



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, May 8, 2025
Department A – 510 19th street
Bakersfield, California

At this time, when in-person hearings in Bakersfield will resume is to be determined. No persons are permitted to appear in court for the time being. All appearances of parties and attorneys shall be as instructed below.

Unless otherwise ordered, all matters before the Honorable Jennifer E. Niemann shall be simultaneously: (1) via **ZoomGov Video**, (2) via **ZoomGov Telephone**, and (3) 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 media 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.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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, and all parties will need to appear at the hearing unless otherwise ordered. 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. 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 14 days of the final hearing on the matter.

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

9:00 AM

1. [24-13401](#)-A-13 **IN RE: CYNTHIA BERMUDEZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
3-31-2025 [[62](#)]

\$77.00 INSTALLMENT FEE PAID 4/8/25

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the installment fees now due have been paid. No appearance is necessary.

2. [24-13401](#)-A-13 **IN RE: CYNTHIA BERMUDEZ**
[LGT-3](#)

MOTION TO DISMISS CASE
3-7-2025 [[58](#)]

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The court will issue an order.

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the debtor to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the default of the debtor is entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors. Doc. #58. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) set a modified plan for hearing with notice to creditors; (2) file correct form for chapter 13 plan; (3) accurately file schedules and/or statements; and (4) make payments due under the plan. As of March 7, 2025, payments are delinquent in the amount of \$413.28. Doc. #58. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors because the debtor failed to set a modified plan for hearing with notice to all creditors and failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4). Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make all payments due under the plan.

While incomplete, a review of the debtor's Schedules A/B, C and D shows that there is minimal, if any, non-exempt equity in the debtor's assets after consideration of secured claims. Doc. #12. Because there is minimal, if any, non-exempt equity in the debtor's asset to be realized for the benefit of the estate, dismissal rather than conversion is appropriate.

Accordingly, the motion will be GRANTED, and the case dismissed.

3. [25-10018](#)-A-13 **IN RE: JEANNA ZAMORA**
[RSW-1](#)

MOTION TO CONFIRM PLAN
3-13-2025 [\[13\]](#)

JEANNA ZAMORA/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to June 4, 2025 at 9:00 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to confirm the chapter 13 plan. Tr.'s Opp'n, Doc. #27. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response no later May 21, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by May 28, 2025.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 28, 2025. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

4. [24-11626](#)-A-13 **IN RE: MANDIP GREWAL**
[LGT-2](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
3-26-2025 [[97](#)]

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection is OVERRULED AS MOOT. The debtor filed an amended Schedule C on May 6, 2025, amending the claimed exemption in the homestead and motor vehicles. Doc. #113.

5. [25-10327](#)-A-13 **IN RE: MICHAEL LOPEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
3-24-2025 [[13](#)]

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
WITHDRAWN

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on April 23, 2025.
Doc. #17.

6. [23-11029](#)-A-13 **IN RE: JITMA MANGOIG**
[RSW-1](#)

CONTINUED MOTION TO MODIFY PLAN
2-13-2025 [[77](#)]

JITMA MANGOIG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

NO RULING.

7. [25-10737](#)-A-13 **IN RE: HENRY CALDERON**
[KMM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY SERVBANK, SB
3-31-2025 [\[13\]](#)

SERVBANK, SB/MV
RAJ WADHWANI/ATTY. FOR DBT.
KIRSTEN MARTINEZ/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to June 4, 2025 at 9:00 a.m.

ORDER: The court will issue an order.

Henry Paul Calderon ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on March 12, 2025. Doc. #1, 3. Servbank, SB as attorney-in-fact for Panorama Mtg Group, LLC ("Creditor") objects to confirmation of the Plan because Debtor fails to provide for the curing of the remaining default of the arrearage on Creditor's claim. Doc. #13; Claim 1-1.

This objection will be continued to June 4, 2025. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than May 21, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Creditor shall file and serve a reply, if any, by May 28, 2025.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 28, 2025. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

8. [24-11841](#)-A-13 **IN RE: HEATHER CORONADO**
[LGT-2](#)

CONTINUED MOTION TO DISMISS CASE
2-20-2025 [\[76\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied if second modified plan confirmed.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order after the hearing.

On February 20, 2025, the chapter 13 trustee ("Trustee") moved to dismiss the debtor's chapter 13 case under 11 U.S.C. § 1307(c)(1) for failure of the debtor

to confirm a chapter 13 plan. Doc. #76. The debtor filed her chapter 13 bankruptcy on July 1, 2024 and has not yet confirmed a plan. Doc. #1.

On March 20, 2025, the debtor filed and served a motion to confirm the debtor's second modified plan and set that motion for hearing on May 8, 2025. Doc. ##81-86. The court is inclined to grant that motion. See calendar matter #10 below.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). Assuming the court confirms the debtor's second modified plan, it appears that all outstanding grounds for Trustee's motion to dismiss will be satisfied so there is no "cause" for dismissal under 11 U.S.C. § 1307(c)(1) or (c)(6).

Accordingly, if this court confirms the debtor's second modified plan, this motion will be DENIED.

9. [24-11841](#)-A-13 **IN RE: HEATHER CORONADO**
[RAS-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK NATIONAL ASSOCIATION
4-15-2025 [[93](#)]

U.S. BANK NATIONAL ASSOCIATION/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
DAVID COATS/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Consolidated with calendar matter #10 below [RSW-4].

ORDER: The court will issue an order.

On April 15, 2025, U.S. Bank National Association, as Trustee, for the C-Bass Mortgage Loan Asset Backed Certificates, Series 2006-CB4, by and through its authorized loan servicing agent, PHH Mortgage ("Creditor"), filed an objection to confirmation of the chapter 13 plan of Heather Ann Coronado ("Debtor") and set its objection to confirmation for hearing on May 8, 2025. Doc. #93. This procedure would have been proper pursuant to Local Rule of Practice ("LBR") 3015-1(c) had Creditor's objection to confirmation been filed with respect to Debtor's original chapter 13 plan. However, that is not the case. The court previously informed Creditor's counsel of these procedural issues on January 10, 2025, yet the same exact procedural issues have occurred in this objection. See Civil Minutes, Doc. #63.

Here, Debtor filed an amended plan on March 20, 2025, and noticed a hearing on a motion to confirm that plan for May 8, 2025. Doc. ##82, 83. Therefore, this objection to confirmation should have been filed as a response/opposition to Debtor's motion to confirm her chapter 13 plan [RSW-4] and will be consolidated with that matter.

In addition, Creditor has not complied with LBR 9014-1(c)(4) on two independent grounds. First, as a result of Creditor filing its objection to confirmation and noticing it as a separate hearing, the opposition filed by Creditor has the incorrect Docket Control Number. "Once a Docket Control Number is assigned, all

related papers filed by any party, including motions for orders shortening the amount of notice and stipulations resolving that motion, shall include the same number." LBR 9014-1(c)(4). See LBR 9004-2(b)(6). Here, Debtor's motion to confirm her chapter 13 plan to which Creditor objects was assigned a Docket Control Number of RSW-4, while the objection and related documents have a Docket Control Number of RAS-1. The correct Docket Control Number for the objection and related documents should have been RSW-4. Second, Creditor already used Docket Control Number RAS-1 with respect to its improperly noticed objection to confirmation of Debtor's prior plan (Doc. #52), so this objection to confirmation, assuming it should have been filed as a sperate matter, should have had a different Docket Control Number.

The court encourages counsel for Creditor to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

Accordingly, this objection to confirmation is consolidated with calendar matter #10 below [RSW-4].

10. [24-11841](#)-A-13 **IN RE: HEATHER CORONADO**
[RSW-4](#)

MOTION TO CONFIRM PLAN
3-20-2025 [\[81\]](#)

HEATHER CORONADO/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after the hearing.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(2). U.S. Bank National Association, as Trustee, for the C-Bass Mortgage Loan Asset Backed Certificates, Series 2006-CB4, by and through its authorized loan servicing agent, PHH Mortgage ("Creditor"), filed opposition to the debtor's motion to confirm the chapter 13 plan. Doc. #93. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the non-responding parties in interest are entered.

The debtor filed her amended modified Chapter 13 plan ("Plan") on March 20, 2025. Doc. #83. Creditor objects to confirmation of the Plan on the grounds that the Plan does not list or provide for payment of Creditor's secured claim as required by 11 U.S.C. § 1325(a)(5). Doc. #93. Creditor asserts a secured claim of \$196,349.80. Claim 3-1; Doc. #93. The Plan does not identify any secured claims held by Creditor. Plan, Doc. #83.

Bankruptcy Code § 1325(a)(5) permits confirmation of a chapter 13 plan so long as provisions are made "with respect to each allowed secured claim provided for by the plan." 11 U.S.C. § 1325(a)(5). However, a chapter 13 plan need not

"provide for" a secured claim. See Shook v. CBIC (In re Shook), 278 B.R. 815, 826-27 (B.A.P. 9th Cir. 2002).

Accordingly, the court is inclined to overrule the objection and GRANT this motion. The confirmation order shall include the docket control number of the motion, and it shall reference the plan by the date it was filed.

11. [25-10352](#)-A-13 **IN RE: MARI RUB-FERRELL**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
3-21-2025 [\[21\]](#)

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to July 3, 2025 at 9:00 a.m.

ORDER: The court will issue an order.

Mari Rub-Ferrell ("Debtor") filed a voluntary petition under chapter 13 on February 7, 2025 as well as a chapter 13 plan ("Plan") on February 20, 2025. Doc. #1, 16. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the meeting of creditors has not yet concluded, (2) Debtor has failed to provide any required documents, and (3) Debtor has failed to file a complete plan. Doc. #21. Debtor's 341 meeting of creditors has been continued to June 10, 2025 at 9:00 a.m. See court docket entry entered on April 30, 2025.

This objection will be continued to July 3, 2025. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than June 19, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by June 26, 2025.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than June 26, 2025. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

12. [25-10352](#)-A-13 **IN RE: MARI RUB-FERRELL**
[SKI-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY SANTANDER CONSUMER USA, INC.
3-24-2025 [\[24\]](#)

SANTANDER CONSUMER USA, INC./MV
SHERYL ITH/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to June 4, 2025 at 9:00 a.m.

ORDER: The court will issue an order.

Mari Rub-Ferrell ("Debtor") filed a voluntary petition under chapter 13 on February 7, 2025 as well as a chapter 13 plan ("Plan") on February 20, 2025. Doc. #1, 16. Santander Consumer USA, Inc. ("Creditor") objects to confirmation of the Plan because Debtor's proposed plan fails to provide any treatment to Creditor's claim. Doc. #24. In addition, Creditor seeks clarification with respect to the co-debtor on the lien. Id.

This objection will be continued to June 4, 2025. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than May 21, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Creditor shall file and serve a reply, if any, by May 28, 2025.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 28, 2025. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

13. [25-10254](#)-A-13 **IN RE: LUIS RODRIGUEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
3-21-2025 [\[15\]](#)

ANH NGUYEN/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Trustee withdrew the objection to confirmation on May 7, 2025. Doc. #21.

14. [25-10459](#)-A-13 **IN RE: DANIEL/MADALENA HENSLEY**

OBJECTION TO CONFIRMATION OF PLAN BY WILMINGTON SAVINGS FUND SOCIETY, FSB
3-31-2025 [\[30\]](#)

WILMINGTON SAVINGS FUND SOCIETY, FSB/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
SEAN FERRY/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order after the hearing.

This objection was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and will proceed as scheduled. While opposition can be raised at the hearing, the court intends to overrule the objection. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

As a procedural matter, the motion itself does not comply with LBR 9014-1(c). Counsel for the creditor used the correct DCN [RAS-1] on the notice of hearing and the certificate of service but failed to list the DCN on the motion itself in violation of LBR 9014-1(c)(1). Doc. ##30-32. The court encourages counsel to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules.

The debtors filed their chapter 13 case on February 18, 2025 along with their Chapter 13 plan ("Plan") on March 6, 2025. Doc. #14. Wilmington Savings Fund Society, FSB, not in its individual capacity, but solely as Owner, Trustee for CSMC 2022-NQM4 Trust, a Delaware statutory trust ("Creditor"), objects to confirmation of the Plan on the grounds that the Plan does not list or provide for payment of Creditor's secured claim as required by 11 U.S.C. § 1325(a)(5). Doc. #30. Creditor asserts a secured claim of \$290,618.11 that is secured by a lien on real property located at 1929 Alta Sierra Road, Wofford Heights, California 93285 (the "Property"). Claim 6-1; Mot., Doc. #30. The debtors' Schedule A/B values the Property at \$352,400.00. Schedule A/B, Doc. #13. The debtors do not claim an exemption in the Property. Schedule C, Doc. #13.

Bankruptcy Code § 1325(a)(5) permits confirmation of a chapter 13 plan so long as provisions are made "with respect to each allowed secured claim provided for by the plan." 11 U.S.C. § 1325(a)(5). However, a chapter 13 plan need not "provide for" a secured claim. See Shook v. CBIC (In re Shook), 278 B.R. 815, 826-27 (B.A.P. 9th Cir. 2002). Further, on April 22, 2025, the court entered an order granting the debtors' motion to sell the Property for \$330,000.00. Order, Doc. #40. The motion to sell was not granted free and clear of liens, which means that any lien on the Property needs to be paid in full as part of the closing of the sale. Id. Thus, Creditor should be paid in full upon the close of the court-approved sale.

Accordingly, the objection will be OVERRULED.

15. [25-10459](#)-A-13 **IN RE: DANIEL/MADALENA HENSLEY**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-3-2025 [\[35\]](#)

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
WITHDRAWN

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Trustee withdrew the objection to confirmation on April 23, 2025. Doc. #41.

16. [19-12660](#)-A-13 **IN RE: JORGE/MELISSA VELEZ**
[LGT-1](#)

MOTION TO DISMISS CASE
3-11-2025 [\[111\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING
WITHDRAWN

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Trustee withdrew the motion to dismiss on April 29, 2025. Doc. #117.

17. [24-11564](#)-A-13 **IN RE: JALAIN BEEMS**
[APD-4](#)

MOTION TO CONFIRM PLAN
3-14-2025 [\[99\]](#)

JALAIN BEEMS/MV
ANTHONY DIEHL/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion, and it shall reference the plan by the date it was filed.

18. [25-10674](#)-A-13 **IN RE: FRANCISCA RODRIGUEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
4-21-2025 [\[12\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to June 4, 2025 at 9:00 a.m.

ORDER: The court will issue an order.

Francisca Rodriguez Rodriguez ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on March 5, 2025. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the meeting of creditors has not yet concluded, (2) Debtor has failed to provide any tax returns from 2021 to 2024, and (3) Debtor has failed to provide evidence to show the Plan is mathematically feasible. Doc. #12. Debtor's 341 meeting of creditors has been continued to May 12, 2025 at 3:00 p.m. See court docket entry entered on April 15, 2025.

This objection will be continued to June 4, 2025. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than May 21, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by May 28, 2025.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 28, 2025. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

19. [25-10076](#)-A-13 **IN RE: JUSTIN/THAYER MENG**
[RSW-2](#)

MOTION TO CONFIRM PLAN
3-4-2025 [\[19\]](#)

JUSTIN MENG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to June 4, 2025 at 9:00 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtors' motion to confirm the chapter 13 plan on April 15,

2025, and a supplemental opposition on May 2, 2025. Doc. ##26, 28. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response no later than May 21, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by May 28, 2025.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 28, 2025. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

20. [25-10780](#)-A-13 **IN RE: GILBERTO COTZAJAY**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-21-2025 [\[16\]](#)

LILIAN TSANG/MV
GREGORY SHANFELD/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to June 4, 2025 at 9:00 a.m.

ORDER: The court will issue an order.

Gilberto Cotzajay ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on March 14, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because Debtor has failed to: (1) file an amended statement of financial affairs; (2) provide his 2024 tax returns; and (3) provide for the 2022 Mazda CX5 in the Plan. Doc. #16.

This objection will be continued to June 4, 2025. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than May 21, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by May 28, 2025.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 28, 2025. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

21. [25-10289](#)-A-13 **IN RE: DANIEL LIEDL**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
3-10-2025 [\[20\]](#)

LILIAN TSANG/MV
JONATHAN VAKNIN/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection to confirmation of plan is OVERRULED AS MOOT. The debtor filed a first amended plan on May 1, 2025 (JNV-1, Doc. #35), with a motion to confirm the modified plan set for hearing on June 11, 2025 at 2:00 p.m. Doc. ##34-39.

22. [25-10289](#)-A-13 **IN RE: DANIEL LIEDL**
[LGT-2](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
3-26-2025 [\[23\]](#)

LILIAN TSANG/MV
JONATHAN VAKNIN/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Sustained.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This objection was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Daniel Mark Liedl ("Debtor") filed his chapter 13 case on January 31, 2025. Doc. #1. Lilian G. Tsang ("Trustee"), the chapter 13 trustee in Debtor's bankruptcy case, objects to Debtor's claim of a homestead exemption under California Code of Civil Procedure ("C.C.P.") § 704.730 in the amount of \$646,800.50 in Debtor's real property located at 145 Alzado Court, Inyokern, California 93527, in Kern County (the "Property"). Tr.'s Obj., Doc. #23; see

Schedule C, Doc. #1. Trustee does not contest that the Property is Debtor's homestead. Rather, Trustee objects to Debtor's exemption amount of \$646,800.50 because the amount exceeds the limit for median home sales in 2024 for Kern County of \$395,000.00. Doc. #23.

"[T]he debtor, as the exemption claimant, bears the burden of proof which requires [him] to establish by a preponderance of the evidence that [the property] claimed as exempt in Schedule C is exempt under California Code of Civil Procedure § [704.730] and the extent to which the exemption applies." In re Pashenee, 531 B.R. 834, 837 (Bankr. E.D. Cal. 2015); see Diaz v. Kosmala (In re Diaz), 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016) (concluding "that where a state law exemption statute specifically allocates the burden of proof to the debtor, Rule 4003(c) does not change that allocation.").

California Code of Civil Procedure section 704.730 provides that the amount of the homestead exemption is the greater of "[t]he countywide median sale price for a single-family home in the calendar year prior to the calendar year in which the judgment debtor claims the exemption, not to exceed" \$600,000, with a minimum of \$300,000, adjusted annually for inflation beginning on January 1, 2022. C.C.P. § 704.730. The proper method to calculate the countywide median sale price for a single-family home for purposes of determining the exemption amount permitted by C.C.P. § 704.730(a) is to (1) obtain the monthly median sale price for appropriate county for each month in the applicable year from the website of the California Association of Realtors, (2) sort the twelve monthly median sales prices from lowest to highest, (3) drop the five lowest prices and the five highest prices, and (4) average the remaining two prices. Based on Trustee's objection, the median sale price in 2024 for a single-family home in Kern County is \$395,000.00, not the \$646,800.50 claimed by Debtor.

Accordingly, this objection to Debtor's claim of exemption is SUSTAINED.

23. [25-10289](#)-A-13 **IN RE: DANIEL LIEDL**
[SKI-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY CARMAX BUSINESS
SERVICES, LLC
2-10-2025 [\[15\]](#)

CARMAX BUSINESS SERVICES, LLC/MV
JONATHAN VAKNIN/ATTY. FOR DBT.
SHERYL ITH/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection to confirmation of plan is OVERRULED AS MOOT. The debtor filed a first amended plan on May 1, 2025 (JNV-1, Doc. #35), with a motion to confirm the modified plan set for hearing on June 11, 2025 at 2:00 p.m. Doc. ##34-39.

1. [25-10123](#)-A-7 **IN RE: RAFAEL CALDERON SOLANO**
[CJB-1](#)

AMENDED MOTION FOR RELIEF FROM AUTOMATIC STAY
4-3-2025 [\[16\]](#)

FELICIANO RAMOS/MV
JOHN ASUNCION/ATTY. FOR DBT.
CHAD BOYLES/ATTY. FOR MV.
DISCHARGED 4/30/25

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The mandatory certificate of service form filed with this motion (Doc. #21) is not completed properly. Section 4 of the mandatory certificate of service form does not include the date on which parties in interest were served with the motion and supporting documents. Because no date is listed, the court cannot determine whether the parties were served timely. Accordingly, this motion is DENIED WITHOUT PREJUDICE for improper service.

As a procedural matter, the motion does not comply with Local Rule of Practice ("LBR") 9004-2(a)(2), which requires each page to have consecutively numbered lines, double spaced, in the left margin, and LBR 9004-2(c)(3), which requires the pages of each document to be numbered consecutively at the bottom center of the page. Page "1" is the first page of the document bearing the caption of the case or adversary proceeding.

The court encourages counsel for the moving party to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

2. [24-11733](#)-A-7 **IN RE: HARJIT SINGH AND JASPREET KAUR**
[RSW-5](#)

MOTION TO AVOID LIEN OF BALBOA CAPITAL CORPORATION
3-20-2025 [\[53\]](#)

JASPREET KAUR/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #57. However, Federal Rule of Bankruptcy Procedure ("Rule") 9014 requires service of a motion to avoid lien be made pursuant to Rule 7004, which was done. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

Harjit Singh and Jaspreet Kaur (together, "Debtors"), the debtors in this chapter 7 case, move pursuant to 11 U.S.C. § 522(f) and Rules 4003(d) and 9014 to avoid the judicial lien of Balboa Capital Corporation, a California corporation ("Creditor"), on the residential real property commonly referred to as 9710 Metropolitan Way, Bakersfield, California (the "Property"). Doc. #53; Schedules C & D, Doc. #1.

In order to avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Where the movant seeks to avoid multiple liens as impairing the debtor's exemption, the liens must be avoided in the reverse order of their priority. Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger), 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997). Liens already avoided are excluded from the exemption-impairment calculation with respect to other liens. Id.; 11 U.S.C. § 522(f)(2)(B). The court "must approach lien avoidance from the back of the line, or at least some point far enough back in line that there is no nonexempt equity in sight." All Points Cap. Corp. v. Meyer (In re Meyer), 373 B.R. 84, 88 (B.A.P. 9th Cir. 2007). "[J]udicial liens are avoided in reverse order until the marginal lien, i.e., the junior lien supported in part by equity, is reached." Id.

Debtors filed their bankruptcy petition on June 23, 2024. Doc. #1. A judgment was entered against Harjit Singh dba H S Brothers Express Inc., a California corporation in the amount of \$161,934.41 in favor of Creditor on August 1, 2023. Ex. 4, Doc. #56. The abstract of judgment was initially recorded pre-petition in Kern County on March 5, 2024, as document number 224024736. Ex. 4, Doc. #56. The same abstract of judgment was recorded again pre-petition in Kern County on April 12, 2024, as document number 224041385. Ex. 4, Doc. #56. The liens attached to Debtors' interest in the Property located in Kern County. Id.

The Property also is encumbered by a first deed of trust in favor of United Wholesale Mortgage in the amount \$168,193.00. Schedule D, Doc. #1. Debtors claimed an exemption of \$514,900.00 in the Property under California Code of Civil Procedure § 704.730. Schedule C, Doc. #1. Debtors assert a market value for the Property as of the petition date at \$514,900.00. Schedule A/B, Doc. #1.

There appears to be two senior judicial liens on the Property, one of which has already been avoided and one of which is subject to avoidance pursuant to another matter set on this calendar. The first senior judicial lien was recorded in Kern County on January 29, 2024 with respect to a lien in favor of First Federal Leasing, a division of First Bank Richmond, an Indiana financial institution entered on December 8, 2023 in the amount of \$86,144.71. Ex. 4, Doc. #29. The court granted Debtors' motion to avoid this senior judicial lien on January 30, 2025. Order, Doc. #38. The second senior judicial lien was recorded in Kern County on February 26, 2024 with respect to a lien in favor of Pearl Beta Funding, LLC entered on October 3, 2023 in the amount of \$92,512.84. Ex. 4, Doc. #56. The court has granted Debtors' motion to avoid this senior judicial lien. See calendar matter #3 below. However, the court will include the second senior lien in applying the statutory formula.

Applying the statutory formula:

Amount of Creditor's judicial lien		\$161,934.41
Total amount of all other liens on the Property (excluding previously avoided and junior judicial liens)	+	\$260,705.84
Amount of Debtors' claim of exemption in the Property	+	\$514,900.00
		\$937,540.25
Value of Debtors' interest in the Property absent liens	-	\$514,900.00
Amount Creditor's lien impairs Debtors' exemption		\$422,640.25

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtors' exemption in the Property and its fixing will be avoided.

Debtors have established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include copies of the two abstracts of judgment related to this judicial lien as exhibits.

3. [24-11733](#)-A-7 **IN RE: HARJIT SINGH AND JASPREET KAUR**
[RSW-6](#)

MOTION TO AVOID LIEN OF PEARL BETA FUNDING, LLC
3-20-2025 [\[58\]](#)

JASPREET KAUR/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #62. However, Federal Rule of Bankruptcy Procedure ("Rule") 9014 requires service of a motion to avoid lien be made pursuant to Rule 7004, which was done. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

Harjit Singh and Jaspreet Kaur (together, "Debtors"), the debtors in this chapter 7 case, move pursuant to 11 U.S.C. § 522(f) and Rules 4003(d) and 9014 to avoid the judicial lien of Pearl Beta Funding, LLC ("Creditor") on the residential real property commonly referred to as 9710 Metropolitan Way, Bakersfield, California (the "Property"). Doc. #58; Schedules C & D, Doc. #1.

In order to avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Where the movant seeks to avoid multiple liens as impairing the debtor's exemption, the liens must be avoided in the reverse order of their priority. Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger), 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997). Liens already avoided are excluded from the exemption-impairment calculation with respect to other liens. Id.; 11 U.S.C. § 522(f)(2)(B). The court "must approach lien avoidance from the back of the line, or at least some point far enough back in line that there is no nonexempt equity in sight." All Points Cap. Corp. v. Meyer (In re Meyer), 373 B.R. 84, 88 (B.A.P. 9th Cir. 2007). "[J]udicial liens are avoided in reverse order until the marginal lien, i.e., the junior lien supported in part by equity, is reached." Id.

Debtors filed their bankruptcy petition on June 23, 2024. Doc. #1. A judgment was entered against Harjit Singh dba H S Brothers Express, Inc. in the amount of \$92,512.84 in favor of Creditor on October 3, 2023. Ex. 4, Doc. #61. The abstract of judgment was recorded pre-petition in Kern County on February 26, 2024, as document number 224020949. Ex. 4, Doc. #61. The lien attached to Debtors' interest in the Property located in Kern County. Id. The Property also is encumbered by a first deed of trust in favor of United Wholesale Mortgage in the amount \$168,193.00. Schedule D, Doc. #1. Debtors claimed an exemption of \$514,900.00 in the Property under California Code of Civil Procedure § 704.730.

Schedule C, Doc. #1. Debtors assert a market value for the Property as of the petition date at \$514,900.00. Schedule A/B, Doc. #1.

There appears to be one senior judicial lien and one junior judicial lien on the Property, both of which are considered avoided for purposes of applying the statutory formula. The first senior judicial lien was recorded in Kern County on January 29, 2024 with respect to a lien in favor of First Federal Leasing, a division of First Bank Richmond, an Indiana financial institution entered on December 8, 2023 in the amount of \$86,144.71. Ex. 4, Doc. #29. The court granted Debtors' motion to avoid this senior judicial lien on January 30, 2025. Order, Doc. #38. The junior judicial lien was entered with respect to a lien in favor of Balboa Capital Corporation on August 1, 2023 in the amount of \$161,934.41. Ex. 4, Doc. #61. The junior judicial lien was initially recorded pre-petition in Kern County on March 5, 2024, as document number 224024736. Ex. 4, Doc. #61. The same junior judicial lien was recorded again pre-petition in Kern County on April 12, 2024, as document number 224041385. Ex. 4, Doc. #61. The court has granted Debtors' motion to avoid this junior judicial lien. See calendar matter #2 above.

Applying the statutory formula:

Amount of Creditor's judicial lien		\$92,512.84
Total amount of all other liens on the Property (excluding previously avoided and junior judicial liens)	+	\$168,193.00
Amount of Debtors' claim of exemption in the Property	+	\$514,900.00
		\$775,605.84
Value of Debtors' interest in the Property absent liens	-	\$514,900.00
Amount Creditor's lien impairs Debtors' exemption		\$260,705.84

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtors' exemption in the Property and its fixing will be avoided.

Debtors have established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

4. [25-10233](#)-A-7 **IN RE: GERARDO CLAVEL CARTAGENA**
[HRH-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
4-18-2025 [\[35\]](#)

CROSSROADS EQUIPMENT LEASE AND FINANCE, LLC/MV
PETER BUNTING/ATTY. FOR DBT.
RAFFI KHATCHADOURIAN/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The certificate of service filed in connection with this motion shows that the chapter 7 trustee was only served electronically pursuant to Federal Rule of Civil Procedure 5 and Federal Rules of Bankruptcy Procedure ("Rule") 7005 and

9036 Service. Doc. #41. However, Rules 4001(a)(1) and 9014(b) require service of a motion for relief from stay to be made pursuant to Rule 7004. Rule 9036(e) does not permit electronic service when any paper is required to be served in accordance with Rule 7004.

Because the chapter 7 trustee was not served by mail as required by Rule 7004(b)(1), the motion was not served properly on the chapter 7 trustee.

Accordingly, this motion is DENIED WITHOUT PREJUDICE for improper service.

5. [25-11041](#)-A-7 **IN RE: GABRIEL MEJIA OCHOA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
4-14-2025 [\[13\]](#)

VINCENT GORSKI/ATTY. FOR DBT.
\$338.00 FILING FEE PAID 4/15/25

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the filing fees now due have been paid. No appearance is necessary.

6. [25-11042](#)-A-7 **IN RE: JONATHON PODLEWSKI**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
4-14-2025 [\[13\]](#)

VINCENT GORSKI/ATTY. FOR DBT.
\$338.00 FILING FEE PAID 4/15/25

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the filing fees now due have been paid. No appearance is necessary.

7. [25-10684](#)-A-7 **IN RE: RUTH/ABELARDO LAZARO**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT INFORMATION IN PACER
3-25-2025 [\[14\]](#)

LAURA TORRES-CURTIS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

On March 25, 2025, this court issued an order to show cause ("OSC") why sanctions should not be imposed for the failure of counsel for the debtor to update contact information in PACER. Doc. #14. The OSC was issued because there was a discrepancy between the email address for debtor's counsel in PACER and the email address for debtor's counsel listed on the petition that was filed in this bankruptcy case. Id.

On May 4, 2025, former counsel for the debtor, Laura Torres-Curtis, filed a response to the OSC explaining that Ms. Curtis was employed by the firm that filed the debtor's bankruptcy case until the day after the debtor's bankruptcy case was filed. Thereafter, Ms. Curtis updated her primary and secondary email addresses on file with this court for PACER and substituted out as counsel. Doc. #22; Decl. of Laura Torres-Curtis, Doc. #23.

Based on the explanation provided by Ms. Curtis, the court finds that Ms. Curtis has sufficiently addressed the issues raised by the OSC. Accordingly, the OSC is VACATED. No appearance is necessary.

8. [25-10799](#)-A-7 **IN RE: CRISTINA ESCAMILLA-HERNANDEZ**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT INFORMATION IN PACER
4-2-2025 [\[16\]](#)

ALLAN WILLIAMS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the incorrect contact information was updated by the debtor's counsel. Therefore, this order to show cause is VACATED. No appearance is necessary.

10:30 AM

1. [22-12016](#)-A-11 **IN RE: FUTURE VALUE CONSTRUCTION, INC.**
[JM-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
1-15-2025 [[549](#)]

JOHN DEERE CONSTRUCTION AND FORESTRY COMPANY/MV
D. GARDNER/ATTY. FOR DBT.
DONALD DUNNING/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

2. [25-10343](#)-A-12 **IN RE: BART FLORES**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY PETITION
2-6-2025 [[1](#)]

WILEY RAMEY/ATTY. FOR DBT.

NO RULING.

1. [24-13263](#)-A-7 **IN RE: DAVID PADILLA TREVINO AND ADILENE TREVINO**

PRO SE REAFFIRMATION AGREEMENT WITH LAKEVIEW LOAN SERVICING, LLC
3-25-2025 [\[55\]](#)

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped.

ORDER: The court will issue an order.

This matter was automatically set for a hearing because the reaffirmation agreement is not signed by an attorney. However, this reaffirmation agreement appears to relate to a consumer debt secured by real property. Pursuant to 11 U.S.C. §524(c)(6)(B), the court is not required to hold a hearing and approve this agreement. No appearance is necessary.

2. [24-13263](#)-A-7 **IN RE: DAVID PADILLA TREVINO AND ADILENE TREVINO**

PRO SE REAFFIRMATION AGREEMENT WITH LAKEVIEW LOAN SERVICING, LLC
4-9-2025 [\[58\]](#)

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped.

ORDER: The court will issue an order.

This matter was automatically set for a hearing because the reaffirmation agreement is not signed by an attorney. However, this reaffirmation agreement is a duplicate of the reaffirmation agreement filed on March 25, 2025 (Doc. #55) and is also set for hearing on this calendar. See calendar matter #1 above. Accordingly, the hearing on this reaffirmation agreement will be dropped from calendar. No appearance is necessary.