

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Bankruptcy Judge

Modesto, California

May 1, 2025 at 10:00 a.m.

1. [22-90415-E-7](#)
[DB-8](#)

JOHN MENDOZA
Peter Macaluso

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-17-25 [\[506\]](#)

WVJP 2021-4, LP VS.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor and all creditors and parties in interest on April 17, 2025. By the court's calculation, 14 days' notice was provided. 14 days' notice is required.

The Motion for Relief from the Automatic Stay was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 7 Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing, unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing, -----

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The Motion for Relief from the Automatic Stay is ~~granted~~.

Plaintiff WVJP 2021-4, LP ("Movant") moves the court for an order granting relief from stay pursuant to 11 U.S.C. § 362(d)(1) in order to renew its state court judgment against Debtor-Defendant John Pierre Mendoza ("Debtor").

Cited State Court Cases
Relating to Automatic Stay Not Applying

May 1, 2025 at 10:00 a.m.

- Page 1 of 11 -

In reviewing the Motion (Dckt. 506), the first sentence (Mtn. p 1:22-25), the legal standards cited Mtn. p. 3:2-6), the conclusion (Mtn. p. 4:5-4) , and the prayer (Mtn. p.5-11) all clearly state that the Movant is seeking relief from the automatic stay so that Movant may proceed with renewing a state court judgment.

However, in the Argument section of the Motion (Mtn. P. 3:7-26), Movant cited to a California Court of Appeal decision, first as being “instructive,” and then apparently as the applicable law for decision on this Motion. The California state law cited is *Rubin v. Ross*, 65 Cal. App. 5th 153 (2021), which is first cited for the proposition that submitting an application for renewal of a judgment does not conflict with the “purposes of the stay under the Bankruptcy Code.” *Rubin v. Ross*, 65 Cal.App. 5th at 166. Thus, Movant provides the court with a State Court judge’s view of the scope of the automatic stay. Interestingly, no federal court decisions are provided with respect to the scope of the automatic stay and whether renewal of a judgment conflicts with the automatic stay.

Movant does provide the court with Movant’s conclusion that the Ninth Circuit Decision in *In re Swintek*, 906 F.3d 1101, 1105 (9th Cir. 2018), believes that it is a “fair point” that the renewal of a judgment is distinguishable from enforcing a judgment, but Movant does not provide any portion of the Ninth Circuit’s Decision or how such “fair point” is relevant to the matter before this court.

Movant than provides the following closing quote from *Rubin* which appears to conflict with the relief requested in the Motion:

We [the California Court of Appeal Justices] conclude the act of renewing a judgment, in and of itself, is expressly permitted under Code of Civil Procedure section 683.210, and that any stay imposed pursuant to title 11 United States Code section 362 operates only to prohibit subsequent acts intended to enforce a renewed judgment.

Motion, p. 3:23-26, quoting from *Rubin v. Ross*, 65 Cal. App.5th at 166; Dckt. 506.

It is unclear why Movant provides this quote, other than apparently arguing that the California Court of Appeal decision concerning Federal Law is binding on this Federal Court, and therefore the Motion should be denied as moot.

Notwithstanding this conflicting information, the court will, below, address this as a Motion for Relief From the Automatic Stay. The court has taken this opportunity to address this conflicting information to help counsel appreciate the need to provide good, clear federal law authority for positions asserted. While a state court analysis can be informational, it should not be asserted as controlling law for the Federal Court.

11 U.S.C. § 362(d)(1): Grant Relief for Cause

Whether there is cause under 11 U.S.C. § 362(d)(1) to grant relief from the automatic stay is a matter within the discretion of a bankruptcy court and is decided on a case-by-case basis. *See J E Livestock, Inc. v. Wells Fargo Bank, N.A. (In re J E Livestock, Inc.)*, 375 B.R. 892 (B.A.P. 10th Cir. 2007) (quoting *In re Busch*, 294 B.R. 137, 140 (B.A.P. 10th Cir. 2003)) (explaining that granting relief is determined on a case-by-case basis because “cause” is not further defined in the Bankruptcy Code); *In re Silverling*, 179 B.R. 909 (Bankr. E.D. Cal. 1995), *aff’d sub nom. Silverling v. United States (In re Silverling)*, No. CIV. S-95-470 WBS, 1996 U.S. Dist. LEXIS 4332 (E.D. Cal. 1996). While granting relief for cause includes a lack of adequate protection, there are other grounds. *See In re J E Livestock, Inc.*, 375 B.R. at 897 (quoting *In re*

Busch, 294 B.R. at 140). The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *W. Equities, Inc. v. Harlan (In re Harlan)*, 783 F.2d 839 (9th Cir. 1986); *Ellis v. Parr (In re Ellis)*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

Movant, in the Motion, states the following grounds with particularity (Fed. R. Bankr. 9013) upon which the requested relief from the automatic stay is based:

- a. On April 3, 2015, a deficiency judgment was entered in a Michigan State Court Action against Debtor and in favor of Movant's predecessors in interest. That judgement has been assigned to Movant. Motion, p. 2:15-26; Dckt. 506.
- b. On July 12, 2017 a sister state judgment (the "California Judgment") was entered by the California Superior Court for the County of Tuolumne based on the Michigan State Court Judgment (the "Michigan Judgment"). *Id.*; p. 2:19-22.
- c. When Movant renews the California Judgment, such renewed judgment shall reflect the payments received from the sale of properties (Movant confirming that it will comply with State Law through the renewal process). *Id.*; p. 2:27-3:1.

No other grounds are stated in the Motion. In substance, the Motion appears to merely state that Movant wants to renew the Motion now and so the court should modify the Stay. There is no need or negative impact stated to exist if the court were to not grant the Motion.

The bankruptcy judge in this Case, having spent several decades representing the collection and creditor side of the economy, had significant experience in not only the debt enforcement laws, but in drafting both the debt enforcement and consumer protection laws relating to the enforcement of debts and judgments. As one knows, a California state court judgment accrues interest at the rate of 10% per annum, clearly a good rate of return when there are assets to pay the judgment. California Code of Civil Procedure § 685.010.

While not stated in the Motion, when a California judgment is renewed, the accrued interest on the California judgment is made part of the principal of the renewed judgment and then it too accrues interest at 10% per annum, thereby creating a compounding of the interest. Cal. C.C.P. § 683.150; 8 Witkin, Cal. Proc. 6th Enforcement of Judgments § 53(1)(a), (e), (f), (g) ^{FN.1.}

FN. 1. In discussing the renewal of a judgment being a "mere" ministerial act, this Witkin section includes a discussion of a Notice of Renewal that must be served on the judgment debtor (here the Bankruptcy Trustee as well as the Debtor) and then the Trustee has only sixty (60) days to challenge the renewal. *See* Cal. C.C.P. § 683.160. Thus, the renewal of judgment would then impose deadlines for the Trustee to act or possible rights of the Bankruptcy Estate could be terminated. This would appear to be a "substantive effect" of a renewal and not a "mere ministerial act" that does not alter rights of the parties.

The California State Court Judgment was entered on July 12, 2017 in the amount of \$1,449,209.43. Since the Michigan Judgement was entered on April 3, 2015 in the amount of \$1,095,205.57

(Motion, p. 2:16-18; Dckt. 506), there was an additional \$354,003.86 added to the Michigan Judgment by the time of the sister state California Judgment.

When Movant filed its Proof of Claim on April 6, 2023, the amount of the debt owed on the California Judgment had grown to \$2,222,246.31. POC 2-1. Thus, an additional \$773,036.77 has accrued on the California Judgment since it was entered.

Just based on the \$1,448,209.43 California Judgment face amount, Movant has been accruing interest of \$144,820 per year since July 12, 2017. If the California Judgment is renewed at \$2,222,246.31, then the annual post-judgment interest jumps to \$222,224 a year, diverting more monies away from other creditors who do not have the benefit of 10% per annum interest.

What the California Appellate Court may not have appreciated is that Congress has protected creditors such as Movant and provided in 11 U.S.C. § 11 U.S.C. § 108(c):

(c) Except as provided in section 524 of this title [effect of a bankruptcy discharge], if applicable nonbankruptcy law, an order entered in a nonbankruptcy proceeding, or an agreement fixes a period for commencing or continuing a civil action in a court other than a bankruptcy court on a claim against the debtor, or against an individual with respect to which such individual is protected under section 1201 or 1301 of this title, and such period has not expired before the date of the filing of the petition, then such period does not expire until the later of—

(1) the end of such period, including any suspension of such period occurring on or after the commencement of the case; or

(2) 30 days after notice of the termination or expiration of the stay under section 362, 922, 1201, or 1301 of this title, as the case may be, with respect to such claim.

The opinion in *Rubin* goes through a nice analysis of constitutional law and preemption provisions. The court does not find this opinion particularly persuasive, especially as there is bankruptcy law in the circuit finding that renewing a judgment does violate the stay. *See In re Lobherr*, 282 B.R. 912 (Bankr. C.D. Cal. 2002). It is also evident that Congress contemplated that renewing a judgment would violate the stay because Congress included a tolling provision for renewing judgments in the Code. *See* 11 U.S.C. § 108(c).

This issue has been discussed (several times) by the Bankruptcy Appellate Panel for the Ninth Circuit in connection with *Smith v. Lachter (In re Smith)*, 352 B.R. 702 (B.A.P. 9th Cir. 2006), which is its third review of the issues in that string of appellate decisions. In *Smith* the Bankruptcy Appellate Panel concluded that:

Section 108(c) applies to the renewal of state court judgments. *Smith II*, 293 B.R. at 223; *Spirto v. Moreno (In re Spirto)*, 221 F.3d 1079, 1080-81 (9th Cir. 2000). The time for renewing a state court judgment does not expire until the later of the applicable state law period or thirty days after the termination of the automatic stay. 11 U.S.C. § 108(c)(1) & (c)(2); *Smith II*, 293 B.R. at 224-25.

Smith v. Lachter (In re Smith), 352 B.R. at 705-706. This decision contains a somewhat detailed discussion of the interplay of State and Federal law, the application of 11 U.S.C. § 362(a), and the provisions of 11 U.S.C. § 108(c)(1), which addresses the non-bankruptcy law extensions of time, and (c)(2), the Bankruptcy Code extension. In *Smith*, the automatic stay terminated on November 12, 1996, resulting in the 11 U.S.C. § 362(c)(2) extension terminating on December 12, 1996. Because under Arizona Law the renewal of the judgment had to be done by March 6, 1997, then that was the latter date applicable provided under 11 U.S.C. § 108(c)(1). The creditors in *Smith* did not attempt to renew their state court judgment until November 7, 1997, after they obtained a non-dischargeability judgment from the bankruptcy court. This was well after the period for renewal had expired under Arizona Law and any extension under 11 U.S.C. § 108(c). *Smith v. Lachter (In re Smith)*, 352 B.R. at 703-704, Fns. 6, 11, 12, and 13.

Here, the ten year period to renew the California Judgment does not expire until July 11, 2027. The Motion does not identify whether Movant is seeking relief to renew only the California Judgment or the Michigan Judgment as well. Renewing now could very well have significant negative financial impact upon the Bankruptcy Estate and other creditors. The Motion does not provide counter balancing harm that Movant may face.

At the hearing, **XXXXXXX**

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by Plaintiff WVJP 2021-4, LP (“Movant”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

~~**IT IS ORDERED** that the Motion is granted, and Movant is permitted to renew a deficiency judgment that was entered in the Circuit Court for the County of Eaton, State of Michigan, Case No. 14-1445-CK, assigned to Movant and against Debtor-Defendant John Pierre Mendoza (“Debtor”) in the amount of \$1,095,205.57 (the “Michigan Judgment”), and a sisterstate judgment that was entered by the Superior Court of the State of California for the County of Tuolumne in Case No. CV60828 assigned to Movant and against Debtor in the amount of \$1,449,209.43 (the “California Sister-State Judgment,” and with the Michigan Judgment, the “Judgments”).~~

~~**IT IS FURTHER ORDERED** that the automatic is modified only for purposes of renewing the judgment identified in the prior paragraph and not for any other purposes, including any enforcement of such judgments.~~

MAINSTAY MAIN PLACE LP VS.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor (*pro se*) and other parties in interest on April 15, 2025. By the court's calculation, 16 days' notice was provided. 14 days' notice is required.

The Motion for Relief from the Automatic Stay was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 7 Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing, unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing, -----

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The Motion for Relief from the Automatic Stay is granted.

Mainstay Main Place LP ("Movant") seeks relief from the automatic stay with respect to the real property commonly known as 1235 W. Town & Country Road #2134, Orange, Ca 92868 ("Property"). The moving party has provided the Declaration of Elizabeth Gonzalez to introduce evidence as a basis for Movant's contention that Francis Dale and Hannah Wright ("Debtor") does not have an ownership interest in or a right to maintain possession of the Property. Decl., Docket 23.

Movant presents evidence that it is the owner of the Property. *Id.* at ¶ 3; Ex. A at 4, Docket 24. Based on the evidence presented, Debtor would be at best a tenant at sufferance. Movant commenced an unlawful detainer action in California Superior Court, County of Orange, on January 14, 2025. Ex. C, Docket 24. That trial was interrupted by the filing of this case.

Based upon the evidence submitted, the court determines that there is no equity in the Property for either Debtor or the Estate. 11 U.S.C. § 362(d)(2). This being a Chapter 7 case, the Property is *per se* not necessary for an effective reorganization. *See Ramco Indus. v. Preuss (In re Preuss)*, 15 B.R. 896 (B.A.P. 9th Cir. 1981).

Movant has presented a colorable claim for title to and possession of this real property. As stated by the Bankruptcy Appellate Panel, relief from stay proceedings are summary proceedings that address issues arising only under 11 U.S.C. Section 362(d). *Hamilton v. Hernandez (In re Hamilton)*, No. CC-04-1434-Mack, 2005 Bankr. LEXIS 3427, at *8–9 (B.A.P. 9th Cir. Aug. 1, 2005) (citing *Johnson v. Righetti (In re Johnson)*, 756 F.2d 738, 740 (9th Cir. 1985)). The court does not determine underlying issues of ownership, contractual rights of parties, or issue declaratory relief as part of a motion for relief from the automatic stay in a Contested Matter (Federal Rule of Bankruptcy Procedure 9014).

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, to exercise its rights to obtain possession and control of the Property, including unlawful detainer or other appropriate judicial proceedings and remedies to obtain possession thereof.

**Federal Rule of Bankruptcy Procedure 4001(a)(3)
Request for Waiver of Fourteen-Day Stay of Enforcement**

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests, for no particular reason, that the court grant relief from the Rule as adopted by the United States Supreme Court. With no grounds for such relief specified, the court will not grant additional relief merely stated in the prayer.

Movant has not specifically identified the pleaded grounds to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3). However, the Motion states that the Debtors for this bankruptcy Case are not the tenants but are purported to be residing with the tenants, and that it is the debtor tenants, and not the tenants who are purporting to oppose the unlawful detainer action. Motion, ¶¶ 4, 5, 7; Dckt. 21. These grounds are supported by the Declaration testimony. Dec.; Dckt. 23. ^{FN.1.}

FN. 1. In reviewing the information in this Bankruptcy Case, the court notes that this may be a fraudulent filing. In checking the Social Security Numbers provided for the two person named as debtors using the Lexis-Nexis data base, neither of them are identified as elating to either of these two Debtors, with one resulting in a “No Documents Found” result. In looking at the Answer filed by Debtor Francis Dale in the Unlawful Detainer Action (Exhibit D; Dckt. 24), the Francis Dale signature on the Unlawful Detainer Answer is significantly different then the Francis Dale signature on the Bankruptcy Petition (Dckt. 1 at 7).

Cause has been shown and the fourteen day stay , and this part of the requested relief is not granted.

No other or additional relief is granted by the court.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by Mainstay Main Place LP (“Movant”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant and its agents, representatives and successors, to exercise and enforce all nonbankruptcy rights and remedies to obtain possession of the property commonly known as 1235 W. Town & Country Road #2134, Orange, Ca 92868.

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived for cause.

No other or additional relief is granted.

FINAL RULINGS

3. [25-90171-E-7](#)
[SKI-1](#)

VICKY BORJA
Simran Hundal

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-20-25 [\[12\]](#)

MERCEDES-BENZ FINANCIAL
SERVICES USA LLC VS.

Final Ruling: No appearance at the May 1, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor [*pro se*], Debtor's Attorney], Chapter [7 | 11 | 12 | 13] Trustee, [Official Committee of Creditors Holding General Unsecured Claims / creditors holding the twenty largest unsecured claims], creditors, parties requesting special notice, and Office of the United States Trustee on xxxx, 202x. By the court's calculation, xx days' notice was provided. 28 days' notice is required.

The Motion for Relief from the Automatic Stay has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

The Motion for Relief from the Automatic Stay is granted.

Mercedes-Benz financial Services USA LLC ("Movant") seeks relief from the automatic stay with respect to an asset identified as a 2021 Mercedes-Benz GLB 250W4, VIN ending in 9645 ("Vehicle"). The moving party has provided the Declaration of Edna Reyna to introduce evidence to authenticate the documents upon which it bases the claim and the obligation owed by Vicky So Borja ("Debtor"). Decl., Docket 14.

Movant argues Debtor has not made two post-petition payments and one pre-petition payment with a total arrearage of \$1,476.16. Decl. ¶ 7, Docket 14.

The Chapter 7 Trustee filed a Non-Opposition on March 26, 2025.

J.D. Power Valuation Report Provided

Movant has also provided a copy of the J.D. Power Valuation Report for the Vehicle. Ex. D, Docket 16. The Report has been properly authenticated and is accepted as a market report or commercial publication generally relied on by the public or by persons in the automobile sale business. FED. R. EVID. 803(17).

DISCUSSION

From the evidence provided to the court, and only for purposes of this Motion for Relief, the debt secured by this asset is determined to be \$36,338.35 (Declaration, Docket 14), while the value of the Vehicle is determined to be \$27,000, as stated on the J.D. Power Valuation Report.

11 U.S.C. § 362(d)(1): Grant Relief for Cause

Whether there is cause under 11 U.S.C. § 362(d)(1) to grant relief from the automatic stay is a matter within the discretion of a bankruptcy court and is decided on a case-by-case basis. *See J E Livestock, Inc. v. Wells Fargo Bank, N.A. (In re J E Livestock, Inc.)*, 375 B.R. 892 (B.A.P. 10th Cir. 2007) (quoting *In re Busch*, 294 B.R. 137, 140 (B.A.P. 10th Cir. 2003)) (explaining that granting relief is determined on a case-by-case basis because “cause” is not further defined in the Bankruptcy Code); *In re Silverling*, 179 B.R. 909 (Bankr. E.D. Cal. 1995), *aff’d sub nom. Silverling v. United States (In re Silverling)*, No. CIV. S-95-470 WBS, 1996 U.S. Dist. LEXIS 4332 (E.D. Cal. 1996). While granting relief for cause includes a lack of adequate protection, there are other grounds. *See In re J E Livestock, Inc.*, 375 B.R. at 897 (quoting *In re Busch*, 294 B.R. at 140). The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *W. Equities, Inc. v. Harlan (In re Harlan)*, 783 F.2d 839 (9th Cir. 1986); *Ellis v. Parr (In re Ellis)*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

The court determines that cause exists for terminating the automatic stay, including defaults in post-petition payments that have come due. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432.

11 U.S.C. § 362(d)(2)

A debtor has no equity in property when the liens against the property exceed the property’s value. *Stewart v. Gurley*, 745 F.2d 1194, 1195 (9th Cir. 1984). Once a movant under 11 U.S.C. § 362(d)(2) establishes that a debtor or estate has no equity in property, it is the burden of the debtor or trustee to establish that the collateral at issue is necessary to an effective reorganization. 11 U.S.C. § 362(g)(2); *United Sav. Ass’n of Texas v. Timbers of Inwood Forest Assocs. Ltd.*, 484 U.S. 365, 375–76 (1988).

Based upon the evidence submitted, the court determines that there is no equity in the Vehicle for either Debtor or the Estate. 11 U.S.C. § 362(d)(2). This being a Chapter 7 case, the Vehicle is *per se* not necessary for an effective reorganization. *See Ramco Indus. v. Preuss (In re Preuss)*, 15 B.R. 896 (B.A.P. 9th Cir. 1981).

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having lien rights against the Vehicle, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

Federal Rule of Bankruptcy Procedure 4001(a)(3)

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests, as there is no proof the Vehicle is insured, that the court grant relief from the Rule as adopted by the United States Supreme Court. Mot. 3:8-9.

Movant has pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is granted.

No other or additional relief is granted by the court.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by Mercedes-Benz financial Services USA LLC (“Movant”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED the Motion is granted, and the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant, its agents, representatives, and successors, and all other creditors having lien rights against the Vehicle, under its security agreement, loan documents granting it a lien in the asset identified as a 2021 Mercedes-Benz GLB 250W4, VIN ending in 9645 (“Vehicle”), and applicable nonbankruptcy law to obtain possession of, nonjudicially sell, and apply proceeds from the sale of the Vehicle to the obligation secured thereby.

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived for cause.

No other or additional relief is granted.