

**UNITED STATES BANKRUPTCY COURT  
Eastern District of California**

Honorable Christopher D. Jaime  
Robert T. Matsui U.S. Courthouse  
501 I Street, Sixth Floor  
Sacramento, California

**PRE-HEARING DISPOSITIONS COVER SHEET**

**DAY: TUESDAY**

**DATE: May 6, 2025**

**CALENDAR: 1:00 P.M. CHAPTER 13**

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

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

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

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

**Orders:** Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within seven (7) days of the final hearing on the matter.

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Christopher D. Jaime  
Bankruptcy Judge  
Sacramento, California

**May 6, 2025 at 1:00 p.m.**

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1. [25-20011](#)-B-13 NICOLE MERRITT-ARMAS MOTION TO CONFIRM PLAN  
[WLG](#)-1 Nicholas Wajda 3-27-25 [[27](#)]

**Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed by creditor Regional Acceptance Corporation ("RAC") and the Chapter 13 Trustee ("Trustee").

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

First, RAC holds a security interest in a 2020 Dodge Ram Truck 1500 when Debtor entered into a retail installment sale contract with creditor in February 24, 2024, at an annual percentage rate of 16.70%. Although Debtor's plan provides for RAC's secured claim, RAC objects to the interest rate of 0% since it does not equate to the pre-petition contract.

Second, the plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). Due to unsecured claims filing for more than scheduled, the current proposed plan payments will take 64.77 months to fund. This also does not yet take into account the requested increased interest rate by RAC.

Third, Debtor is delinquent \$982.42. A total of \$9,465.42 has come due through and including March 2025, and the Debtor has only paid a total of \$8,483.00 to date. An additional plan payment of \$5,030.00 was due on April 25, 2025. 11 U.S.C. § 1325(a)(6).

Fourth, the Disclosure of Compensation of Attorney for Debtor form filed March 31, 2025, is incomplete. Question #2 has been left unanswered.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

**May 6, 2026 at 1:00 p.m.**

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2. [20-24617](#)-B-13 RICHARD MOORE AND YVETTE MOTION BY G. MICHAEL WILLIAMS  
[GMW](#)-2 WARREN-MOORE TO WITHDRAW AS ATTORNEY  
G. Michael Williams 4-22-25 [[58](#)]

### **Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to **conditionally grant the motion to withdraw as attorney and continue the matter to May 13, 2025, and 1:00 p.m.**

G. Michael Williams ("Movant"), attorney for Debtors, moves to withdraw as attorney due to a significant head injury that prevents him from competently performing legal services for Debtors. The head injury prevents Movant from continuing to practice law. Although the prognosis is for a full recovery, Movant has been advised by his treating physician that he cannot currently practice law and that a recovery may take 6 to 12 months. Although Movant practices under the firm name Ganzer & Williams, Movant is a sole practitioner with no partner or associates. There is no lawyer in the firm who may undertake Debtors' representation. Debtors have been advised of counsel's inability to continue to represent them in this matter and the need to seek alternate counsel. To date, Debtors have not retained alternate counsel.

Local Bankr. R. 2017-1(e) provides that an attorney who has appeared may not withdraw leaving the client in propria persona without leave of the court upon noticed motion and notice to the client and all other parties who have appeared. The attorney shall provide an affidavit stating the current or last known address or addresses of the client and the efforts made to notify the client of the motion to withdraw. Withdrawal of an attorney is governed by the Rules of Professional Conduct of the State Bar of California and Counsel shall conform to the requirements of those rules.

Here, Movant has provided the current addresses of Debtors and has stated that Debtors have been advised of Movant's inability to continue representing them in this bankruptcy.

Rule 1.1 of the Rules of Professional Conduct prohibits a lawyer from failing to perform legal services with competence. At present, counsel is unable to competently perform legal services for Debtors.

The court will permit the Movant's withdrawal from this bankruptcy case. The motion will be conditionally granted. The Movant shall mail Debtors their case file within seven (7) days of the hearing on this motion, at the last known address of the Debtors.

### **Conditional Nature of this Ruling**

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, January 28, 2023, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on February 1, 2023, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on February 1, 2023, at 1:00 p.m.

3. [24-23239](#)-B-13 SETH/TORY RUFUS  
[JTN](#)-1 Jasmin T. Nguyen

MOTION TO VALUE COLLATERAL OF  
EXETER FINANCE LLC  
4-2-25 [[37](#)]

### **Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion to value collateral.

Debtors move to value the secured claim of Exeter Finance LLC ("Creditor"). Debtors are the owner of a 2017 Nissan Maxima ("Vehicle"). The Debtors seek to value the Vehicle at a replacement value of \$14,068.00 as of the petition filing date. As the owners, Debtors' opinion of value is evidence of the asset's value. See Fed. R. Evid. 701; see also *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

### **Proof of Claim Filed**

The court has reviewed the Claims Registry for this bankruptcy case. Claim No. 8-1 filed by Exeter Finance LLC c/o AIS Portfolio Services, LLC is the claim which may be the subject of the present motion.

### **Discussion**

The declaration states that the valuation of the Vehicle is based on both personal opinion and a NADA Guides Value Report. Problematic is that the NADA Guides is a third-party industry source and, therefore, Debtors' opinion of value is based on hearsay to the extent it relies on the NADA Guides. Fed R. Evid. 801-803; see also *In re Guerra*, 2008 WL 3200931, \*2 n.4 (Bankr. E.D. Cal. 2008) ("Filed with Guerra's declaration was an unauthenticated document titled: 'Edmonds.com True Market Value Pricing Report.' The court has not considered this attachment in that it is inadmissible hearsay[.]").

That said, the court will disregard the sentence in ¶ 4 of the supporting declaration, dkt. 40, which reads: "I *further* base the valuation on a NADA Guides Value Report for valuation of the Subject Property in Clean Retail Condition. Attached as Exhibit 1 is a true and correct copy of the valuation printout from <https://www.nada.org/nada/consumer-vehicle-values>." (Emphasis added). In so doing, the court limits its consideration to the first two sentences of ¶ 4 of the declaration which state: "My personal opinion as to the value of the subject property as of the filing date of my Chapter 13 Petition is \$14,068. This valuation is based on my personal knowledge of the property." *Id.* In the absence of evidence to the contrary, the court accepts the Debtors' opinion of the value of the Vehicle as conclusive for purposes of the motion. *Enewally*, 368 F.3d at 1173.

In the Chapter 13 context, the replacement value of personal property used by debtors for personal, household or family purposes is "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." See 11 U.S.C. § 506(a)(2). The time value is determined is the date of filing of the petition without deduction for costs of sale or marketing. *Id.*

The Debtors have persuaded the court regarding their position for the value of the Vehicle. The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is granted.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

4. [24-25649](#)-B-13 RODERICK SINGLETON  
[KLG](#)-3 Arete Kostopoulos

MOTION TO CONFIRM PLAN  
3-18-25 [[57](#)]

### **Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

**Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed by the Chapter 13 Trustee ("Trustee") and a response was filed by the Debtor.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to confirm the third amended plan.

The Trustee objects to confirmation of the plan on grounds that the Debtor is delinquent in plan payments and requests a Class 1 Checklist and proof of post-petition mortgage payments paid to PHH Mortgage Services ("PHH").

Debtor filed a response stating that he has cured the delinquency and provided the Trustee with a Class 1 Checklist. As to proof of post-petition payments to PHH, Debtor states that he was denied electronic access to his online PHH account after the bankruptcy petition was filed and cannot readily provide receipt of such payments. However, Debtor contends that he has made those payments and, notably, neither PHH nor Wells Fargo has filed an objection to confirmation of the plan.

Given the aforementioned, the amended plan complies with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

6. [24-25361](#)-B-13 CECIL/VERONICA RHODES MOTION TO CONFIRM PLAN  
DB-3 Galen M. Gentry 3-19-25 [[50](#)]  
**Thru #7**

**Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to **conditionally confirm the first amended plan and continue the matter to May 13, 2025, at 1:00 p.m.**

The Chapter 13 Trustee objects to confirmation of the plan on grounds that feasibility depends on the filing and granting of a motion to approve loan modification with Lakeview Servicing, LLC. That motion was heard at Item #7, DB-4, conditionally granted, and continued to May 13, 2025, at 1:00 p.m. to allow any party in interest to file an objection since the motion was set for hearing under Local Bankr. R. 9014-1(f)(2).

Therefore, this matter is continued to May 13, 2025, at 1:00 p.m. If there is no objection to the motion to approve loan modification, the motion to confirm plan will be granted.

7. [24-25361](#)-B-13 CECIL/VERONICA RHODES MOTION TO APPROVE LOAN  
DB-4 Galen M. Gentry MODIFICATION  
4-22-25 [[61](#)]

**Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to **conditionally grant the loan modification and continue the matter to May 13, 2025, at 1:00 p.m.**

Debtors seek court approval to incur post-petition credit. Lakeview Servicing, LLC ("Creditor") agreed to a loan modification that will reduce Debtor's mortgage payment by approximately \$367.00 per month. The modification will resolve the outstanding arrearage on the mortgage loan that would otherwise need to be repaid by the Debtors through their Chapter 13 plan. Furthermore, this will enable the Debtors to provide a larger dividend to unsecured creditors than would be feasible in the absence of the loan modification agreement.

The motion is supported by the Declaration of Cecil Rhodes. The Declaration affirms Debtors' desire to obtain the post-petition financing and provides evidence of Debtors' ability to pay this claim on the modified terms.



This post-petition financing is consistent with the Chapter 13 plan in this case and Debtors' ability to fund that plan. There being no objection from the Trustee or other parties in interest, and the motion complying with the provisions of 11 U.S.C. § 364(d), the motion is granted.

**Conditional Nature of this Ruling**

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, May 9, 2022, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on May 13, 2022, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on May 13, 2022, at 1:00 p.m.

8. [25-20879](#)-B-13 MELISSA BICE  
[LGT](#)-1 Kathleen H. Crist

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
4-8-25 [[13](#)]

**Final Ruling**

The objection to confirmation was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to overrule the objection as moot.

Subsequent to the Chapter 13 Trustee filing its objection, Debtor filed an amended plan on April 8, 2025. The confirmation hearing for the amended plan must still be set for hearing. Nonetheless, the earlier plan filed February 27, 2025, is not confirmed.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

### **Final Ruling**

The *initial* Chapter 13 Plan filed February 17, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to May 13, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

The plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). The current proposed plan payments will take 66.69 months to fund. The plan payment will need to be increased from \$4,788.08 to at least \$5,019.00 per month for the plan term of 60 months in order for Debtor's plan to be feasible. The Trustee has stated its non-opposition to this being provided for in an order confirming; however, Debtor has not filed any response.

Given the aforementioned, the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

### **Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on May 9, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on May 13, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on May 13, 2025, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the minutes.

The court will issue an order.

### **Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. Cf. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion to disgorge fees.

The Chapter 13 Trustee ("Trustee") moves for the court to disgorge all attorney's fees paid to Debtor's counsel James Hornbuckle ("Counsel") pursuant to 11 U.S.C. §§ 105(a), 329 and Fed. R. Bankr. Pro. 9011. Counsel received \$4,000 pre-petition and the Trustee seeks to disgorge this entire amount.

A bankruptcy court may review the reasonableness of pre-petition payments received by a debtor's attorney for services rendered or to be rendered in "contemplation of or in connection with" a bankruptcy case. 11 U.S.C. §§ 329(a), (b). The court also may order the return of any such payments, to the extent that they exceed the reasonable value of the services provided by the debtor's attorney. See *id.*; see also *In re C & P Auto Transport, Inc.*, 94 B.R. 682, 687 (Bankr. E.D. Cal. 1988) ("If the prepetition payments exceed the reasonable value of the services, the court may order refund to the extent of the excessive payment. 11 U.S.C. § 329(b)."); see also *In re Clark*, 223 F.3d 859, 863 (8th Cir. 2000) (a court has broad discretion to disallow and require disgorgement of attorney compensation found to be excessive).

To facilitate the court's review, attorneys for debtors must disclose all payments received in contemplation of or in connection with bankruptcy within one-year of the debtor's bankruptcy filing. See 11 U.S.C. § 329(a); Fed. R. Bankr. P. 2016(b); see also *In re PFG Construction, Inc.*, 2010 WL 6259962, at \*3 (B.A.P. 9th Cir. 2010) ("Attorneys for the debtor under all chapters of the Bankruptcy Code are required by § 329 and Rule 2016(b) to disclose all funds paid by their debtor client within one year of the filing of the bankruptcy . . . .").

Ultimately, the debtor's attorneys bear the burden to justify their fees under Section 329. See *In re Jastrem*, 253 F.3d 438, 443 (9th Cir. 2001).

### **Discussion**

Counsel has been the attorney of record from the beginning when Debtor filed this chapter 13 case on June 9, 2023. On October 21, 2024, the Trustee spoke with Counsel on the phone and corresponded via multiple emails communicating to Counsel that one of the outstanding issues preventing plan confirmation is that he still needed to file a motion to value. On December 11, 2024, the court denied confirmation of a third amended plan. All proposed plans since the inception of the case stated that a motion to value and avoid lien of the second mortgage holder would be prosecuted. As of May 5, 2025, Counsel has still not filed this motion to value.

Therefore, the court finds that Counsel failed to effectively represent Debtor in such a way that disgorgement of fees is warranted. *In re Vargas*, 257 B.R. 157, 166-67 (Bankr. D. N.J. 2001) (disgorgement is appropriate where the services rendered were ineffective); see also *In re Egwim*, 291 B.R. 559, 572 (Bankr. N.D. Ga. 2003) ("If the lawyer does nothing more than prepare the petition, statement, schedules, and related documents and attend the § 341 meeting, the lawyer has done little more than a petition preparer."). The motion is granted and Counsel is disgorged fees in the amount of \$4,000 back to Debtor's case for the benefit of creditors.

Counsel is **ORDERED** to return all fees to the Debtor and file proof that all fees have

been returned by **5:00 p.m. on May 13, 2025.** Failure to timely comply will result in sanctions that may include, but are not necessarily limited to, contempt proceedings, additional monetary sanctions, California State Bar referral, and/or suspension of all filing privileges in the Eastern District of California bankruptcy court until fees are returned.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed by the Chapter 13 Trustee ("Trustee") and a response was filed by Debtor.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to permit the requested modification and confirm the modified plan.

The Trustee objects to confirmation of the plan on grounds that Debtor is delinquent \$88.08 and that an additional plan payment of \$2,830.32 was due April 25, 2025.

Debtor filed a response stating that he simply planned to increase his April 2025 plan payment beyond the scheduled amount to account for the delinquency. As evidenced in the attached Exhibit A, Debtor purchased several money orders totaling \$2,920.00 and mailed them on April 24, 2025, to be delivered to the Trustee's payment address in Memphis, Tennessee.

Given the aforementioned, the modified plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

12. [25-20594](#)-B-13 LUIS IBARRA  
[RMP](#)-1 Pro Se

AMENDED OBJECTION TO  
CONFIRMATION OF PLAN BY US BANK  
TRUST NATIONAL ASSOCIATION  
4-14-25 [[32](#)]

### **Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). No written reply has been filed to the objection.

Because the plan is not confirmable and the objection is not one that may be resolved in the confirmation order, further briefing is not necessary. See Local Bankr. R. 9014-1(f)(2)(C). The court has also determined that oral argument will not assist in the decision-making process or resolution of the objection. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to sustain the objection and deny confirmation of the plan.

Objecting creditor US Bank Trust National Association holds a deed of trust secured by Debtor's residence. The creditor has filed a timely proof of claim in which it asserts \$153,327.48 in pre-petition arrearages. The plan does not propose to cure these arrearages. Because the plan does not provide for the surrender of the collateral for this claim, the plan must provide for full payment of the arrearage and maintenance of the ongoing note installments. See 11 U.S.C. §§ 1322(b)(2), (b)(5) and 1325(a)(5)(B). Because it fails to provide for the full payment of arrearages, the plan cannot be confirmed.

The plan filed March 13, 2025, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed. The request for attorney's fees and costs is denied. No other relief is granted.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

13. [25-20596](#)-B-13 LAURA LOPEZ  
[LGT](#)-1 Colby D. LaVelle

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
4-8-25 [[15](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed February 25, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to May 13, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, feasibility depends on the Debtor providing the Chapter 13 Trustee with additional requested information: a copy of the deed to Debtor's primary residence or other evidence to verify that the property was acquired prior to October 2021, State Farm amounts owed, and copies of Debtor's Social Security Statements and Statements of Deposits to verify family support received.

Second, Debtor's plan is not feasible pursuant to 11 U.S.C. § 1325(a) given that the monthly payment owed to secured creditors is \$3,994.00 per month without Trustee compensation and expense, and with Trustee compensation and expense totals \$4,389.01 per month. Debtor's plan payment is only \$3,354.00 per month.

Given the aforementioned, the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

### **Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on May 9, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on May 13, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on May 13, 2025, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the minutes.

The court will issue an order.



14. [25-21059](#)-B-13 JONATHAN GOBERT AND LUIS OTERO  
Robert L. Goldstein CONTINUED ORDER TO SHOW CAUSE  
FOR FAILURE TO UPDATE CONTACT  
INFORMATION IN PACER  
3-23-25 [[15](#)]

**Tentative Ruling**

This matter was continued from April 29, 2025, to allow Debtors' counsel Robert Goldstein to file an amended petition to correct his email address to match that listed on PACER. An amended petition was filed on April 29, 2025, listing an email address of [rgoldstein@taxexit.com](mailto:rgoldstein@taxexit.com). However, the email address listed on PACER is [egonzalez@taxexit.com](mailto:egonzalez@taxexit.com). Because a discrepancy still exists, counsel is ordered to appear on May 6, 2025, at 1:00 p.m.

The court will issue an order.

15. [25-21075](#)-B-13 JOSEPH POTPROCKY  
Nicholas Wajda

CONTINUED ORDER TO SHOW CAUSE  
FOR FAILURE TO UPDATE CONTACT  
INFORMATION IN PACER  
3-27-25 [[14](#)]

**Final Ruling**

The order to show cause was issued due to a discrepancy between the email address for Debtor's counsel in PACER and on the petition. Debtor's counsel was ordered to file a declaration attesting to a PACER-wide change that complies with the order to show cause. Debtor's counsel timely filed a declaration attesting to this. The order to show cause is therefore discharged with no further sanctions ordered.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes.

The court will issue an order.

16. [24-20702](#)-B-13 CRAIG GILMORE  
[LGT](#)-3 G. Michael Williams

CONTINUED MOTION TO DISMISS  
CASE  
3-11-25 [[109](#)]

**Tentative Ruling**

This matter was continued from April 29, 2025, to allow Debtor's payment to the Chapter 13 Trustee's office to process. The matter will be heard on May 6, 2025, at 1:00 p.m.

The court will issue an order.