

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

May 5, 2020 at 10:30 a.m.

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

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 Lindsey Peratis, the Courtroom Deputy, at (916) 930-4473 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. 20-90207 -B-13 LARRY FOSTER	MOTION FOR RELIEF FROM
SLG-1	AUTOMATIC STAY
	3-30-20 [13]
IRBC2 PROPERTIES LLC VS.	

2. [17-90308](#)-B-13 EDWARD LIGHT
[JAD](#)-1

MOTION TO WAIVE SECTION 1328
CERTIFICATE REQUIREMENT,
SUBSTITUTE PARTY, AND WAIVE
SECTION 522(Q) REQUIREMENT AS
TO DEBTOR
3-25-20 [[21](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the Motion to Waive Section 1328 Certificate Requirement, Substitute Party, and Waive Section 522(q) Requirement as to Debtor is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

3. [17-90308](#)-B-13 EDWARD LIGHT
[JAD](#)-2

MOTION FOR HARDSHIP DISCHARGE
3-25-20 [[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 for Hardship Discharge pursuant to Bankruptcy Code Section 1328(b) is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

4. [19-90908](#)-B-13 EDWARD BRUNNER AND
[DCJ](#)-1 KATHERINA COGGINS

MOTION TO CONFIRM PLAN
3-23-20 [[29](#)]

5. [19-90908](#)-B-13 EDWARD BRUNNER AND
[DCJ](#)-2 KATHERINA COGGINS

MOTION TO VALUE COLLATERAL OF
ALLY FINANCIAL INC.
4-21-20 [[40](#)]

6. [19-90908](#)-B-13 EDWARD BRUNNER AND MOTION TO VALUE COLLATERAL OF
[DCJ](#)-3 KATHERINA COGGINS WELLS FARGO BANK, N.A.
4-21-20 [[45](#)]
7. [16-90219](#)-B-13 SHARON HAMILTON CONTINUED MOTION TO MODIFY PLAN
[DCJ](#)-4 11-10-19 [[186](#)]
8. [19-90421](#)-B-13 NARCISSA THOMAS NOTICE OF DEFAULT AND MOTION TO
DISMISS CASE FOR FAILURE TO
MAKE PLAN PAYMENTS
3-5-20 [[109](#)]
9. [19-91121](#)-B-13 DIANE VARGAS CONTINUED ORDER TO SHOW CAUSE -
FAILURE TO PAY FEES
4-3-20 [[34](#)]

Final ruling:

The deficiency has been corrected. As a result the court will issue a minute order discharging the order to show cause and the case will remain open. No appearance is necessary.

10. [19-91121](#)-B-13 DIANE VARGAS CONTINUED ORDER TO SHOW CAUSE -
FAILURE TO PAY FEES
4-3-20 [[34](#)]

Duplicate of item no. 9. Matter removed form calendar.

11. [20-90124](#)-B-13 JOHN/MARIA STOUGHTON OBJECTION TO CONFIRMATION OF
[ALG](#)-1 PLAN BY CREDITOR ARVEST
MORTGAGE COMPANY
3-10-20 [[20](#)]

12. [18-90329](#)-B-13 DANIEL/ANITA ALMANZA MOTION TO MODIFY PLAN
[JAD](#)-2 3-25-20 [[41](#)]

13. [20-90233](#)-B-13 CONSUELO ORTEGA MOTION TO VALUE COLLATERAL OF
[MJH](#)-1 SANTANDER CONSUMER USA INC.
3-31-20 [[10](#)]

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.

14. [20-90046](#)-B-13 KYLE RASH
[RK-1](#)

MOTION TO CONFIRM PLAN
3-23-20 [[21](#)]

15. [16-90758](#)-B-13 SUZAN CHILDERS
[SSA](#)-8

MOTION FOR COMPENSATION FOR
STEVEN S. ALTMAN, DEBTORS
ATTORNEY(S)
4-3-20 [[106](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

16. [20-90066](#)-B-13 CARL GONSALVES
[RDG](#)-3

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
3-16-20 [[27](#)]

Final ruling:

This case was dismissed on April 23, 2020. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

17. [19-90577](#)-B-13 NICOLE MORELAND
[APN](#)-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-24-20 [[28](#)]

WELLS FARGO BANK, N.A. VS.

Final ruling:

Creditor, Wells Fargo Bank, N.A., is scheduled as a Class 4 creditor to be paid outside the plan, and an order confirming the plan has been entered in this case. The plan contains the language "Upon confirmation of the plan, the automatic stay of 11 U.S.C. § 362(a) and the co-debtor stay of 11 U.S.C. § 1301(a) are ... modified to allow the holder of a Class 4 secured claim to exercise its rights against its collateral and any nondebtor in the event of a default under applicable law or contract" If the debtor has defaulted under the plan, the stay has already been modified to allow this creditor to proceed with its rights against its collateral under the terms of the underlying loan and security documentation. Accordingly, the motion will be denied by minute order as unnecessary. No appearance is necessary.

18. [18-90296](#)-B-13 ROBERT/DEBORAH DAILEY
AP-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-27-20 [[34](#)]

JPMORGAN CHASE BANK, N.A.
VS.

Final ruling:

This matter is resolved without oral argument. This is JPMorgan Case Bank, N.A.'s motion for relief from automatic stay. The court's 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 property and debtors are not making post petition lease payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtors are not making post-petition lease payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3). Moving party is to submit an appropriate order. There will be no further relief afforded. No appearance is necessary.