

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Modesto, California

May 10, 2016 at 10:00 a.m.

---

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.

3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.

4. If no disposition is set forth below, the matter will be heard as scheduled.

---

1.	15-90907-D-13	HAMISI WHITE	CONTINUED MOTION TO CONFIRM
	FF-2		PLAN
			2-10-16 [23]

2.	11-90308-D-13	JOHN BROWN	SUGGESTION OF DEATH AND MOTION
	RAC-1		FOR WAIVER OF SECTION 1328
			REQUIREMENTS
			4-8-16 [23]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the Suggestion of Death and Motion for Waiver of Section 1328 Requirements is supported by the record. As such the court will grant the Motion for Waiver of Section 1328 Requirements. Moving party is to submit an appropriate order. No appearance is necessary.

3. 16-90210-D-13 ANTHONY/TONYA BENTULAN MOTION FOR RELIEF FROM  
APN-1 AUTOMATIC STAY  
WELLS FARGO BANK, N.A. VS. 3-30-16 [8]

**Final ruling:**

This matter is resolved without oral argument. This is Wells Fargo Bank, N.A.'s motion for relief from automatic stay. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtors are not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

4. 16-90210-D-13 ANTHONY/TONYA BENTULAN MOTION FOR RELIEF FROM  
JHW-1 AUTOMATIC STAY  
CARFINANCE CAPITAL VS. 3-30-16 [14]

**Final ruling:**

This matter is resolved without oral argument. This is Carfinance Capital's motion for relief from automatic stay. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtors are not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

5. 13-91812-D-13 DOUGLAS/KAREN METCALFE MOTION TO REFINANCE  
SSA-11 4-6-16 [166]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion to refinance is supported by the record. As such the court will grant the motion to refinance. Moving party is to submit an appropriate order. No appearance is necessary.

6. 15-91214-D-13 IRENA JASPAR MOTION TO SELL  
CJY-1 4-11-16 [23]

7. 16-90115-D-13 JOANN MORGAN OBJECTION TO CONFIRMATION OF  
RDG-2 PLAN BY RUSSELL D. GREER  
4-11-16 [28]

**Final ruling:**

**This case was dismissed on April 26, 2016. As a result the objection will be overruled by minute order as moot. No appearance is necessary.**

8. 16-90116-D-13 VICTOR MANUEL MENDOZA OBJECTION TO CONFIRMATION OF  
MDE-1 PLAN BY WELLS FARGO BANK, N.A.  
4-5-16 [26]

**Final ruling:**

**This case was dismissed on April 26, 2016. As a result the objection will be overruled by minute order as moot. No appearance is necessary.**

9. 15-90828-D-13 DAVID GOMEZ MOTION TO CONFIRM PLAN  
DEF-3 3-22-16 [62]

**Final ruling:**

**The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.**

10. 14-90529-D-13 GREGG/KIANDRA WALKER MOTION TO MODIFY PLAN  
JAD-5 3-28-16 [81]

11. 12-92333-D-13 RAUL/MARIA REYES  
TOG-10

MOTION TO AVOID LIEN OF CHASE  
BANK, USA, N.A.  
3-30-16 [111]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

12. 12-92333-D-13 RAUL/MARIA REYES  
TOG-9

MOTION TO AVOID LIEN OF  
CITIBANK (SOUTH DAKOTA), N.A.  
3-30-16 [105]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

13. 15-91037-D-13 TODD/ROSIE JONES  
PLG-4

MOTION TO CONFIRM PLAN  
3-21-16 [59]

**Final ruling:**

The motion will be denied as moot. The debtor filed an amended plan on May 3, 2016, making this motion moot. As a result the court will deny the motion without prejudice by minute order. No appearance is necessary.

14. 16-90138-D-13 SANDRA MUNOZ  
RDG-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
4-11-16 [19]

15. 16-90141-D-13 REYNALD/ELVIRA WANCE  
RDG-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
4-11-16 [20]

16. 16-90246-D-13 LORENA PEREZ  
CJY-1

MOTION TO VALUE COLLATERAL OF  
ONEMAIN FINANCIAL, INC.  
4-5-16 [8]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

17. 11-93350-D-13 TERESO/ARACELI ALVAREZ  
CJY-2

MOTION TO MODIFY PLAN  
4-5-16 [58]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

18. 11-93350-D-13 TERESO/ARACELI ALVAREZ  
CJY-3

MOTION TO APPROVE LOAN  
MODIFICATION  
4-13-16 [67]

19. 15-90351-D-13 HENRY PEREZ  
APN-1  
SANTANDER CONSUMER USA, INC.  
VS.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
4-8-16 [54]

**Final ruling:**

This matter is resolved without oral argument. This is Santander Consumer USA, Inc.'s motion for relief from automatic stay. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtor is not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

20. 16-90075-D-13 DANIEL JAMES AND PAULA  
EAT-1 FOX-JAMES

CONTINUED MOTION TO VALUE  
COLLATERAL OF WELLS FARGO BANK,  
N.A.  
2-23-16 [10]

21. 11-91678-D-13 MELVIN/DENISE DAILEY  
CJY-2

MOTION TO MODIFY PLAN  
3-31-16 [74]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

22. 16-90082-D-13 DAWN POWERS  
RDG-3

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
3-29-16 [31]

**Final ruling:**

This case was dismissed on March 30, 2016. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

23. 15-91191-D-13 OLIVIA SIMS MOTION TO CONFIRM PLAN  
OCS-1 3-29-16 [56]

**Final ruling: This case was dismissed on March 30, 2016. As a result the motion will be denied by minute order as moot. No appearance is necessary.**

24. 15-90907-D-13 HAMISI WHITE MOTION TO COMPROMISE  
FF-3 CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH JUDY CHANEY  
4-19-16 [50]

**Final ruling:**

**The matter is resolved without oral argument. There is no timely opposition to the trustee's motion to approve compromise of controversy, and the trustee has demonstrated the compromise is in the best interest of the creditors and the estate. Specifically, the motion demonstrates that when the compromise is put up against the factors enumerated in In re Woodson, 839 F.2d 610 (9<sup>th</sup> Cir. 1988), the likelihood of success on the merits, the complexity of the litigation, the difficulty in collectability, and the paramount interests of creditors, the compromise should be approved. Accordingly, the motion is granted and the compromise approved. The moving party is to submit an appropriate order. No appearance is necessary.**

25. 16-90138-D-13 SANDRA MUNOZ MOTION TO VALUE COLLATERAL OF  
BSH-1 CAPITAL ONE BANK (USA), N.A.  
4-26-16 [22]

26. 14-91539-D-13 HEATHER POLETE MOTION TO INCUR DEBT  
MSN-2 4-19-16 [44]

27.	11-92572-D-13 RLF-3	ERNEST/BARBARA CHISLEY	CONTINUED MOTION FOR COMPENSATION FOR SHANE REICH, DEBTORS' ATTORNEY(S) 3-10-16 [68]
28.	11-92572-D-13 RLF-3	ERNEST/BARBARA CHISLEY	CONTINUED MOTION TO MODIFY PLAN 3-10-16 [66]
29.	11-90380-D-13 CJY-1	PAUL ABRANCHES AND NELIS SUAZO-ABRANCHES	MOTION TO VALUE COLLATERAL OF WELLS FARGO BANK 4-20-16 [72]
30.	11-90182-D-13 CJY-1	NICHOLAS/WENDY PRYSCHUK	MOTION TO VALUE COLLATERAL OF BENEFICIAL/HOUSEHOLD FINANCE 4-19-16 [71]



31. 11-91483-D-13 DANIEL/LAURA ALKEMA  
DEF-6

MOTION TO APPROVE LOAN  
MODIFICATION  
4-15-16 [92]

**Final ruling:**

**This is the debtors' motion to approve a loan modification. The moving parties served only Wells Fargo and one of the two creditors who have filed requests for special notice in this case. They failed to serve (1) the rest of the many creditors filing claims in this case; (2) the creditor requesting special notice at DN 73; and (3) the creditors listed on the debtors' schedules and amended schedules who have not filed claims. The court will continue the hearing to May 24, 2016, at 10:00 a.m., the moving parties to file a notice of continued hearing and serve it on the previously-omitted creditors. The hearing will be continued by minute order. No appearance is necessary.**

32. 10-95089-D-13 ELLEENE/BRETT STONE  
RLG-4

CONTINUED MOTION FOR RELIEF  
FROM OBLIGATION TO FILE  
DOCUMENTS PURSUANT TO FRBP 7025  
3-22-16 [110]