

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

April 30, 2019 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.	18-90801-D-13	RUBEN/KARINA FLORES	MOTION TO CONFIRM PLAN
	NSV-2		3-7-19 [80]

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.

2. 18-90202-D-13 DAVID HARDING
JAD-2

MOTION TO MODIFY PLAN
3-21-19 [33]

3. 16-90007-D-13 MARK/KATARINA GONZALES
JCK-2

MOTION TO MODIFY PLAN
3-25-19 [37]

4. 19-90112-D-13 FRANCISCO PEREZ
BSH-2

MOTION TO VALUE COLLATERAL OF
ALLY FINANCIAL
3-27-19 [30]

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.

5. 19-90112-D-13 FRANCISCO PEREZ
BSH-3

MOTION TO VALUE COLLATERAL OF
TOYOTA MOTOR CREDIT CORPORATION
3-27-19 [26]

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.

6.	18-90714-D-13	JARED MEEK AND LAUREN	MOTION TO CONFIRM PLAN
	BSH-6	LONGWELL	3-7-19 [56]

7.	15-90226-D-13	JOHNNY/TAMARA MATTHEWS	MOTION FOR RELIEF FROM
	CFM-1		AUTOMATIC STAY
	WELLS FARGO BANK, N.A. VS.		3-29-19 [93]

Final ruling:

This matter is resolved without oral argument. This is Wells Fargo Bank, N.A.'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 personal property and the creditor's interest in the personal property is not adequately protected. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay and moving party is to submit an appropriate order. There will be no further relief afforded. No appearance is necessary.

8.	15-90436-D-13	JUSTINE TUDOR	AMENDED MOTION TO MODIFY PLAN
	JCK-2		3-6-19 [33]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is 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.	18-90745-D-13	J ORTEGA	MOTION TO CONFIRM PLAN
	BSH-2		3-12-19 [42]

10. 16-90246-D-13 LORENA PEREZ
JAD-2

MOTION TO MODIFY PLAN
3-4-19 [63]

11. 18-90947-D-13 RONALD HOLLIS
BSH-1

MOTION TO CONFIRM PLAN
3-12-19 [25]

12. 15-90351-D-13 HENRY PEREZ
BSH-8

CONTINUED MOTION TO MODIFY PLAN
1-29-19 [105]

Final ruling:

This matter will be removed from calendar as the motion has been granted by an order filed April 12, 2019 confirming the plan.

13. 17-90751-D-13 DEBBIE DEAN
DEF-3

MOTION TO MODIFY PLAN
3-7-19 [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.

14. 18-90751-D-13 CHARLOTTE LOCKARD
MCC-25

MOTION TO CONFIRM PLAN
3-14-19 [67]

15. 18-90953-D-13 JAY/BLESSING-ANGELICA
BSH-2 PATTERSON

MOTION TO CONFIRM PLAN
3-18-19 [39]

Final ruling:

This is the debtors' motion to confirm a purported first amended plan. The motion will be denied for the following reasons. First, there is no such plan on file. The moving papers all refer to a first amended plan, but the plan filed with the motion is entitled simply "Chapter 13 Plan," the same title as the debtors' original but different plan. Thus, whereas the proof of service purports to evidence service of a proposed first amended chapter 13 plan, it cannot be determined without speculation which plan was actually served.

Second, the plan term is stated inconsistently in the plan. Sec. 2.03 states the plan term will be 60 months. However, the Nonstandard Provisions call for only two payments - \$65,000 in month 13 and \$3,600 in month 14. They provide for no payments beyond month 14.

For the reasons stated, the motion will be denied by minute order. No appearance is necessary.

16. 18-90656-D-13 LETICIA MORA
BSH-3

MOTION TO CONFIRM PLAN
3-11-19 [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 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. 18-90457-D-13 MAHESH GANDHI
DCJ-3

AMENDED MOTION TO CONFIRM PLAN
3-19-19 [62]

18. 17-90962-D-13 ANU SINGH
MSN-1

MOTION TO MODIFY PLAN
3-8-19 [39]

19. 18-90964-D-13 GREGORY/CONNIE SASS
PBG-1

MOTION TO CONFIRM PLAN
3-21-19 [38]

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.

20. 19-90077-D-13 ANGEL MEDRANO
RDG-3

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
3-25-19 [26]

Final ruling:

This is the trustee's objection to the debtor's claim of exemptions based on failure to file a spousal waiver for use of the exemptions under Cal. Code Civ. Proc. § 703.140(b). On April 11, 2019, the debtor filed a spousal waiver that appears to be signed by both the debtor and his spouse. As a result of the filing of the spousal waiver, the objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

21. 10-90384-D-13 BRYAN/SHERRI BUCHANAN MOTION TO SET ASIDE
18-9007 MOT-2 3-20-19 [79]
BUCHANAN ET AL V.
GAAR-TODESCHINI

Final ruling:

This is a duplicate of an earlier motion by the defendant in this adversary proceeding to set aside the default entered against her on September 26, 2018. The earlier motion was granted and the default was vacated. The defendant has since filed an answer to the complaint. This motion is an unnecessary duplicate of a motion that has already been granted. As a result, this motion will be denied as moot by minute order. No appearance is necessary.

22. 17-90087-D-13 KEITH YEAMAN MOTION TO SELL OR TRANSFER
BSH-4 ASSETS
3-21-19 [61]

23. 19-90088-D-13 STEVEN/ROCHELLE MODARESI OBJECTION TO DEBTORS' CLAIM OF
RDG-1 EXEMPTIONS
3-25-19 [30]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed and the Trustee's objection to the debtors' claim of exemptions is supported by the record. The court will sustain the trustee's objection to debtors' claim of exemptions. Moving party is to submit an appropriate order. No appearance is necessary.

24. 19-90307-D-13 JAY WHITAKER MOTION TO EXTEND AUTOMATIC STAY
DAB-1 4-9-19 [8]

25.	19-90123-D-13 RDG-1	ALBERT/SHANNON PEREZ	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 4-8-19 [16]
26.	19-90123-D-13 MSK-1	ALBERT/SHANNON PEREZ	OBJECTION TO CONFIRMATION OF PLAN BY BROKER SOLUTIONS, INC. 4-10-19 [19]
27.	19-90129-D-13 RDG-1	KENNETH/MISTY GONZALES	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 4-8-19 [19]
28.	18-90738-D-13 SLG-2 2005 RESIDENTIAL TRUST 3-2 VS.	LARRY FOSTER	CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY 1-30-19 [51]

29.	19-90138-D-13 RDG-1	LUIS JASSO AND VIANEY CARDONA	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 4-8-19 [16]
30.	19-90141-D-13 RDG-1	JOHN VIEIRA	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 4-8-19 [21]
31.	19-90086-D-13 BSH-2	CARL ALMQUIST	MOTION TO VALUE COLLATERAL OF TRAVIS CREDIT UNION 4-16-19 [26]