

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

**Honorable Ronald H. Sargis**  
Bankruptcy Judge  
Sacramento, California

**May 9, 2024 at 11:30 a.m.**

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1. <a href="#"><u>23-24387-E-7</u></a> <a href="#"><u>RHS-1</u></a>	<b>JERRY HARDEMAN</b>	<b>STATUS CONFERENCE RE: VOLUNTARY PETITION 12-7-23 [1]</b>
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Debtor's Atty: Nancy Haley

Notes:

Set by order of the court dated 3/27/24 [Dckt 54]. Debtor Jerry Hardeman, Nancy Lea Haley, Esq., and the bankruptcy attorney to represent Debtor in this case (if there is one other than Ms. Haley or the Debtor chooses to proceed in pro se), and each of them, shall appear in person. No Telephonic Appearance permitted.

Trustee's Final Report and Account [Chapter 13 Trustee] filed 4/3/24 [Dckt 56]

Substitution of Attorney for Jerry Glenn Hardeman filed 4/22/24 [Dckt 63]

[KJH-1] Status Report for Chapter 7 Case filed 4/29/24 [Dckt 66]; Exhibits in support filed 4/29/24 [Dckt 67]

<b>The Chapter 7 Status Conference is <span style="color:red">xxxxxxx</span></b>
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Debtor Jerry Hardeman commenced this Case under Chapter 13 in *pro se* on December 7, 2024. On December 15, 2024, the Chapter 13 Trustee filed a Motion to Dismiss, citing to a number of deficiencies in Debtor prosecuting this case in *pro se*. Mtn.; Dckt. 25. The hearing on the Motion to Dismiss was scheduled for March 20, 2024.

Facing the hearing on the Motion to Dismiss, on March 18, 2024, Debtor in pro se filed his Notice of Conversion of the Case to one under Chapter 7. Dckt. 36. Kimberly Husted has been appointed as the Chapter 7 Trustee.

In the court's Civil Minutes for the March 20, 2024 hearing, the court addresses the issue of whether Debtor is legally able to prosecute a bankruptcy case, citing to four prior cases (three in *pro se*) which were filed and dismissed since September of 2022. Civ. Min.; Dckt. 44. The court also noted that based on the filings by Debtor, he may have a \$300,000+ in homestead exemption value to be protected.

At the March 20, 2024 hearing Debtor appeared at the hearing and a lengthy hearing ensued. Debtor advised the court that he elected to convert his Case to one under Chapter 7 on March 18, 2024. Dckt. 36. The court also discussed with Debtor and a friend who accompanied him to court the need for counsel, especially in light of the substantial homestead exemption. Debtor also identified that there is ongoing State Court litigation over title to the Property, a possible fraudulent conveyance of his late wife's interest, and other matters.

The court determined setting a Chapter 7 Status Conference was appropriate under these circumstances.

On April 22, 2024, a Substitution of Attorney (Dckt. 63) in which Nancy Haley, Esq. substituted in as counsel for the Debtor. Counsel Haley is the attorney identified by Debtor as representing him in state court proceedings.

On April 22, 2024, Counsel Haley filed a request to continue the Status Conference. Dckt. 71. In it she provides information regarding the various rights and interests of the Debtor for which she has been contacted by him. This information includes:

1. A fraudulent transfer claim relating to his residence by his late wife while she was actively dying from Metastatic Breast Cancer.
  - a. For this claim, the Debtor's plan is to have Counsel Haley commence an adversary proceeding in this court to recover the alleged fraudulent conveyance.
2. Debtor and his residence are the subject of a national lawsuit brought by the Federal Trade Commission against Ygrene Energy Fund, Inc. regarding the defendant's practices in getting elderly persons to sign up for Ygrene's energy products. CD Cal No. 2:22-CV-07864.
  - a. There has been a settlement in the *FTC v. Ygrene Energy Fund, Inc.* action, but Debtor did not appreciate his interest in the settlement because due to some limitations and the information being sent in his mother-in-law's name.

Counsel Haley also notes that Debtor has suffered greatly from this situation and his late wife's passing. Counsel Haley is not a bankruptcy practitioner and has been studying this area of the law, as well as communicating with experienced practitioners about taking over the representation of the Debtor.

The court concluded that a continuance of the May 9, 2024 Status Conference would not be in the best interests of all parties, as the court wants to provide the key "players" with communication with the court and each other as soon and often as possible given the facts and circumstances concerning the Debtor.

### **MAY 9, 2024 STATUS CONFERENCE**

At the Status Conference a number of points relating to the prosecution of a bankruptcy case were addressed, including other resources available for bankruptcy representation in light of the facts and circumstances.

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2. [24-21092-E-12](#)      RHETT BURGESS  
[CAE-1](#)

STATUS CONFERENCE RE:  
VOLUNTARY PETITION  
3-20-24 [\[1\]](#)

Debtor's Atty: David C. Johnston

Notes:

[DCJ-1] Debtor's Application for 12 Additional Days to File New Case Documents filed 4/3/24 [Dckt 14];  
Order granting filed 4/4/24 [Dckt 18]

[DCJ-1] Application of Debtor in Possession for Authority to Employ Attorney filed 4/18/24 [Dckt 22];  
Order granting filed 4/19/24 [Dckt 25]

Trustee Report at 341 Meeting lodged 4/19/24

<b>The Status Conference is XXXXXXXX</b>
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Debtor Rhett Burgess commenced this voluntary Chapter 12 Case on March 20, 2024, with legal representation being provided by David Johnston, Esq. On April 17, 2024, the Debtor filed his Schedules, Statement of Financial Affairs, and related documents. Dckt. 21. The court summarizes the information provided therein as follows.

A. Schedules

1. Schedule A/B

- a. Debtor owns no real estate or vehicles.
- b. Debtor had, and now the bankruptcy estate has significant assets consisting of:
  - (1) proceeds from the sale of real property and almond crops (being held by non-bankruptcy counsel for Debtor in the counsel's trust account).
  - (2) Equipment owed by Debtor's business, which is now inactive.
  - (3) 2023 almond crop.
  - (4) Farm Equipment

2. Schedule D
  - a. Debtor lists only two secured claims (one secured by a vehicle in Debtor's corporation) for which there appears to be equity for the Bankruptcy Estate.
3. Schedule E/F
  - a. For priority unsecured claims there appear to be possible taxes for 2022 and 2023, which are in "unknown" amounts.
  - b. For general unsecured claims Debtor lists
    - (1) Future lease payments for agricultural lands to three creditors, and no other creditors with general unsecured claims.
4. Schedule I
  - a. Debtor's income is from the operation of the business.

B. Statement of Financial Affairs

1. Pending Dissolution of Marriage Action, division of property. ¶ 9.
2. Two sales of Properties within two years of commencement of this Bankruptcy Case. ¶ 18.

The Chapter 12 Trustee reports that the 341 Meeting of Creditors (Debtor in Possession and counsel appearing) has been continued to May 24, 2024.

At the Status Conference, **XXXXXXX**

# FINAL RULINGS

3. [23-23620](#)-E-11  
[GEL](#)-8

ROBERT P. OBREGON DDS  
INC.  
Gabriel Liberman

CONFIRMATION OF AMENDED PLAN  
3-7-24 [[127](#)]

**Final Ruling:** No appearance at the May 9, 2024 Hearing is required.  
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**The hearing on the Confirmation of the First Amended Subchapter V is concluded and removed from the Calendar, the Debtor/Debtor in Possession withdrawing the Plan (Dckt. 149).**

Robert P. Obregon, Inc., the Debtor/ Debtor in Possession in this Chapter 11 Subchapter V case withdrew its First Amended Chapter 11 Subchapter V Plan on April 15, 2024. Docket 149. The court construes the withdrawal of the First Amended Plan to be an *Ex Parte* Motion to Dismiss the pending Confirmation Hearing. Debtor/Debtor in Possession has a right to pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041 to withdraw its Plan. Therefore, the Confirmation of Amended Plan is removed from the calendar, Debtor/Debtor in Possession indicating that a Second Amended Plan shall be filed soon.