10	\$20,764.50
Jason Eldred (2025)	\$420.00	.70	\$294.00
Jason Eldred (2024)	\$395.00	8.10	\$3,199.50
	Total	72.4	\$38,665.50

Docs. ##832, 834. Applicant also incurred expenses as follows:

Photocopies	\$381.50
Postage	\$272.31
Certified Copies	\$26.50
Travel	\$205.92
Total	\$886.23

Id. 11 U.S.C. § 330(a)(1)(A) and (B) permit approval of "reasonable compensation for actual, necessary services rendered by . . . [a] professional person, or attorney" and "reimbursement for actual, necessary expenses." In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, extent, and value of such services, considering all relevant factors, including those enumerated in subsections (a)(3)(A) through (E). § 330(a)(3).

The services provided by the Applicant described above and the expenses incurred were fully detailed in the exhibits accompanying the Application and have been reviewed by the court, which finds them to be reasonable, actual, and necessary. The legal work performed included but was not limited to: administration; asset analysis and recovery; and fee/employment applications. Doc. #834 (Exhib. B). The court finds these services were actual and necessary to the estate, and the fees are reasonable and consistent with § 326(a).

Accordingly, in the absence of opposition, this motion will be GRANTED. Applicant will be awarded **\$38,665.50** in fees and **\$886.23** for expenses for a total award on this Application of **\$39,551.73**. *Id.* The Administrator is authorized to pay the allowed fees and expenses from property of the estate as such funds become available.

2. [20-10809](#)-B-11 **IN RE: STEPHEN SLOAN**
[WF-31](#)

MOTION FOR COMPENSATION FOR TERENCE J. LONG,
OTHER PROFESSIONAL(S)
4-1-2025 [[836](#)]

TERRENCE LONG/MV
PETER FEAR/ATTY. FOR DBT.
DANIEL EGAN/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

Chapter 11 Plan Administrator Terence J. Long ("Applicant") in the above-styled Chapter 11 case, comes before the court on Applicant's *Fourth Interim Application for Fees And Expenses Pursuant to 11 U.S.C. § 331*. Doc. #836 *et seq.* The Application requests attorney fees in the amount of **\$9,653.00**. *Id.* No award for reimbursable expense is sought. *Id.*

The court confirmed Applicant as the Plan Administrator in this case in an order dated February 2, 2022. Doc. #483. This court previously granted Applicant's first interim application on October 18, 2023, awarding Applicant \$38,391.50 in fees and \$0.00 in costs. Doc. #618. The court granted Applicant's second interim application on July 17, 2024, awarding Applicant \$27,868.75 in fees and \$20.77 in costs. Doc. #715. The court granted Applicant's third interim application on October 29, 2024, awarding Applicant \$20,371.75 in fees and \$59.75 in costs. Doc. #775.

This is the Fourth Interim Application brought by Applicant, and it covers services rendered from October 1, 2024, through January 31, 2025. Doc. #836 *et seq.* Included with the Application is a Declaration signed by the Administrator evincing his consent to this fee application. Doc. #839.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a *prima facie* case for the requested relief. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

No party in interest timely filed written opposition, and the defaults of all nonresponding parties will be entered. This motion will be GRANTED.

The Application is accompanied by: (a) exhibits containing an invoice dated February 12, 2025, and a summary of fees by category and (b) a declaration from the Plan Administrator. Docs. ##838-39.

11 U.S.C. § 330(a)(1)(A) and (B) permit approval of "reasonable compensation for actual, necessary services rendered by . . . [a] professional person, or attorney" and "reimbursement for actual, necessary expenses." In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, extent, and value of such services, considering all relevant factors, including those enumerated in subsections (a)(3)(A) through (E). § 330(a)(3).

The services provided by the Applicant described above and the expenses incurred were fully detailed in the exhibits accompanying the Application and have been reviewed by the court, which finds them to be reasonable, actual, and necessary. The work performed included but was not limited to: case administration; asset disposition; fee/employment applications; tax issues; and claims administration. Doc. #838. The court finds these services were actual and necessary to the estate, and the fees are reasonable and consistent with § 326(a). No expense reimbursement is sought.

In the absence of opposition, this motion will be GRANTED. Applicant will be awarded **\$9,653.00** in fees and **\$0.00** expenses on an interim basis. The Administrator is authorized to pay the allowed fees and expenses from property of the estate as such funds become available.

3. [23-11332](#)-B-11 **IN RE: TWILIGHT HAVEN, A CALIFORNIA
NON-PROFIT CORPORATION**
[WJH-48](#)

MOTION FOR FINAL DECREE AND ORDER CLOSING CASE
3-26-2025 [[659](#)]

RILEY WALTER/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

Twilight Haven, a California Non-Profit Corporation ("Twilight") moves for a Final Decree and Order Closing Case. Doc. #659. The motion is accompanied by the Declaration of Gary Karle ("Karle") on behalf of Twilight and by Exhibits consisting of a listing of all payments made by Twilight. Docs. #661-662.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Federal Rule of Bankruptcy Procedure 3022 provides "[A]fter an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on a motion of a party in interest, shall enter a final decree closing the case."

The Bankruptcy Code nor the Federal Rules of Bankruptcy Procedure do not define "full administration" of a chapter 11 case, but the Advisory Committee Rule 3022 outline several factors the court should consider when making that determination. They include: whether the order confirming the plan has become final, whether the debtor or successor to the debtor under the plan has assumed the business and management of the property dealt with under the plan, whether the payments under the plan have commenced, and whether all motions, contested matters, and adversary proceedings have been resolved.

Karle declares the following in support of this motion: Twilight's Chapter 11 Plan was confirmed on February 26, 2024, and the Debtor was discharged per 11 U.S.C. § 1191(a) on the same date. The confirmed plan provided that, as soon as practicable after substantial consummation of the plan, Twilight may petition this court for a final decree pursuant to Fed. R. Bankr. P. 3022 and serve notice of such motion to all creditors and the UST. All payments to creditors required under the plan have been made, and all claim-related issues have been resolved. There are no pending contested matters or adversary proceedings.

Doc. #661. The Karle Declaration is supported by the list of payments made to creditors in the attached Exhibits. Doc. #662.

No party in interest has responded, and the defaults of all nonresponding parties are entered. This motion is GRANTED.

4. [25-10345](#)-B-12 **IN RE: KENNETH/BEVERLY ZWART**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY PETITION
2-6-2025 [\[1\]](#)

DAVID JOHNSTON/ATTY. FOR DBT.

NO RULING.

5. [17-13797](#)-B-9 **IN RE: TULARE LOCAL HEALTHCARE DISTRICT**
[WJH-45](#)

MOTION FOR ENTRY OF FINAL DECREE CLOSING DEBTOR'S
CHAPTER 9 CASE
3-25-2025 [\[2795\]](#)

TULARE LOCAL HEALTHCARE DISTRICT/MV
RILEY WALTER/ATTY. FOR DBT.

NO RULING.

1:30 PM

1. [25-10222](#)-B-7 **IN RE: ENRIQUE/MONICA MORALES**
[UST-1](#)

MOTION TO APPROVE STIPULATION TO DISMISS CHAPTER 7 CASE
WITHOUT ENTRY OF DISCHARGE
3-27-2025 [[14](#)]

TRACY DAVIS/MV
KARNEY MEKHITARIAN/ATTY. FOR DBT.
DEANNA HAZELTON/ATTY. FOR MV.

FINAL RULING: There will be no hearing in this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below with a copy of the
stipulation attached as an exhibit.

Tracy Hope Davis, the United States Trustee for Region 17 ("UST"),
moves for an order approving a stipulation with Enrique and Monica
Morales ("Debtors") to dismiss this chapter 7 case without entry of
discharge. Docs. #14 et seq.

No party in interest timely filed written opposition. This motion will
be GRANTED.

This motion was set for hearing on 28 days' notice as required by
Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the
creditors, the U.S. Trustee, or any other party in interest to file
written opposition at least 14 days prior to the hearing as required
by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the
granting of the motion. Cf. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir.
1995). Further, because the court will not materially alter the relief
requested by the moving party, an actual hearing is unnecessary. See
Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore,
the defaults of the above-mentioned parties in interest are entered
and the matter will be resolved without oral argument. Upon default,
factual allegations will be taken as true (except those relating to
amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915,
917 (9th Cir. 1987). Constitutional due process requires that a
plaintiff make a prima facie showing that they are entitled to the
relief sought, which the movant has done here.

Debtors filed for Chapter 7 bankruptcy on January 29, 2025. Doc. #1.
The 341 meeting of creditors was initially set for March 10, 2025, and
continued to May 8, 2025. *Docket generally*. The motion avers that the
UST is prepared to file a motion to dismiss the case for abuse
pursuant to 11 U.S.C. §§ 707(b)(1), 707(b)(2) and/or 707(b)(3). Doc.

#14. Debtors (who no longer wish to be in bankruptcy) and the UST have entered into a Stipulation to dismiss this case prior to entry of discharge. Docs. #13, #16.

A chapter 7 case may be dismissed only after notice and a hearing and only for "cause." 11 U.S.C. § 707(a) provides three statutorily enumerated grounds establishing cause, but these are not exclusive. *Sherman v. SEC (In re Sherman)*, 491 F.3d 948, 970 (9th Cir. 2007); *Hickman v. Hana (In re Hickman)*, 384 B.R. 832, 840 (B.A.P. 9th Cir. 2008). Under 11 U.S.C. § 707(b), an individual chapter 7 consumer debtor's case may be dismissed for presumed abuse or where abuse is demonstrated by bad faith or the totality of the circumstances of the debtor's financial condition. See 11 U.S.C. § 707(b) (1)-(b) (3).

Here, UST is prepared to file a motion to dismiss pursuant to § 707(b) (1) and (b) (3), but Debtor has opted to voluntarily dismiss the case instead. Doc. #13. No creditors timely filed written opposition, and there does not appear to be any benefit to creditors in keeping this case open.

Accordingly, the motion will be GRANTED. The stipulation to dismiss will be approved and the case will be dismissed. The proposed order shall include an attached copy of the stipulation as an exhibit.

2. [24-11837](#)-B-7 **IN RE: DAVID/RICCI COMBS**
[AP-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-26-2025 [\[104\]](#)

LAKEVIEW LOAN SERVICING, LLC/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
WENDY LOCKE/ATTY. FOR MV.

After posting the original pre-hearing dispositions, the court has modified its intended ruling on this matter.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

Lakeview Loan Servicing, LLC ("Movant") seeks relief from the automatic stay under 11 U.S.C. §§ 362(d) (1) and (d) (2) with respect to 4780 W. Celeste Avenue, Fresno California ("Property"). Doc. #104.

David and Ricci Combs ("Debtors") did not oppose and no other party in interest timely filed written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case-by-case basis." *In re Mac Donald*, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtor does not have an equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because Debtors have failed to make at least eight (8) post-petition payments. The Movant has produced evidence that Debtors are delinquent at least \$22,160.80 and the entire balance of \$406,091.32 is due. Docs. #107, #109.

The court also finds that the Debtors do not have any equity in the Property and the Property is not necessary to an effective reorganization because debtors are in chapter 7. The property is valued at \$429,800.00 and Debtors owe \$406,091.32 but after the cost of sale of \$34,384.00 would leave a negative equity of \$10,675.32. Doc. #109.

Accordingly, the motion will be granted pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2) to permit the Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

3. [24-13542](#)-B-7 **IN RE: ABEL GUTIERREZ**
[PBB-2](#)

MOTION TO AVOID LIEN OF DISCOVER BANK
4-1-2025 [\[21\]](#)

ABEL GUTIERREZ/MV
PETER BUNTING/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

Ariel Gutierrez ("Debtor") moves for an order avoiding a judicial lien pursuant to 11 U.S.C. § 522(f) in favor of Discover Bank ("Creditor") in the sum of \$10,456.28 and encumbering residential real property located at 343 South Recreation Avenue, Fresno, California 93702 ("Property"). Doc. #21 *et seq.*

Debtor complied with Fed. R. Bankr. P. 7004(b)(3) by serving Creditor's registered agent for service of process via first class mail on April 1, 2025. Doc. #25. Debtor also complied with Rule 7004(h), which requires service to be made on an insured depository institution by certified mail and addressed to an officer except where the three exceptions specified in subsections (h)(1)-(3) apply. *Id.*

No party in interest timely filed written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 7 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

To avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor

would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). § 522(f)(1); *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting *In re Mohring*, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), *aff'd*, 24 F.3d 247 (9th Cir. 1994)).

Here, a judgment was entered against Debtor in favor of Creditor in the original amount of \$6,174.33 on October 24, 2018. Doc. #23 (Exhib. D). The abstract of judgment was issued on December 5, 2018, and was recorded in Fresno County on March 26, 2019. *Id.* That lien attached to Debtor's interest in Property. Docs. #23, #24. Debtor estimates that the current amount owed on account of this lien is \$10,456.28 *Id.*

As of the petition date, Property had an approximate value of \$200,000.00. Doc. #1 (Sched. A/B). Debtor claimed a \$348,000.00 exemption in the Property pursuant to Cal. Code Civ. Proc. ("CCP") § 704.730. Doc. #1 (Sched. C).

It appears that the Property is owned free and clear by Debtor but is encumbered by a tax lien in favor of the Internal Revenue Service ("IRS") in the amount of \$83,184.78 . Doc. #1, (Sched. D). Property's encumbrances can be illustrated as follows:

Creditor	Amount	Recorded	Status
1. IRS	\$83,184.78	"2011-2019"	Unavoidable
2. Creditor	\$10,456.28	3/26/2019	Avoidable

When a debtor seeks to avoid multiple liens under § 522(f)(1) and there is equity to which liens can attach, the liens must be avoided in the reverse order of their priority. *Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger)*, 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997), *aff'd*, 196 F.3d 1292 (9th Cir. 1999). Liens already avoided are excluded from the exemption impairment calculation. *Ibid.*; § 522(f)(2)(B).

"Under the full avoidance approach, as used in *Brantz*, the only way a lien would be avoided 'in full' was if the debtor's gross equity were equal to or less than the amount of the exemption." *Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger)*, 217 B.R. 592, 596 (B.A.P. 9th Cir. 1997), *aff'd*, 196 F.3d 1292 (9th Cir. 1999), citing *In re Brantz*, 106 B.R. 62, 68 (Bankr. E.D. Pa. 1989) ("Avoidance of all judicial liens results unless (3) [the result of deducting the debtor's allowable exemptions and the sum of all liens not avoided from the value of the property] is a positive figure."), citing *In re Magosin*, 75 B.R. 545, 547 (Bankr. E.D. Pa. 1987) (judicial lien was avoidable in its entirety where equity is less than exemption).

This lien is the most junior lien subject to avoidance and there is not any equity to support the lien. Strict application of the § 522(f)(2) formula with respect to Creditor's junior lien is illustrated as follows:

Amount of judgment lien	10,456.28
Total amount of unavoidable liens (incl. liens not yet avoided)	+ 83,184.78
Debtor's claimed exemption in Property	+ 348,000.00
Sum	= \$441,641.06
Debtor's claimed value of interest absent liens	- \$200,000.00
Extent lien impairs exemption	= \$241,641.06

All Points Capital Corp. v. Meyer (In re Meyer), 373 B.R. 84, 91 (B.A.P. 9th Cir. 2007); accord. *Hanger* 217 B.R. at 596, *Higgins v. Household Fin. Corp. (In re Higgins)*, 201 B.R. 965, 967 (B.A.P. 9th Cir. 1996); cf. *Brantz*, 106 B.R. at 68, *Magosin*, 75 B.R. at 549-50, *In re Piersol*, 244 B.R. 309, 311 (Bankr. E.D. Pa. 2000). Since there is no equity for liens to attach and this case does not involve fractional interests or co-owned property with non-debtor third parties, the § 522(f)(2) formula can be re-illustrated using the *Brantz* formula with the same result:

Fair market value of Property	\$200,000.00
Total amount of unavoidable liens (incl. liens not yet avoided)	- \$83,184.78
Homestead exemption	- 348,000.00
Remaining equity for judicial liens	= (\$231,184.78)
Creditor's judicial lien	- \$10,456.28
Extent Debtor's exemption impaired	= (\$241,641.06)

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is insufficient equity to support any judicial liens. Therefore, the fixing of Creditor's judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under § 522(f)(1). Accordingly, this motion will be GRANTED. The proposed order shall state that Creditor's lien is avoided from the subject Property only and include a copy of the abstract of judgment as an exhibit.

4. [25-10266](#)-B-7 **IN RE: LARRY PINA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
4-9-2025 [\[22\]](#)

MARK ZIMMERMAN/ATTY. FOR DBT.
\$34.00 FILING FEE PAID 4/9/25

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the \$34.00 filing fee was paid on April 9, 2025.
Accordingly, this order to show cause will be VACATED.

5. [25-10667](#)-B-7 **IN RE: SARA WHITE**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
4-7-2025 [\[21\]](#)

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the \$34.00 filing fee was paid on April 8, 2025.
Accordingly, this order to show cause will be VACATED.

6. [25-10775](#)-B-7 **IN RE: DEANA TUBBS**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
4-2-2025 [\[14\]](#)

JEFFREY ROWE/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the matter has been corrected by counsel.
Accordingly, this order to show cause will be VACATED. No appearance
is necessary.

7. [25-10776](#)-B-7 **IN RE: LUIS CUEVAS LICEA AND ALMA CUEVAS**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
4-2-2025 [\[14\]](#)

JEFFREY ROWE/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the matter has been corrected by counsel.
Accordingly, this order to show cause will be VACATED. No appearance
is necessary.

8. [25-10779](#)-B-7 **IN RE: SHIRLEY SILVA**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
4-2-2025 [\[12\]](#)

JEFFREY ROWE/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the matter has been corrected by counsel.
Accordingly, this order to show cause will be VACATED. No appearance
is necessary.

9. [25-10793](#)-B-7 **IN RE: ROBERT SARTIN**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
4-2-2025 [[14](#)]

STEPHEN LABIAK/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the matter has been corrected by counsel.
Accordingly, this order to show cause will be VACATED. No appearance
is necessary.

10. [25-10794](#)-B-7 **IN RE: PHONEPANY VORRAKOUUMAN**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
4-2-2025 [[14](#)]

STEPHEN LABIAK/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the matter has been corrected by counsel.
Accordingly, this order to show cause will be VACATED. No appearance
is necessary.

11. [25-10499](#)-B-7 **IN RE: JEFFREY REICH**
[PBB-1](#)

CONTINUED MOTION TO COMPEL ABANDONMENT
3-14-2025 [[21](#)]

JEFFREY REICH/MV
PETER BUNTING/ATTY. FOR DBT.
RESPONSIVE PLEADING

After posting the original pre-hearing dispositions, the court has modified its intended ruling on this matter.

FINAL RULING: There will be no hearing in this matter.

DISPOSITION: Withdrawn.

No order is required.

On April 28, 2025, the Movant withdrew this Motion for Order Compelling Abandonment. Accordingly, this motion is WITHDRAWN.