

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, May 14, 2015
Place: Department B – Courtroom #12
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS 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 A.M.

1. [14-14514](#)-B-7 GREGORY/MEREDITH LEISLE STATUS CONFERENCE RE: AMENDED
 [14-1149](#) COMPLAINT
 MORENO V. LEISLE 4-9-15 [[14](#)]
 WALTER WHELAN/Atty. for pl.

2. [14-14541](#)-B-7 REBECCA LIEBERKNECHT CONTINUED STATUS CONFERENCE RE:
 [14-1147](#) AMENDED COMPLAINT
 LIEBERKNECHT V. US DEPARTMENT 2-9-15 [[10](#)]
 OF EDUCATION ET AL
 REBECCA LIEBERKNECHT/Atty. for pl.

This status conference will be dropped from calendar. No appearance is necessary. By civil minute order dated March 26, 2015, the adversary proceeding was dismissed with leave to amend. The complaint has not been amended. Accordingly, the adversary proceeding will remain dismissed.

3. [13-16155](#)-B-7 MICHAEL WEILERT AND CONTINUED OBJECTION TO
 CAS-2 GENEVIEVE DE MONTREMARE HOMESTEAD EXEMPTION
 BRIAN L. GWARTZ AND CHERYL A. 10-24-14 [[214](#)]
 SKIGIN, CO-TRUSTEES OF THE
 RILEY WALTER/Atty. for dbt.
 CHERYL SKIGIN/Atty. for mv.
 RESPONSIVE PLEADING

This status conference will be dropped from calendar without a disposition and may be reset for further hearing, if necessary, after the court of appeals rules on the debtors' appeal of this court's order denying the motion to avoid the judgment lien (DC No. WW-5 dated April 16, 2015). Unless the ruling is reversed, it is not clear that the issue (calculation of the homestead exemption under applicable state law), is ripe for adjudication or that the bankruptcy court even has constitutional jurisdiction to decide the issue. The court will enter a civil minute order. No appearance is necessary.

4. [13-16155](#)-B-7 MICHAEL WEILERT AND CONTINUED OPPOSITION/OBJECTION,
CAS-2 GENEVIEVE DE MONTREMARE MOTION TO STRIKE
MICHAEL WEILERT/MV 1-8-15 [[258](#)]
RILEY WALTER/Atty. for dbt.
RESPONSIVE PLEADING

This status conference will be dropped from calendar without a disposition and may be reset for further hearing, if necessary, after the court of appeals rules on the debtors' appeal of this court's order denying the motion to avoid the judgment lien (DC No. WW-5 dated April 16, 2015). Unless the ruling is reversed, it is not clear that the issue (calculation of the homestead exemption under applicable state law), is ripe for adjudication or that the bankruptcy court even has constitutional jurisdiction to decide the issue. The court will enter a civil minute order. No appearance is necessary.

5. [15-10705](#)-B-11 CHARLOTTE SALWASSER CONTINUED MOTION TO EMPLOY
THA-5 PEARSON REALTY AS BROKER(S)
CHARLOTTE SALWASSER/MV 3-11-15 [[51](#)]
THOMAS ARMSTRONG/Atty. for dbt.
6. [15-10705](#)-B-11 CHARLOTTE SALWASSER CONTINUED MOTION TO SELL FREE
THA-10 AND CLEAR OF LIENS
CHARLOTTE SALWASSER/MV 4-6-15 [[93](#)]
THOMAS ARMSTRONG/Atty. for dbt.
7. [15-10705](#)-B-11 CHARLOTTE SALWASSER RESCHEDULED HEARING RE: MOTION
UST-1 TO RECONSIDER
TRACY DAVIS/MV 4-2-15 [[89](#)]
THOMAS ARMSTRONG/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.
8. [15-10705](#)-B-11 CHARLOTTE SALWASSER RESCHEDULED HEARING RE: MOTION
UST-2 TO APPOINT TRUSTEE AND/OR
TRACY DAVIS/MV MOTION TO APPOINT EXAMINER
4-17-15 [[150](#)]
THOMAS ARMSTRONG/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.

10:00 A.M.

1. [15-11002](#)-B-7 STEPHEN WINDUST
APN-1
SANTANDER CONSUMER USA INC./MV
TIMOTHY SPRINGER/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-13-15 [[10](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

2. [14-13430](#)-B-7 STEPHEN/JENNIFER FORD
PFT-2
PETER FEAR/MV
MICHAEL ARNOLD/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

MOTION TO SELL
4-2-15 [[33](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

3. [14-14135](#)-B-7 ANITA IVANS
CJO-1
GREEN TREE SERVICING LLC/MV
CHRISTINA O/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-16-15 [[21](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

4. [15-10539](#)-B-7 JUAN SALGADO
PPR-1
THE BANK OF NEW YORK MELLON/MV
MELISSA VERMILLION/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-6-15 [[23](#)]

This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

5. [12-60054](#)-B-7 DWIGHT/NELLIE LONG
RHT-17
ROBERT HAWKINS/MV
LAYNE HAYDEN/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

MOTION TO SELL FREE AND CLEAR
OF LIENS
4-19-15 [[222](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

6. [15-10257](#)-B-7 JUAN CALVILLO
UST-1
TRACY DAVIS/MV

MOTION TO APPROVE STIPULATION
TO EXTEND TIME TO FILE
COMPLAINT OBJECTING TO
DISCHARGE AND MOTION TO DISMISS
4-9-15 [[13](#)]

MARK ZIMMERMAN/Atty. for dbt.
TERRI DIDION/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The bar dates under Rules 4004(a) and 1017(e) (1) will be extended, for the U.S. Trustee only, to 60 days after the completion of the creditors' meeting under §341. The U.S. Trustee shall submit a proposed order. No appearance is necessary.

7. [15-11463](#)-B-7 JAIME HERNANDEZ
JH-1
JAIME HERNANDEZ/MV

MOTION TO EXTEND AUTOMATIC STAY
4-21-15 [[11](#)]

8. [15-11581](#)-B-7 ROBERT DAVIS
MAZ-1
ROBERT DAVIS/MV
MARK ZIMMERMAN/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT
4-30-15 [[16](#)]

9. [14-14382](#)-B-7 CRAIG/ANGELA MUNDY
MAS-1
MUFG UNION BANK, N.A./MV
VINCENT RENDA/Atty. for dbt.
MARK SERLIN/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-30-15 [[39](#)]

10. [10-60485](#)-B-7 JOSE/AUGUSTINA CANELO
RH-3
MITCHELL GOLUB/MV

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF GOLUB &
ASSOCIATES, PLC FOR MITCHELL S.
GOLUB, SPECIAL COUNSEL(S)
4-24-15 [[71](#)]

JANINE ESQUIVEL/Atty. for dbt.
MITCHELL GOLUB/Atty. for mv.

This matter will be continued to May 28, 2015, at 10:00 a.m., for supplemental information. The applicant requests a contingency fee based on the settlement of some state court litigation. It is not clear from the moving papers which settlement and pool of proceeds these fees relate to. The proposed compromise with Donald P. Dick Air Conditioning et al. has not yet been heard or approved. The court will prepare a minute order. No appearance is necessary.

11. [15-10986](#)-B-7 MARY MONTEZ
UST-1
TRACY DAVIS/MV

MOTION FOR DENIAL OF DISCHARGE
OF DEBTOR UNDER 11 U.S.C.
SECTION 727(A)
4-14-15 [[17](#)]

ROBIN TUBESING/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument for cause shown. The U.S. Trustee shall submit a proposed order. No appearance is necessary.

12. [13-14987](#)-B-7 PAUL/RUTH BRENES
PD-1
WELLS FARGO BANK., N.A./MV
JEFF REICH/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.

MOTION TO COMPEL ABANDONMENT
4-7-15 [[35](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

13. [14-15688](#)-B-7 KAREN CURRIE
TMT-1
TRUDI MANFREDO/MV
DAVID JENKINS/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

MOTION TO EMPLOY PAMELA Y.
PRICE AS SPECIAL COUNSEL
4-22-15 [[19](#)]

14. [15-10086](#)-B-7 VICENCIA DONOHO
TGM-1
VICENCIA DONOHO/MV
TRUDI MANFREDO/Atty. for dbt.

CONTINUED MOTION TO AVOID LIEN
OF AMERICAN EXPRESS BANK, FSB
3-24-15 [[14](#)]

The matter has been resolved by stipulation of the parties. No appearance is necessary.

11:00 A.M.

1. [15-11113](#)-B-7 SUSAN YANG PRO SE REAFFIRMATION AGREEMENT
WITH TOYOTA MOTOR CREDIT
CORPORATION
4-24-15 [[14](#)]
2. [15-10182](#)-B-7 DALANENIA MOWERY PRO SE REAFFIRMATION AGREEMENT
WITH CAPITAL ONE AUTO FINANCE
4-21-15 [[29](#)]
3. [15-10198](#)-B-7 MONICA MCFARLAND PRO SE REAFFIRMATION AGREEMENT
WITH TD AUTO FINANCE LLC
4-21-15 [[33](#)]
4. [15-10198](#)-B-7 MONICA MCFARLAND CONTINUED MOTION FOR RELIEF
JHW-1 FROM AUTOMATIC STAY
TD AUTO FINANCE LLC/MV 4-1-15 [[24](#)]
JENNIFER WANG/Atty. for mv.

1:30 P.M.

1. [15-11001](#)-B-13 DENISE PADILLA
[15-1031](#)
U.S. TRUSTEE V. PADILLA
ROBIN TUBESING/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT
3-18-15 [[1](#)]

It appears the defendant's default has been entered. The status conference will be dropped from calendar and may be reset by any party on 10 days' notice. No appearance is necessary. The clerk of the court may close the adversary proceeding without notice in 90 days unless the adversary proceeding has been concluded or set for a further status conference within that time. Either party may request an extension of this time up to 30 days by ex parte application for cause. After the adversary proceeding has been closed, the parties will have to file an application to reopen the adversary proceeding if further action is required. The court will issue a civil minute order.

2. [15-10905](#)-B-13 HERIBERTO AVILA
[15-1030](#)
U.S. TRUSTEE V. AVILA, JR.
ROBIN TUBESING/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT
3-18-15 [[1](#)]

It appears the defendant's default has been entered. The status conference will be dropped from calendar and may be reset by any party on 10 days' notice. No appearance is necessary. The clerk of the court may close the adversary proceeding without notice in 90 days unless the adversary proceeding has been concluded or set for a further status conference within that time. Either party may request an extension of this time up to 30 days by ex parte application for cause. After the adversary proceeding has been closed, the parties will have to file an application to reopen the adversary proceeding if further action is required. The court will issue a civil minute order.

3. [14-15710](#)-B-13 RHONDA HUBBARD
MHM-1
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

OBJECTION TO CONFIRMATION OF
PLAN BY MICHAEL H. MEYER
4-21-15 [[26](#)]

This objection to confirmation was noticed as a preliminary hearing. The objection will be continued and set for a final hearing on June 25, 2015, at 1:30 p.m. Unless this case is voluntarily converted to chapter 7 or dismissed or the objection has been withdrawn, the debtor shall file and serve a written response not later than June 11, 2015. The response shall specifically address each issue raised in the objection, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. 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 June 18, 2015. If the debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated and confirmation will be denied without a further hearing. The court will prepare a civil minute order.

4. [14-15710](#)-B-13 RHONDA HUBBARD
MHM-2
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

MOTION TO DISMISS CASE
4-21-15 [[26](#)]

The trustee's motion to dismiss was noticed as a preliminary hearing. The motion will be continued and set for a final hearing on June 25, 2015. No appearance is necessary.

Unless the chapter 13 trustee files a notice of withdrawal of this motion, the Debtor(s) shall voluntarily dismiss this case, voluntarily convert the case to chapter 7, or file and serve a written response to this motion, supported by evidence, to show why the case should not be dismissed on the grounds stated in the motion, including unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1). The debtor(s) responsive pleading, with admissible supporting evidence, shall be filed and served not later than June 11, 2014. At the final hearing, the court will make a ruling based on the evidence presented and, if relevant, judicial notice of the record. If timely opposition is not filed, the case may be dismissed by predisposition without oral argument.

5. [12-10814](#)-B-13 GENE/SONDRA OTT

ORDER TO SHOW CAUSE - FAILURE
TO TENDER FEE FOR FILING
TRANSFER OF CLAIM
4-23-15 [[79](#)]

ADRIAN WILLIAMS/Atty. for dbt.
FEE PAID IN FULL 4/25/15

The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.

6. [15-10822](#)-B-13 STEVE VALDIVIESO
LRP-1
KENNETH WRIGHT/MV

OBJECTION TO CONFIRMATION OF
PLAN BY KENNETH WRIGHT M.D. AND
KAREN WRIGHT
4-21-15 [[29](#)]

DAVID JENKINS/Atty. for dbt.
CRAIG FRY/Atty. for mv.

This matter will be continued to June 25, 2015, at 1:30 p.m. The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. The court will prepare a civil minute order. No appearance is necessary.

7. [14-14123](#)-B-13 PETER OCHOA AND BEATRICE
MHM-1 OLIVARES
MICHAEL MEYER/MV
RANDY RISNER/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO DISMISS CASE
3-30-15 [[44](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules. Based on the court's review of the record, the debtors' response to the motion, and the trustee's declaration in reply, the court finds that there is a material default in the proposed plan that has not been cured. The debtors' response was not supported by admissible evidence; it does not show that the default has been cured, and no modified plan has been filed. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

8. [15-10024](#)-B-13 LAO CHA
RCO-1
THE GOLDEN 1 CREDIT UNION/MV

OBJECTION TO CONFIRMATION OF
PLAN BY THE GOLDEN 1 CREDIT
UNION
3-30-15 [[29](#)]

DAVID JENKINS/Atty. for dbt.
KRISTI WELLS/Atty. for mv.

This objection to confirmation of the chapter 13 plan will be overruled without prejudice. The debtor has filed and set for hearing a modified plan. The plan that this objection relates to is deemed withdrawn. No appearance is necessary.

9. [11-12725](#)-B-13 SONIA LANEY
SL-3
SONIA LANEY/MV
STEPHEN LABIAK/Atty. for dbt.

MOTION FOR CONTEMPT
4-2-15 [[82](#)]

The motion will be denied without prejudice. No appearance is necessary. The debtor has filed a motion entitled "Motion for Hearing on Order Holding in Contempt Nationstar Mortgage for Violation of 11 U.S.C. Section 524(a) (2) The Discharge Injunction and Awarding Attorney Fees to Debtor's Attorney." It is not clear from the motion what relief the debtor seeks. The sole request made in the motion is for an order holding the respondent in contempt for violation of the discharge injunction and for an award of attorneys fees and costs pursuant to §542(a) (2). However, some of the actions alleged to be violations of the discharge injunction were by "Veripro Solutions" and Bank of America, who were not served with, and who are not parties to, this motion. In addition, a review of the submitted documents and exhibits show that the work performed by the attorney was in connection with an attempt to obtain the reconveyance of a junior deed of trust. The debtor has not requested any relief connected to the reconveyance of that deed of trust.

On July 24, 2011, the court granted the debtor's "Lam" motion to value the respondent's collateral at \$0. The court's order provided that, "[t]he Debtor may proceed under state law to obtain a reconveyance of BAC Home Loan's 2nd trust deed upon completion of the Chapter 13 plan and entry of the discharge." Subsequently the debtor completed her plan payments. Her discharge was entered on May 30, 2014 and operates as satisfaction of the respondent's claim pursuant to the junior deed of trust. The debtor did not submit admissible evidence to show that she has proceeded under state law as directed by the court's order.

A deed of trust is a contract between the parties. California Civil Code §2941 provides for the reconveyance procedure, the time limits for performance, and statutory damages for breach. The willful violation by any person of the requirements for the execution and recordation of a reconveyance is a misdemeanor (§ 2941.5). Section 1717 provides for attorneys fees on actions on a contract but only where that contract specifically provides that the right to attorney fees is reciprocal. *In re Luchini*, 511 B.R. 664 (Bankr.E.D.Cal.,2014.)

10. [11-14937](#)-B-13 JOSE/JACINTA BENTO
TCS-4
JOSE BENTO/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO AVOID LIEN OF
AMERICAN EXPRESS BANK, FSB
4-29-15 [[65](#)]

11. [14-15042](#)-B-13 RANDA TARVIN
MHM-1

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
4-13-15 [[49](#)]

VARDUHI PETROSYAN/Atty. for dbt.
RESPONSIVE PLEADING

12. [15-10247](#)-B-13 GRISELDA LOPEZ
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE
3-27-15 [[29](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the debtor's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

13. [14-15661](#)-B-13 JOHN ALLEN
APN-1
WELLS FARGO BANK, N.A./MV

JERRY LOWE/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY WELLS
FARGO BANK, N.A.
12-18-14 [[12](#)]

14. [14-15661](#)-B-13 JOHN ALLEN
MHM-1
MICHAEL MEYER/MV
JERRY LOWE/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
4-8-15 [[34](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

15. [14-13571](#)-B-13 LEONARD/ROSELINE DUVAL
PLG-2
LEONARD DUVAL/MV
CHELSEA RYAN/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO COMPEL ABANDONMENT
4-6-15 [[49](#)]

This matter will be continued to May 28, 2015, at 1:30 p.m. The debtors shall submit supplemental points and authorities, in reply to the trustee's response, on the issue of whether compelled abandonment under §544(b) applies to the chapter 13 trustee in this case. It appears to the court that the debtors actually want an order authorizing a short sale of their property, for which a different motion is required. The court will prepare a minute order. No appearance is necessary.

16. [14-14074](#)-B-13 DAVID ALMANZA
HDN-1
DAVID ALMANZA/MV
HENRY NUNEZ/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
3-27-15 [[51](#)]

This matter will be continued to June 25, 2015, at 1:30 p.m., to be called, if necessary, with the final hearing on the trustee's motion to dismiss below. The court will prepare a minute order. No appearance is necessary.

17. [14-14074](#)-B-13 DAVID ALMANZA
MHM-2
MICHAEL MEYER/MV
HENRY NUNEZ/Atty. for dbt.

MOTION TO DISMISS CASE
4-27-15 [[57](#)]

The trustee's motion to dismiss was noticed as a preliminary hearing. The motion will be continued and set for a final hearing on June 25, 2015. No appearance is necessary.

Unless the chapter 13 trustee files a notice of withdrawal of this motion, the Debtor(s) shall voluntarily dismiss this case, voluntarily convert the case to chapter 7, or file and serve a written response to this motion, supported by evidence, to show why the case should not be dismissed on the grounds stated in the motion, including unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1). The debtor(s) responsive pleading, with admissible supporting evidence, shall be filed and served not later than June 11, 2014. At the final hearing, the court will make a ruling based on the evidence presented and, if relevant, judicial notice of the record. If timely opposition is not filed, the case may be dismissed by predisposition without oral argument.

18. [15-10281](#)-B-13 JOSEPH/MELINDA BRIGGS
MHM-1
MICHAEL MEYER/MV
DIANA TORRES-BRITO/Atty. for dbt.

OBJECTION TO CONFIRMATION OF
PLAN BY MICHAEL H. MEYER
4-21-15 [[26](#)]

This objection to confirmation was noticed as a preliminary hearing. The objection will be continued and set for a final hearing on June 25, 2015, at 1:30 p.m. Unless this case is voluntarily converted to chapter 7 or dismissed or the objection has been withdrawn, the debtors shall file and serve a written response not later than June 11, 2015. The response shall specifically address each issue raised in the objection, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. 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 June 18, 2015. If the debtors do not timely file a modified plan or a written response, the objection will be sustained on the grounds stated and confirmation will be denied without a further hearing. The court will prepare a civil minute order.

19. [15-10281](#)-B-13 JOSEPH/MELINDA BRIGGS
MHM-2
MICHAEL MEYER/MV
DIANA TORRES-BRITO/Atty. for dbt.

MOTION TO DISMISS CASE
4-21-15 [[26](#)]

The trustee's motion to dismiss was noticed as a preliminary hearing. The motion will be continued and set for a final hearing on June 25, 2015. No appearance is necessary.

Unless the chapter 13 trustee files a notice of withdrawal of this motion, the Debtor(s) shall voluntarily dismiss this case, voluntarily convert the case to chapter 7, or file and serve a written response to this motion, supported by evidence, to show why the case should not be dismissed on the grounds stated in the motion, including unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1). The debtor(s) responsive pleading, with admissible supporting evidence, shall be filed and served not later than June 11, 2014. At the final hearing, the court will make a ruling based on the evidence presented and, if relevant, judicial notice of the record. If timely opposition is not filed, the case may be dismissed by predisposition without oral argument.

20. [15-10884](#)-B-13 SILVIA RODRIGUEZ
PBB-1
SILVIA RODRIGUEZ/MV

PETER BUNTING/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
WELLS FARGO FINANCIAL NATIONAL
BANK
4-8-15 [[13](#)]

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence presented, the respondent's secured claim will be fixed at \$750. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

21. [14-14888](#)-B-13 BRIAN TRUONG AND NANCY LE
MHM-1
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

OBJECTION TO CONFIRMATION OF
PLAN BY MICHAEL H. MEYER
4-21-15 [[27](#)]

This objection to confirmation of the chapter 13 plan will be overruled without prejudice. The debtors have filed and set for hearing a modified plan. The plan that this objection relates to is deemed withdrawn. No appearance is necessary.

22. [14-14888](#)-B-13 BRIAN TRUONG AND NANCY LE MOTION TO DISMISS CASE
MHM-2 4-21-15 [[27](#)]
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

The trustee's motion to dismiss was noticed as a preliminary hearing. The motion will be continued and set for a final hearing on June 25, 2015. No appearance is necessary.

Unless the chapter 13 trustee files a notice of withdrawal of this motion, the Debtor(s) shall voluntarily dismiss this case, voluntarily convert the case to chapter 7, or file and serve a written response to this motion, supported by evidence, to show why the case should not be dismissed on the grounds stated in the motion, including unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1). The debtor(s) responsive pleading, with admissible supporting evidence, shall be filed and served not later than June 11, 2014. At the final hearing, the court will make a ruling based on the evidence presented and, if relevant, judicial notice of the record. If timely opposition is not filed, the case may be dismissed by predisposition without oral argument..

23. [14-14989](#)-B-13 ARTHUR BELL MOTION TO DISMISS CASE
MHM-2 3-30-15 [[47](#)]
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows there is a material default in the plan payments that has not been cured. Accordingly, the debtor's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare a civil minute order. No appearance is necessary.

24. [14-14892](#)-B-13 PATRICIA TAYLOR
RR-2
PATRICIA TAYLOR/MV
RANDY RISNER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
GREEN TREE SERVICING, LLC
4-8-15 [[41](#)]

This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary.

This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.

25. [14-14892](#)-B-13 PATRICIA TAYLOR
RR-3
PATRICIA TAYLOR/MV
RANDY RISNER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
BANK OF AMERICA, N.A.
4-8-15 [[45](#)]

This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary.

This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.

26. [14-13293](#)-B-13 STEPHEN/REBECCA CORL
PLG-2

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FEAR LAW GROUP,
P.C. FOR PETER L. FEAR, DEBTORS
ATTORNEY(S)
4-14-15 [[33](#)]

PETER FEAR/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

27. [14-15894](#)-B-13 DAVID CANIGLIA
TCS-1
DAVID CANIGLIA/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
CITIMORTGAGE, INC.
4-8-15 [[22](#)]

This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary.

This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.

28. [11-13595](#)-B-13 DONALD LEWIS
DRJ-3
DONALD LEWIS/MV

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH NATHAN H. RUSH
AND JESSICA A. RUSH
4-20-15 [[63](#)]

DAVID JENKINS/Atty. for dbt.

2:30 P.M.

- | | |
|---|--|
| 1. 13-10302 -B-11 GMC DAIRY FARMS LP
TCL-13
GMC DAIRY FARMS LP/MV
CHRISTIAN JINKERSON/Atty. for dbt. | OBJECTION TO CLAIM OF WESTERN
MILLING LLC, CLAIM NUMBER 20
3-31-15 [757] |
|---|--|

The objection will be sustained and/or modified as follows: Claim #20 is deemed to supersede and replace claim #2. The fact that this claim may be an amendment of, or duplicate of another filed claim is not a ground for disallowance of a claim enumerated in 11 U.S.C. § 502(b). Section 502(b) sets forth the sole grounds for objecting to a claim and the court must allow the claim unless one of the exceptions applies. *In re Heath*, 331 B.R. 424, 435 (9th Cir. BAP 2005), citing *In re Dove-Nation*, 318 B.R. 147, 150-51 (8th Cir. BAP 2004). The objecting party shall submit a proposed order consistent with this ruling. No appearance is necessary.

- | | |
|--|--|
| 2. 15-10402 -B-11 THE DOWNTOWN CHURCH

PETER FEAR/Atty. for dbt. | STATUS CONFERENCE RE: VOLUNTARY
PETITION
2-5-15 [1] |
| 3. 15-10705 -B-11 CHARLOTTE SALWASSER
THA-11
CHARLOTTE SALWASSER/MV
THOMAS ARMSTRONG/Atty. for dbt.
RESPONSIVE PLEADING | MOTION TO SELL
4-14-15 [108] |
| 4. 15-10705 -B-11 CHARLOTTE SALWASSER
THA-13
CHARLOTTE SALWASSER/MV
THOMAS ARMSTRONG/Atty. for dbt.
RESPONSIVE PLEADING | MOTION TO SELL FREE AND CLEAR
OF LIENS
4-14-15 [112] |
| 5. 15-10705 -B-11 CHARLOTTE SALWASSER
UST-1
TRACY DAVIS/MV
THOMAS ARMSTRONG/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.
RESPONSIVE PLEADING | CONTINUED MOTION TO RECONSIDER
4-2-15 [89] |

This matter has been rescheduled to the 9:00 a.m. calendar. No appearance is necessary at 2:30 p.m.

6. [15-10705](#)-B-11 CHARLOTTE SALWASSER
UST-2
TRACY DAVIS/MV

THOMAS ARMSTRONG/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED MOTION TO APPOINT
TRUSTEE AND/OR MOTION TO
APPOINT EXAMINER
4-17-15 [[150](#)]

This matter has been rescheduled to the 9:00 a.m. calendar. No appearance is necessary at 2:30 p.m.

7. [15-10039](#)-B-12 ANGELA PIMENTEL
DRJ-2
ANGELA PIMENTEL/MV
DAVID JENKINS/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM CHAPTER 12
PLAN
4-9-15 [[26](#)]

8. [15-10161](#)-B-11 FRESNO COUNTY
SPORTSMEN'S CLUB

PETER FEAR/Atty. for dbt.

STATUS CONFERENCE RE: VOLUNTARY
PETITION
1-20-15 [[1](#)]

9. [15-11079](#)-B-11 WEST COAST GROWERS, INC.
KDG-5 A CALIFORNIA CORPORATION
WEST COAST GROWERS, INC. A
CALIFORNIA CORPORATION/MV

HAGOP BEDOYAN/Atty. for dbt.

MOTION FOR ORDER AUTHORIZING
DEBTOR-IN-POSSESSION TO MAKE
FIRST INTERIM DISTRIBUTION TO
2014 GROWERS
4-23-15 [[117](#)]