



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

May 5, 2026 at 11:00 a.m.

Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (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 **Remote 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 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:

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 medical 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.

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

May 5, 2026 at 11:00 a.m.

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1. [26-20900](#)-C-13 LARRY PORTER OBJECTION TO CONFIRMATION OF
[JCW](#)-1 Pro Se PLAN BY BANK OF AMERICA, N.A.
4-9-26 [[18](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 21.

The Objection to Confirmation of Plan is sustained.

Creditor Bank of America, N.A. ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not provide for arrearages owed to Creditor.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by Bank of America, N.A., 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 Objection is sustained.

May 5, 2026 at 11:00 a.m.
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2. [26-20803](#)-C-13 MARIA/KENNETH KINSTLEY OBJECTION TO CONFIRMATION OF
[DPC-2](#) Robert L. Goldstein PLAN BY DAVID P. CUSICK
4-8-26 [[18](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 21.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtors have not made a plan payment and are delinquent;
2. Debtors are unable to make the plan payments;
3. Debtors have not filed their 2025 tax returns; and
4. Debtors have not provided pay advices.

DISCUSSION

The debtor is \$1,000.00 delinquent in plan payments. Declaration, Dkt. 20. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The debtor has not filed all required tax returns. 11 U.S.C. §§ 1308, 1325(a)(9). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required pay advices. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 Objection is sustained.

3. [26-20607](#)-C-13 JOHN SPENCER
Pro Se

CONTINUED ORDER TO SHOW CAUSE -
FAILURE TO PAY FEES
3-11-26 [[21](#)]

Final Ruling: No appearance at the May 5, 2026 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on March 6, 2026. Dkt. 21.

A review of the docket shows that the installment, and the next installment due on April 6, 2026, has now been paid. Therefore, the Order to Show Cause is discharged.

The court shall issue a minute 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 Order to Show Cause 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 Order to Show Cause is discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

4. [26-20607](#)-C-13 JOHN SPENCER
[DPC-1](#) Pro Se

CONTINUED MOTION TO DISMISS
CASE
3-31-26 [[23](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f) (2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 26.

The Motion to Dismiss is granted, and the case is ~~xxxxxxx~~.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$500.00 delinquent in plan payments, which is supported by declaration. Dkt. 25.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss or convert this case pursuant to 11 U.S.C. § 1307(c) (1).

The court shall issue a minute 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 to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, 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 to Dismiss is granted, and the case is ~~xxxxxxxxxx~~

5. [26-20607](#)-C-13 JOHN SPENCER
[DPC-2](#) Pro Se

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK, CHAPTER 13 TRUSTEE
3-31-26 [[27](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 30.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor did not appear at the Meeting of Creditors;
2. Debtor has not provided proof of Social Security number or identification;
3. Debtor is delinquent in plan payments
4. The plan is not feasible;
5. Debtor has filed inaccurate schedules and schedules with missing information; and
6. An OSC has been issued by the Court for failure to pay the filing fee.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not made a single payment and is \$500 delinquent in plan payments. Declaration, Dkt. 29. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 Objection is sustained.

6. [25-27111](#)-C-13 TONY/SARETH SOK
[AOE-2](#) Anthony Egbase

MOTION BY ANTHONY O. EGBASE TO
WITHDRAW AS ATTORNEY
3-31-26 [[61](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 64.

The Motion to Withdraw as Counsel is ~~xxxxxx~~.

Anthony O. Egbase ("Debtors' counsel") filed this Motion seeking authority to withdraw as debtors' counsel because the debtors have failed to cooperate with counsel in this case. Additionally, counsel asserts that debtors have not followed counsel's advice in the case and the attorney client relationship is irreparably broken.

DISCUSSION

District Court Rule 182(d) governs the withdrawal of counsel. Local Bankr. R. 1001-1(C). The District Court Rule prohibits the withdrawal of counsel leaving a party in propria persona unless by motion noticed upon the client and all other parties who have appeared in the case. E.D. CAL. LOCAL R. 182(d). The attorney must provide an affidavit stating the current or last known address or addresses of the client and efforts made to notify the client of the motion to withdraw. Id. Leave to withdraw may be granted subject to such appropriate conditions as the Court deems fit. Id.

Withdrawal is only proper if the client's interest will not be unduly prejudiced or delayed. The court may consider the following factors to determine if withdrawal is appropriate: (1) the reasons why the withdrawal is sought; (2) the prejudice withdrawal may cause to other litigants; (3) the harm withdrawal might cause to the administration of justice; and (4) the degree to which withdrawal will delay the resolution of the case. Williams v. Troehler, No. 1:08cv01523 OWW GSA, 2010 U.S. Dist. LEXIS 69757 (E.D. Cal. June 23, 2010). FN.1.

FN.1. While the decision in Williams v. Troehler is a District Court case and concerns Eastern District Court Local Rule 182(d), the language in 182(d) is identical to Local Bankruptcy Rule 2017-1.

It is unethical for an attorney to abandon a client or withdraw at a critical point and thereby prejudice the client's case. Ramirez v. Sturdevant, 26 Cal. Rptr. 2d 554 (Cal. Ct. App. 1994). An attorney is prohibited from withdrawing until appropriate steps have been taken to avoid reasonably foreseeable prejudice to the rights of the client. Id. at 559.

The District Court Rules incorporate the relevant provisions of the Rules of Professional Conduct of the State Bar of California ("Rules of Professional Conduct"). E.D. CAL. LOCAL R. 180(e).

Termination of the attorney-client relationship under the Rules of Professional Conduct is governed by Rule 3-700. Counsel may not seek to

withdraw from employment until Counsel takes steps reasonably foreseeable to avoid prejudice to the rights of the client. CAL. R. PROF'L CONDUCT 3-700(A)(2). The Rules of Professional Conduct establish two categories for withdrawal of Counsel: either Mandatory Withdrawal or Permissive Withdrawal.

Mandatory Withdrawal is limited to situations where Counsel (1) knows or should know that the client's behavior is taken without probable cause and for the purpose of harassing or maliciously injuring any person and (2) knows or should know that continued employment will result in violation of the Rules of Professional Conduct or the California State Bar Act. CAL. R. PROF'L CONDUCT 3-700(B).

Permissive withdrawal is limited to certain situations, including the one relevant for this Motion:

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

(4) by other conduct renders it unreasonably difficult for the member to carry out the employment effectively.

CAL. R. PROF'L. CONDUCT 1.16(b)(4)(d).

As a ground for the Motion to Withdraw as Attorney, Movant states that Debtors have not followed legal advice on material matters and have failed to adequately communicate with counsel. Declaration, Dkt. 63.

Movant does not believe the debtors will be prejudiced by withdrawal as a counsel. The Chapter 13 Trustee has filed nonopposition to the motion. Dkt. 80. The Trustee represents he has filed an objection to confirmation and a motion to dismiss that are both set to be heard on May 12, 2026.

Debtors, nor any other relevant party has filed an opposition to this Motion, however, which was filed according to Local Bankruptcy Rule 9014-1(f)(1).

Furthermore, under California Rule of Professional Conduct 3-700(C)(1)(d), Debtor's conduct, such as the lack of communication with Movant is hindering Movant's ability to carry out her employment and duties effectively.

At the hearing ~~xxxxxxxxxx~~

The court shall issue a minute 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 to Withdraw as Counsel filed by Anthony O. Egbase 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 ~~xxxxxx~~

7. [26-20811](#)-C-13 VERNON DAVIS OBJECTION TO CONFIRMATION OF
[DPC-2](#) Peter G. Macaluso PLAN BY DAVID P. CUSICK
4-8-26 [[29](#)]

Final Ruling: No appearance at the May 5, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 32.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is delinquent in plan payments;
2. The plan is overextended

DEBTOR'S RESPONSE

The debtor filed a response on April 28, 2026. Dkt. 37. Debtor concedes the plan is not confirmable and asserts he will be filing an amended plan.

DISCUSSION

The debtor is \$450.00 delinquent in plan payments. Declaration, Dkt. 31. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Because claims are greater than scheduled, the plan will take more than 72 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 Objection is sustained.

8. [26-20812](#)-C-13 JEHOADDAN WILSON OBJECTION TO CONFIRMATION OF
[DPC](#)-2 Peter G. Macaluso PLAN BY DAVID P. CUSICK
4-8-26 [[33](#)]

Final Ruling: No appearance at the May 5, 2026 hearing is required.

A review of the docket shows the case was dismissed on April 24, 2026 (dkt. 42). Therefore, this Objection is removed from calendar as moot.

9. [26-20812](#)-C-13 JEHOADDAN WILSON MOTION TO VALUE COLLATERAL OF
[PGM](#)-2 Peter G. Macaluso STATE DEPARTMENT FEDERAL CREDIT
UNION
4-3-26 [[23](#)]

Final Ruling: No appearance at the May 5, 2026 hearing is required.

A review of the docket shows the case was dismissed on April 24, 2026 (dkt. 42). Therefore, this Motion is removed from calendar as moot.

10. [26-20814](#)-C-13 TONDALAY WEBB
[DPC-1](#) Michael O'Dowd Hays

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
4-7-26 [[16](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is delinquent in plan payments;
 2. Plan will take longer than 36 months to complete;
 3. Debtor has not provided all tax returns;
 4. Debtor's Schedules and Means Test has not been amended;
- and
5. The plan is underfunded.

DISCUSSION

The debtor is \$3,202 delinquent in plan payments. Declaration, Dkt. 18. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Because claims are greater than scheduled, the plan will take 40 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

The debtor has not provided the trustee with all required pay advices. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 Objection is sustained.

11. [24-23421](#)-C-13 MARK PALMATIER
[BLG](#)-1 Chad M. Johnson

MOTION TO EMPLOY EXP REALTY OF
CALIFORNIA, INC AS BROKER(S)
3-31-26 [[55](#)]

Final Ruling: No appearance at the May 5, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 59.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Employ is granted.

Debtor seeks to employ eXp Realty of California, Inc. as a real estate broker for the estate pursuant to Local Bankruptcy Rule 9014-1(f)(1) and Bankruptcy Code Sections 328(a) and 330.

Debtor argues the real estate broker is necessary to market and sell the property commonly known as 3550 Saddlepeak Ct., Rocklin, CA.

The Declaration of Tom Daves filed in support of the Motion attests to the eXp Realty of California's disinterestedness and experience. Dkt. 57.

The Chapter 13 Trustee filed non-opposition on April 21, 2026. Dkt. 64.

DISCUSSION

Pursuant to § 327(a), a trustee or debtor in possession is authorized, with court approval, to engage the services of professionals, including attorneys, to represent or assist the trustee in carrying out the trustee's duties under Title 11. To be so employed by the trustee or debtor in possession, the professional must not hold or represent an interest adverse to the estate and be a disinterested person.

Section 328(a) authorizes, with court approval, a trustee or debtor in possession to engage the professional on reasonable terms and conditions, including a retainer, hourly fee, fixed or percentage fee, or contingent fee basis. Notwithstanding such approved terms and conditions, the court may allow compensation different from that under the agreement after the conclusion of the representation, if such terms and conditions prove to have been improvident in light of developments not capable of being anticipated at the time of fixing of such terms and conditions.

Taking into account all of the relevant factors in connection with the employment and compensation of the real estate broker, considering the

declaration demonstrating that the broker does not hold an adverse interest to the Estate and is a disinterested persons, the nature and scope of the services to be provided, the court grants the Motion on the terms and conditions set forth in the Agreement filed as Exhibit A, Dkt. 58. Approval of the commission is subject to the provisions of 11 U.S.C. § 328 and review of the fee at the time of final allowance of fees for the professional.

The court shall issue a minute 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 to Employ filed by Mark Palmatier 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 to Employ is granted, and debtor is authorized to employ eXp Realty of California, Inc. as real estate broker for the estate on the terms and conditions as set forth in the Agreement filed as Exhibit A, Dkt. 58.

IT IS FURTHER ORDERED that no compensation is permitted except upon court order following an application pursuant to 11 U.S.C. § 330 and subject to the provisions of 11 U.S.C. § 328.

12. [26-20824](#)-C-13 CHRISTIAN/HALEY ADSUARA OBJECTION TO CONFIRMATION OF
[DPC-1](#) Mary Ellen Terranella PLAN BY DAVID P. CUSICK
4-8-26 [[16](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan misclassifies the claim of C3 Rentals, LLC;
2. Debtor has not provided copies of tax returns.

DISCUSSION

The claim of C3 Rentals, LLC is classified in the plan as a Class 1, Class 4, and section 4 executory contract and unexpired leases.

Notwithstanding how the claim is classified, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 Objection is sustained.

13. [25-27126](#)-C-13 SHANE/LETICIA JONES
[DPC-1](#) Julius J. Cherry

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
2-12-26 [[12](#)]

Final Ruling: No appearance at the May 5, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 15.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is overruled.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not provide for equal payments to creditor with a claim secured by vehicles;
2. Payments do not adequately protect Creditor Consumers Credit Union;
3. Plan does not advise creditors the amount they will receive if they file proofs of claim
4. Debtors' income and expenses are inconsistent and not supported by competent admissible evidence.

The matter was continued from the prior hearing on March 10, 2026.

Thereafter Chapter 13 trustee filed an order confirming plan that he and debtor's counsel signed on April 1, 2026. Dkt. 20.

Therefore, the Objection is overruled.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 trustee, David Cusick, 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 Objection is overruled as moot.

14. [25-23427](#)-C-13 FRANKIE HAYDUK
[DWL](#)-3 Patricia Wilson

MOTION TO CONFIRM PLAN
3-23-26 [[58](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 35 days' notice. The Proof of Service shows that 43 days' notice was provided. Dkt. 63.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 60) filed on March 23, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 68) on April 13, 2026, opposing confirmation on the following grounds:

1. Debtor is unable to make plan payments;
2. Plan does not cure postpetition arrearages;
3. Debtor is delinquent in plan payments;
4. Debtor has not filed amended Schedules I and J.

DISCUSSION

The plan proposes a monthly payment of \$1,625, which is more than the debtor's monthly net income in Schedule J. That is reason to deny confirmation. 11 U.S.C. § 1325(a) (6).

The debtor is \$6,617.92 delinquent in plan payments. Declaration, Dkt. 69. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a) (6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute 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 to Confirm filed by the debtor, Frankie Hayduk, 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 denied, and the plan is not confirmed.

15. [25-23427](#)-C-13 FRANKIE HAYDUK
[DPC](#)-3 Patricia Wilson

CONTINUED MOTION TO DISMISS
CASE
2-26-26 [[54](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 57.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on December 15, 2025.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkts. 52 & 53.

The Motion also argues debtor is \$5,961.92 delinquent in plan payments, which is supported by declaration. Dkt. 56.

Failure to confirm a plan and maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute 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 to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, 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 to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

16. [24-25731](#)-C-13 DAVID/MARY GILL
[WLG-3](#) Nicholas Wajda

MOTION TO MODIFY PLAN
3-20-26 [[96](#)]

Thru #17

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 102.

The Motion to Modify is denied.

The debtors filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 100) filed on March 20, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 105) on April 14, 2026, opposing confirmation on the following grounds:

1. Debtors have not specified the reason for modification;
and
2. Debtors have not amended Schedules I & J.

DISCUSSION

The debtors have not explained the specific reason for modification of the confirmed plan to assist the Chapter 13 Trustee in determining if the plan complies with § 1325.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is denied, and the plan is not confirmed.

The court shall issue a minute 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 to Modify Plan filed by the debtors, David and Mary Gill, 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 denied, and the plan is not confirmed.

17. [24-25731](#)-C-13 DAVID/MARY GILL
[DPC](#)-3 Nicholas Wajda

CONTINUED MOTION TO DISMISS
CASE
2-20-26 [[88](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 32 days' notice was provided. Dkt. 91.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor is \$23,541.00 delinquent in plan payments, which is supported by declaration. Dkt. 90.

Debtors filed an opposition (Dkt. 92) on March 10, 2026, asserting that debtors have made some payments and will be filing a modified plan to resolve the remaining delinquency.

At this time, a review of the docket does not show that a modified plan and motion to confirm modified plan has been filed.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute 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 to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, 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 to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

18. [26-20233](#)-C-13 DEMETRIO/EVELYN LALUAN CONTINUED OBJECTION TO
[NLG-1](#) Robert W. Fong CONFIRMATION OF PLAN BY
LAKEVIEW LOAN SERVICING, LLC
3-6-26 [[28](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 32 days' notice was provided. Dkt. 31.

The Objection to Confirmation of Plan is sustained.

At the prior hearing, debtors asserted they will be able to be current on their mortgage with Creditor.

Creditor Lakeview Loan Servicing, LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not fully provide for the arrearages on Creditor's claim.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by Lakeview Loan Servicing, LLC, 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 Objection is sustained.

19. [26-20733](#)-C-13 GARY/CLEOFE ENDAYA
[DPC-1](#) Gerald B. Glazer

OBJECTION TO DISCHARGE BY DAVID
P. CUSICK
4-7-26 [[26](#)]

Thru #21

Final Ruling: No appearance at the May 5, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 29.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Objection to Discharge is sustained.

The Chapter 13 Trustee ("Objector") objects to Gary and Cleofe Endaya's ("Debtors") discharge in this case. Objector argues that Debtors are not entitled to a discharge in the instant bankruptcy case because Debtor previously received a discharge in a Chapter 7 case.

Debtors filed a Chapter 7 bankruptcy case on October 15, 2025. Case No. 25-25687. Debtors received a discharge on January 26, 2026. Case No. 25-25687, Dkt. 15.

The instant case was filed under Chapter 13 on February 12, 2026.

11 U.S.C. § 1328(f) provides that a court shall not grant a discharge if a debtor has received a discharge "in a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter." 11 U.S.C. § 1328(f)(1).

Here, Debtors received a discharge under 11 U.S.C. § 727 on January 26, 2026, which is less than four years preceding the date of the filing of the instant case. Case No. 25-25687, Dkt. 15. Therefore, pursuant to 11 U.S.C. § 1328(f)(1), Debtors are not eligible for a discharge in the instant case.

Therefore, the Objection is sustained. Upon successful completion of the instant case, the case shall be closed without the entry of a discharge, and Debtor shall receive no discharge in the instant case.

The court shall issue a minute 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 Objection to Discharge filed by David P. Cusick, the Chapter 13 Trustee ("Objector") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Objection to Discharge is sustained, and upon successful completion of the instant case, Case No. 26-20733, the case shall be closed without the entry of a discharge.

20. [26-20733](#)-C-13 GARY/CLEOFE ENDAYA
[DPC-2](#) Gerald B. Glazer

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
4-8-26 [[30](#)]

Final Ruling: No appearance at the May 5, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 33.

The Objection to Confirmation of Plan is overruled as moot.

The Chapter 13 trustee filed this Objection to Confirmation of the plan filed on February 12, 2026. The debtors filed an amended plan and corresponding Motion to Confirm, making this Objection moot. Dkts. 20, 24.

Therefore, the Objection is overruled.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 trustee, David P. Cusick, 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 Objection is overruled as moot.

21. [26-20733](#)-C-13 GARY/CLEOFE ENDAYA
[SKI](#)-1 Gerald B. Glazer

OBJECTION TO CONFIRMATION OF
PLAN BY EXETER FINANCE LLC
3-31-26 [[13](#)]

Final Ruling: No appearance at the May 5, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 34 days' notice was provided. Dkt. 18.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is overruled as moot.

Creditor Exeter Finance LLC filed this Objection to Confirmation on March 31, 2026. Thereafter, the debtor filed an amended plan and corresponding Motion To Confirm, making this Objection moot. Dkts. 20, 24.

Therefore, the Objection is overruled.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Exeter Finance LLC, 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 Objection is overruled as moot.

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 22.

The Objection to Confirmation of Plan is sustained.

Creditor Exeter Finance LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The interest rate on its claims is too low.

DISCUSSION

Creditor opposes confirmation on the basis that the plan proposes paying its claim at 5% interest. Creditor argues that this interest rate is outside the limits authorized by the Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). In *Till*, a plurality of the Court supported the "formula approach" for fixing post-petition interest rates. *Id.* Courts in this district have interpreted *Till* to require the use of the formula approach. See *In re Cachu*, 321 B.R. 716 (Bankr. E.D. Cal. 2005); see also *Bank of Montreal v. Official Comm. of Unsecured Creditors (In re American Homepatient, Inc.)*, 420 F.3d 559, 566 (6th Cir. 2005) (*Till* treated as a decision of the Court). Even before *Till*, the Ninth Circuit had a preference for the formula approach. See *Cachu*, 321 B.R. at 719 (citing *In re Fowler*, 903 F.2d 694 (9th Cir. 1990)).

The court agrees with the court in *Cachu* that the correct valuation of the interest rate is the prime rate in effect at the commencement of this case plus a risk adjustment. Because the creditor has only identified risk factors common to every bankruptcy case, the court fixes the interest rate as the prime rate in effect at the commencement of the case, 6.75%, plus a 1.25% risk adjustment, for a 8.00% interest rate.

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by Exeter Finance LLC, 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 Objection is sustained.

23. [25-24834](#)-C-13 HOLLY PLICHTA
[DVW](#)-1 Thomas L. Amberg

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-15-26 [[74](#)]

U.S. BANK TRUST NATIONAL
ASSOCIATION VS.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 79.

The Motion for Relief from the Automatic Stay is granted.

U.S. Bank, Trust National, as Trustee of the Truman 2021 SC9 Title Trust ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's property commonly known as 3030 Hanson Hollow Road, Georgetown, CA (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent three postpetition payments. Declaration, Dkt. 77.

Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(4) because the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved multiple bankruptcy filings affecting the Property.

TRUSTEE'S RESPONSE

The Trustee filed a response stating he does not oppose the motion, and that he and the Creditor have both filed opposition to debtor's motion to confirm plan that is currently set for May 12, 2026. Dkt. 82

DISCUSSION

Upon review of the record, the court finds cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent three postpetition payments.

The court does not find cause exists pursuant to 11 U.S.C. § 362(d)(4) because this is only debtor's second bankruptcy case and neither case appears to have been filed in bad faith. And, the court notes that debtor was able to get a plan confirmed in the prior case. Case No. 23-21169, dkt. 32.

Language vacating stay

Based on the foregoing, the Motion is granted. 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 Property, 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.

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 that the court grant relief from the Rule as adopted by the United States Supreme Court.

Movant has not 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 not granted.

No other or additional relief is granted by the court.

The court shall issue a minute 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 U.S. Bank, Trust National, as Trustee of the Truman 2021 SC9 Title Trust ("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, its agents, representatives, and successors, and trustee under the trust deed, and any other beneficiary or trustee, and their respective agents and successors under any trust deed that is recorded against the real property commonly known 3030 Hanson Hollow Road, Georgetown, California, ("Property") to secure an obligation to exercise any and all rights arising under the promissory note, trust deed, and applicable nonbankruptcy law to conduct a nonjudicial foreclosure sale and for the purchaser at any such sale to obtain possession of the Property.

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is not waived for cause.

No other or additional relief is granted.

24. [26-20834](#)-C-13 YULIKO YOKOTA
[DPC-1](#) Michael O'Dowd Hays

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
4-8-26 [[29](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 32.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan is overextended;
2. Plan relies on future increases in Social Security income;
3. The plan fails the liquidation test; and
4. Debtor has not provided copies of income tax returns.

DISCUSSION

Because the plan underestimated the mortgage arrears, the plan will take 73 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

The has not amended the Schedules C and D. Therefore, debtor has non-exempt assets. The plan provides for a dividend to unsecured claims, which is less than the dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 Objection is sustained.

25. [26-20838](#)-C-13 DARRELL VEASLEY
[DPC-1](#) Steven A. Alpert

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
4-8-26 [[17](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 20.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails the liquidation test;
2. Debtor is delinquent in plan payments; and
3. Debtor has not amended Schedules I & J.

DISCUSSION

The debtor has non-exempt assets totaling \$6,750.00. The plan provides for a two percent dividend to unsecured claims, which is less than the dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

The debtor is \$5,265.00 delinquent in plan payments. Declaration, Dkt. 19. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 Objection is sustained.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 35 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 48.

The Motion to Confirm is denied.

At the prior hearing the Chapter 13 Trustee represented that the only outstanding issue was that debtor continued to be delinquent in plan payments. This motion was continued to verify the debtor had made the payment.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 43) filed on January 30, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 52) on February 24, 2026, opposing confirmation on the following grounds:

1. The plan relies on a motion to sell or refinance property that has not yet been filed;
2. The plan fails the liquidation test;
3. Debtor is delinquent in plan payments.

Debtor filed an opposition (Dkt. 57) on March 3, 2026, asserting that debtor will be current on or before the hearing.

DISCUSSION

The debtor is \$7,000.00 delinquent in plan payments. Declaration, Dkt. 53. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan proposes selling or refinancing property located at 2322 Ringtail Rd., Georgetown, CA. Before a motion to sell or refinance is filed by the debtor, the plan's feasibility is uncertain.

The debtor has non-exempt assets totaling \$7,000.00. The plan provides for a zero percent dividend to unsecured claims, which is less than the percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute 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 to Confirm filed by the debtor, Donna Elbert, 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 denied, and the plan is not confirmed.

27. [25-24239](#)-C-13 DONNA ELBERT
[DPC-2](#) Peter G. Macaluso

CONTINUED MOTION TO DISMISS
CASE
1-14-26 [[37](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. This case was transferred from Dept. and was continued from a previous hearing on February 24, 2026. Dkt. 55

The Motion to Dismiss is granted, and the case is dismissed.

At the prior hearing the debtor represented the check for the monthly plan payment was in the mail and this motion was continued to verify the debtor had made the payment.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$14,000.00 delinquent in plan payments. The motion was continued to accompany the motion to confirm plan at Item #18 below.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute 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 to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, 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 to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

28. [26-20739](#)-C-13 FEUY SAECHAO
[DPC-1](#) Gabriel E. Liberman

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
4-8-26 [[12](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 15.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor did not appear at the Meeting of Creditors.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 Objection is sustained.

Final Ruling: No appearance at the May 5, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 37 days' notice was provided. Dkt. 72.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Modify Plan is granted.

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

The Chapter 13 trustee filed a non-opposition on April 14, 2026. Dkt. 73.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is confirmed.

The court shall issue a minute 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 to Modify Plan filed by the debtor, Melanie Pruitt, 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, the Modified Chapter 13 Plan (Dkt. 69) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

30. [25-20241](#)-C-13 JOSHUA WOLFFE AND MAKAYLA MOTION TO MODIFY PLAN
[SLH](#)-1 MOORE 3-17-26 [[27](#)]
Seth L. Hanson

Final Ruling: No appearance at the May 5, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 50 days' notice was provided. Dkt. 31.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Modify Plan is granted.

The debtors filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

The Chapter 13 trustee filed a non-opposition on April 14, 2026. Dkt. 34.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is confirmed.

The court shall issue a minute 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 to Modify Plan filed by the debtors, Joshua Gregory Thumper Wolfe and Makayla Marie Moore, 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, the Modified Chapter 13 Plan (Dkt. 25) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

31. [26-20844](#)-C-13 ANGELA LOPES
[DPC-2](#) James Keenan

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
4-7-26 [[20](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 23.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor did not appear at the Meeting of Creditors;
2. Debtor is delinquent in plan payments; and
3. Debtor has not filed all tax returns.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor is \$500 delinquent in plan payments. Declaration, Dkt. 22. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The debtor has not filed all required tax returns. 11 U.S.C. §§ 1308, 1325(a)(9). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 Objection is sustained.

32. [21-21745](#)-C-13 MICHAEL/CAROL STANFORD
Pro Se

CONTINUED MOTION TO CORRECT
TRUSTEE'S MISINTERPRETATION OF
CLAIM AMOUNT AND TO DISALLOW
OVERPAYMENT AND CLAIM TRANSFER
11-18-25 [[195](#)]

No Tentative Ruling:

The Motion has been set on Local Rule 3007-1(b)(1) procedure which requires 44 days' notice. The motion was set by order of the court. Dkts. 232 & 250.

The Objection to Proof of Claim is ~~XXXXXXXXXX~~

Debtors Michael and Carol Stanford filed this motion on November 18, 2025. Dkt. 195. Now-retired Judge Clement deemed this motion an Objection to Proof of Claim No. 6, and ordered the matter to be heard at a later time. Dkt. 232. Additionally, secured creditors and the Chapter 13 Trustee were ordered to file opposition no later than February 4, 2026.

OPPOSITION

The Chapter 13 Trustee filed opposition (dkt. 239) on February 3, 2026 representing that creditor Planet Home Lending (claimant on Proof of Claim No. 6) initially objected to plan confirmation, which was sustained on July 21, 2021. Later, debtors obtained confirmation of an amended plan on June 29, 2022, which provided for Planet Home's claim as Class 2A claim in the estimated amount of \$282,783.02 to be paid at 8.5%. Planet Home's claim was listed on the Notice of Filed Claims that was served on the debtors. Planet Home's claim was later amended on July 26, 2024 down to \$252,983.73.

The Trustee asserts he did as the Plan called for and paid the claim with interest.

Planet Home Lending, LLC filed opposition (dkt. 242) on February 3, 2026. Planet Home asserts that the Trustee paid exactly what the Code requires and there was no overpayment.

Planet Home contends that its Proof of Claim included accrued prepetition interest, and did not include postpetition interest. Planet Home contends that the amount of interest paid - \$61,220.88 - accurately reflects the application of contract interest rate to a steadily declining principal balance over the forty-one month payment period.

Select Portfolio Servicing, Inc. ("SPS") filed opposition (dkt. 246) on February 4, 2026. SPS asserts that the objection is untimely and the debtors' lack standing to object to assignments of claim. Additionally, SPS contends that the correct amount was paid on the claim, including the amount of interest paid.

SUPPLEMENTAL MOTION

Debtors filed a supplemental motion for sanctions on April 13, 2026.

Dkt. 257. Debtors assert sanctions are proper here because the servicers continued to collect payments after the loan had been paid in full, failed to properly credit plan payments, did not investigate disputes, did not correct account errors after notice, and caused financial and emotional harm to debtors.

Debtors seek damages, including actual damages of \$62,000, administration expenses of \$300-\$500, pro se time and litigation effort of \$6,000, emotional distress damages of \$5,000-\$15,000, and punitive damages of \$10,000-\$15,000.

SUPPLEMENTAL OPPOSITION

Select Portfolio Servicing, Inc. filed supplemental opposition on April 21, 2026. Dkt. 265. SPS asserts that it only received three months of payments from the Trustee. And of that a small amount was interest, and of that a portion of it was interest on interest.

Additionally, SPS asserts that a plan cannot now be modified, and debtors are not entitled to sanctions because it did not willfully violate a court's order and complied with the confirmed plan.

DISCUSSION

Section 502(a) provides that a claim supported by a Proof of Claim is allowed unless a party in interest objects. Once an objection has been filed, the court may determine the amount of the claim after a noticed hearing. 11 U.S.C. § 502(b). It is settled law in the Ninth Circuit that the party objecting to a proof of claim has the burden of presenting substantial evidence to overcome the prima facie validity of a proof of claim, and the evidence must be of probative force equal to that of the creditor's proof of claim. Wright v. Holm (In re Holm), 931 F.2d 620, 623 (9th Cir. 1991); see also United Student Funds, Inc. v. Wylie (In re Wylie), 349 B.R. 204, 210 (B.A.P. 9th Cir. 2006). Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, and requires financial information and factual arguments. In re Austin, 583 B.R. 480, 483 (B.A.P. 8th Cir. 2018). Notwithstanding the prima facie validity of a proof of claim, the ultimate burden of persuasion is always on the claimant. In re Holm, 931 F.2d at p. 623.

Once a party has objected to a proof of claim, the creditor asserting the claim may not withdraw the claim except on order of the court. Fed. R. Bankr. P. 3006.

It appears to this court, that the debtors are arguing that the claim should not have included any interest, and/or, they should not have to pay any interest on the claim through the plan.

A review of the confirmed plan shows that the amount of the claim was to be paid with interest at 8.50%. Section 1327(a) states, "The provisions of a confirmed plan bind the debtor and each creditor, whether or not the claim of such creditor is provided for by the plan, and whether or not such creditor has objected to, has accepted, or has rejected the plan." 11 U.S.C. § 1327(a).

The Chapter 13 Trustee has represented he paid the claim just as the plan calls for. The debtor is bound by the terms of the confirmed plan.

At the hearing **XXXXXXXXXX**

The court shall issue a minute 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 Objection to Claim filed in this case by Michael and Carol Stanford ("Debtors"), 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 Objection to Proof of Claim Number 6 of Planet Home Lending, LLC is **XXXXXXXXXX**

33. [21-21745](#)-C-13 MICHAEL/CAROL STANFORD
Pro Se

MOTION FOR DISGORGEMENT OF
UNAUTHORIZED POST-CONFIRMATION
CHARGES AND ENFORCEMENT OF
CONFIRMATION ORDER
4-20-26 [[262](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 16 days' notice was provided. Dkt. 264.

The Motion for Disgorgement of Plan Payments is ~~xxxxxx~~.

Debtors Michael and Carol Stanford filed this Motion seeking disgorgement of plan payments under 11 U.S.C. § 105(a).

DISCUSSION

At the hearing ~~xxxxxxxxxx~~

The court shall issue a minute 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 Disgorgement filed by Michael and Carol Stanford ("Debtors") having been presented to the court, the case having been previously dismissed, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is ~~xxxxxxxxxx~~

34. [21-21745](#)-C-13 MICHAEL/CAROL STANFORD
Pro Se

AMENDED MOTION FOR ENTRY OF
DISCHARGE.
4-22-26 [[268](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. A Proof of Service was not filed.

The Motion for Entry of Discharge is ~~xxxxxx~~.

Debtors Michael and Carol Stanford filed this Motion seeking entry of discharge pursuant to 11 U.S.C. § 1328(a).

DISCUSSION

At the hearing ~~xxxxxxxxxx~~

The court shall issue a minute 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 Hardship Discharge filed by Michael and Carol Stanford ("Debtors") having been presented to the court, the case having been previously dismissed, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is ~~xxxxxxxxxx~~

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 35 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 26.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 22) filed on March 20, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 35) on April 20, 2026, opposing confirmation on the following grounds:

1. The plan does not include tax refund payments above \$2,000.00.

DISCUSSION

The plan proposes a monthly payment of \$1,296.84 for two months, and then \$2,296.03 for 58 months, which is less than all of the debtor's disposable income because it does not include tax refunds above \$2,000.00. That is reason to deny confirmation. 11 U.S.C. § 1325(b) (1).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute 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 to Confirm filed by the debtor, Michele Synee Evets, 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 denied, and the plan is not confirmed.

36. [26-21962](#)-C-13 VADIM/VERONIKA GLADYSH
[MS-1](#) Mark Shmorgon

MOTION TO VALUE COLLATERAL OF
AMERICREDIT FINANCIAL SERVICES,
INC.
4-7-26 [8]

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 11.

The Motion to Value is xxxxx.

The debtor filed this Motion seeking to value the portion of Americredit Financial Services's ("Creditor") claim secured by the debtor's property commonly known as 2018 Ram 1500 Crew Cab Laramie Pickup (the "Property").

The debtor has not presented any evidence of the replacement value of the Property at the time of filing. Declaration, Dkt. 10.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on October 9, 2023, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

Upon review of the record, the court finds the value of the Property is xxx. Therefore, Creditor's secured claim is determined to be \$xxx. 11 U.S.C. § 506(a).

The court shall issue a minute 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 to Value Collateral and Secured Claim filed by the debtor 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 pursuant to 11 U.S.C. § 506(a) is granted, and the claim of Americredit Financial Services ("Creditor") secured by property commonly known as

2018 Ram 1500 Crew Cab Laramie Pickup (the "Property") is determined to be a secured claim in the amount of \$xxxx.xx, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

37. [26-20565](#)-C-13 PEGGY/RONALD GRAVES
[DPC-1](#) Michael O'Dowd Hays

OBJECTION TO DISCHARGE BY DAVID
P. CUSICK
4-1-26 [[21](#)]

Final Ruling: No appearance at the May 5, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 24.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Objection to Discharge is sustained.

The Chapter 13 Trustee ("Objector") objects to Peggy and Ronald Graves's ("Debtors") discharge in this case. Objector argues that Debtors are not entitled to a discharge in the instant bankruptcy case because Debtor previously received a discharge in a Chapter 7 case.

Debtors filed a Chapter 7 bankruptcy case on February 3, 2025. Case No. 25-20480. Debtors received a discharge on December 2, 2025. Case No. 25-20480, Dkt. 64.

The instant case was filed under Chapter 13 on February 2, 2026.

11 U.S.C. § 1328(f) provides that a court shall not grant a discharge if a debtor has received a discharge "in a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter." 11 U.S.C. § 1328(f)(1).

Here, Debtors received a discharge under 11 U.S.C. § 727 on December 2, 2025, which is less than four years preceding the date of the filing of the instant case. Case No. 25-20480, Dkt. 64. Therefore, pursuant to 11 U.S.C. § 1328(f)(1), Debtors are not eligible for a discharge in the instant case.

Therefore, the Objection is sustained. Upon successful completion of the instant case, the case shall be closed without the entry of a discharge, and Debtor shall receive no discharge in the instant case.

The court shall issue a minute 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 Objection to Discharge filed by David P. Cusick, the Chapter 13

Trustee ("Objector") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Objection to Discharge is sustained, and upon successful completion of the instant case, Case No. 26-20565, the case shall be closed without the entry of a discharge.

38. [26-20974](#)-C-13 CHRISTOPHER CLINE
[PGM-1](#) Peter Macaluso

MOTION TO VALUE COLLATERAL OF
ALLIANT CREDIT UNION
4-7-26 [[20](#)]

Final Ruling: No appearance at the May 5, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 24.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of Alliant Credit Union's ("Creditor") claim secured by the debtor's property commonly known as 2022 Pioneer BH270 Travel Trailer (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$10,000.00. Declaration, Dkt. 23.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on June 20, 2022, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Upon review of the record, the court finds the value of the Property is \$10,000. There are no senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be \$10,000.00. 11 U.S.C. § 506(a).

The court shall issue a minute 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 to Value Collateral and Secured Claim filed by the debtor 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 pursuant to 11 U.S.C. § 506(a) is granted, and the claim of Alliant Credit Union ("Creditor") secured by property commonly known as 2022

Pioneer BH270 Travel Trailer (the "Property") is determined to be a secured claim in the amount of \$10,000.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

39. [26-20782](#)-C-13 JEFFERSON/CHAVET JOSEPH OBJECTION TO CONFIRMATION OF
[DPC-1](#) Joshua Sternberg PLAN BY DAVID P CUSICK
4-7-26 [[20](#)]

Thru #40

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 23.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan relies on a motion to value collateral that has not yet been decided;
2. Plan misclassifies the claim of John Deere as a Class 4 claim;
3. Plan does not accurately reflect the monthly attorney dividend;
4. Debtor has not amended Schedules A/B.

DISCUSSION

The plan proposes valuing the secured claims of Ford Automotive Finance and Golden 1 Credit Union. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim. The claim of John Deere shows that the loan will mature prior to completion of the plan. Therefore, the claim must be paid through the plan.

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 Objection is sustained.

40. [26-20782](#)-C-13 JEFFERSON/CHAVET JOSEPH OBJECTION TO CONFIRMATION OF
[JCW-1](#) Joshua Sternberg PLAN BY FORD MOTOR CREDIT
COMPANY LLC
3-31-26 [[16](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 36 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is sustained.

Creditor Ford Motor Credit Company LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not fully provide for Creditor's claim.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by Ford Motor Credit Company LLC, 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 Objection is sustained.

41. [26-20789](#)-C-13 WILLIE WATSON
[AP-1](#) Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY ROCKET MORTGAGE, LLC
4-2-26 [[20](#)]

Thru #43

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 34 days' notice was provided. Dkt. 23.

The Objection to Confirmation of Plan is sustained.

Creditor Rocket Mortgage, LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not fully provide for Creditor's claim.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by Rocket Mortgage, LLC, 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 Objection is sustained.

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f) (1) procedure which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 27.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Objection to Claimed Exemptions is sustained, and the exemptions are disallowed in their entirety.

The Chapter 13 trustee filed this Objection objects to the debtor's claimed exemptions because debtor is claiming exemptions under both CCCP §§ 703 and 704.

Section 703.580 of the California Code of Civil Procedure allocates the burden of proof in state-law exemption proceedings. Cal. Civ. Proc. § 703.580(b); *In re Tallerico*, 532 B.R. 774, 780-89 (Bankr. E.D. Cal. 2015). The bankruptcy appellate panel in this circuit has concluded that "where a state law exemption statute specifically allocates the burden of proof to the debtor, Rule 4003(c) does not change that allocation." *In re Diaz*, 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016). In this exemption proceeding in bankruptcy, therefore, the debtor bears the burden of proof.

Section 703.140 of the California Code of Civil Procedure provides that in a case under Title 11 of the United States Code a person may elect to utilize the exemption under § 703.580(b), or the exemptions in Chapter 4 other than subsection (b), but not both. Cal. Code Civ. Proc. § 703.140(a) (3) (emphasis supplied).

The debtor has impermissibly claimed the exemptions under both sections.

The trustee's Objection is sustained, and the claimed exemptions are disallowed.

The court shall issue a minute 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 Objection to Claimed Exemptions filed by the

Chapter 13 Trustee having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Objection is sustained, and the claimed exemptions are disallowed in their entirety.

43. [26-20789](#)-C-13 WILLIE WATSON
[DPC-2](#) Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
4-8-26 [[28](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 31.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is delinquent in plan payments;
2. The Meeting of Creditors has not been concluded;
3. Debtor has not amended the Schedules C and J; and
4. Creditor Rocket Mortgage has a pending objection to confirmation.

DISCUSSION

The debtor is \$500.00 delinquent in plan payments. Declaration, Dkt. 30. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Debtor has not been questioned at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Attempting to confirm a plan before being questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 Objection is sustained.

44. [26-20097](#)-C-13 CHRISTOPHER VILLELA AND MOTION TO CONFIRM PLAN
[SLH](#)-1 JENNIFER JONES 3-20-26 [[28](#)]
Seth L. Hanson

Thru #45

Final Ruling: No appearance at the May 5, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 34.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Confirm is granted.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 33) filed on March 20, 2026.

The Chapter 13 trustee filed a non-opposition on April 21, 2026. Dkt. 46.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

The court shall issue a minute 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 to Confirm filed by the debtors, Christopher Villela and Jennifer Jones, 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, the Amended Chapter 13 Plan (Dkt. 33) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

45. [26-20097](#)-C-13 CHRISTOPHER VILLELA AND MOTION TO VALUE COLLATERAL OF
[SLH](#)-2 JENNIFER JONES TOYOTA MOTOR CREDIT CORPORATION
Seth L. Hanson 4-3-26 [[40](#)]

Final Ruling: No appearance at the May 5, 2026 hearing is required.

The movant having filed a Notice of Dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041, **the Motion was dismissed without a court order, and the matter is removed from the calendar.**

46. [26-20798](#)-C-13 ANDREW KNIERIEM
[DPC-1](#) Pro Se

CONTINUED MOTION TO DISMISS
CASE
4-6-26 [[19](#)]

Thru #47

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dkt. 22.

The Motion to Dismiss is granted, and the case is ~~xxxxxxx~~

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor has not made a payment and is \$5,234.51 delinquent in plan payments, which is supported by declaration. Dkt. 21.

Additionally, the Trustee contends debtor has not provided proof of Social Security number or identification, has not provided all tax returns, or business documents and records.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss or convert this case pursuant to 11 U.S.C. § 1307(c)(1).

The court shall issue a minute 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 to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, 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 to Dismiss is granted, and the case is ~~xxxxxxxxxx~~

47. [26-20798](#)-C-13 ANDREW KNIERIEM
[DPC-2](#) Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
4-7-26 [[23](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 26.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is delinquent in plan payments;
2. Plan is not feasible;
3. Debtor has not provided business documents to the Trustee;
4. Debtor has not provided photo identification and proof of Social Security number;
5. Debtors Schedules have not been amended; and
6. Plan fails the liquidation test.

DISCUSSION

The debtor is \$5,234.51 delinquent in plan payments. Declaration, Dkt. 25. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan mathematically requires a higher payment than the proposed \$5,2354.51 payment.

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

The debtor has non-exempt assets totaling \$13,900.00. The plan provides for a zero percent dividend to unsecured claims, which is less than the dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute 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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 Objection is sustained.