



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher D. Jaime
Chief Bankruptcy Judge
Department B, Courtroom 32
501 I Street, 6th Floor
Sacramento, California

May 19, 2026 at 1:00 p.m.

Unless otherwise ordered, all matters before the Honorable Chief **Christopher Jaime** shall be simultaneously: (1) **In Person** at, **Sacramento Courtroom No. 32, 6th Floor** (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) 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/RemoteAppearances>. 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 medical 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.

PRE-HEARING DISPOSITIONS INSTRUCTIONS:

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

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

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

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

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

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Chief Bankruptcy Judge
Sacramento, California

May 19, 2026 at 1:00 p.m.

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1. [25-26902](#)-B-13 REXFORD/PHYLLIS CLARK MOTION TO WAIVE FINANCIAL
[GC-1](#) Julius J. Cherry MANAGEMENT COURSE
REQUIREMENT, WAIVE SECTION 1328
CERTIFICATE
REQUIREMENT, SUBSTITUTE PARTY,
AS TO DEBTOR
4-2-26 [[17](#)]

Final Ruling

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

The court's decision is to substitute Joint Debtor to continue administration of the case, and waive the deceased Debtor's certification otherwise required for entry of a discharge.

Joint Debtor Phyllis Ann Clark gives notice of the death of her husband Debtor Rexford Arthur Clark, III, and requests the court to substitute Phyllis Clark in place of Rexford Clark, III, for all purposes within this Chapter 13 proceeding.

Discussion

Local Bankruptcy Rule 1016-1(b) allows the moving party to file a single motion, pursuant to Federal Rule of Civil Procedure 18(a) and Federal Rules of Bankruptcy Procedure 7018 and 9014(c), asking for the following relief:

- 1) Substitution as the representative for or successor to the deceased or legally incompetent debtor in the bankruptcy case [FED. R. CIV. P. 25(a), (b); FED. R. BANKR. P. 1004.1 & 7025];
- 2) Continued administration of a case under chapter 11, 12, or 13 [FED. R. BANKR. P. 1016];
- 3) Waiver of post-petition education requirement for entry of discharge [11 U.S.C. §§ 727(a)(11), 1328(g)]; and
- 4) Waiver of the certification requirements for entry of discharge in a Chapter 13 case, to the extent that the representative for or successor to the deceased or incompetent debtor can demonstrate an inability to provide such certifications [11 U.S.C. § 1328].

In sum, the deceased debtor's representative or successor must file a motion to substitute in as a party to the bankruptcy case. The representative or successor may

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also request a waiver of the post-petition education, and a waiver of the certification requirement for entry of discharge "to the extent that the representative for or successor to the deceased or incompetent debtor can demonstrate an inability to provide such certifications." LBR 1016-1(b) (4).

Based on the evidence submitted, the court will grant the relief requested, specifically to substitute Phyllis Clark for Rexford Clark, III, as successor-in-interest, and to waive the § 1328 and financial management requirements for Rexford Clark, III. The continued administration of this case is in the best interests of all parties and no opposition being filed by the Chapter 13 Trustee or any other parties in interest.¹

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

The court will issue an order.

¹The court does not construe the response filed by the Trustee as an opposition. Rather, the Trustee appears to be mentioning things that will need to be resolved in the case. There is therefore no need for the continuance requested by the Debtor. Amended Schedules I & J shall be filed promptly once the social security benefits mentioned in the reply are obtained.

2. [26-20407](#)-B-13 RAYMOND ALBARRAN
[ALG](#)-1 Pro Se

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY REGAL
INVESTMENTS, INC.
3-27-26 [[23](#)]

DEBTOR DISMISSED: 04/29/26

Final Ruling

The case having previously been dismissed, the motion is dismissed as moot.

The motion is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

3. [25-27208](#)-B-13 MICHELLE/JAMES MEARS
[MRL-1](#) Mikalah Liviakis

OBJECTION TO CLAIM OF PATELCO
CREDIT UNION, CLAIM NUMBER 31
4-13-26 [[17](#)]

Final Ruling

The objection has been set for hearing on at least 30 days' notice to the claimant as required by Local Bankruptcy Rule 3007-1(b)(2). When fewer than 44 days' notice of a hearing is given, parties in interest were not required to file a written response or opposition.

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

The court's decision is to **conditionally sustain the objection to Claim No. 31 of Patelco Credit Union and continue the matter to May 26, 2026, at 1:00 p.m.**

The Debtor requests that the court disallow the claim of Patelco Credit Union ("Creditor"), Claim No. 31. The claim is asserted to be secured in the amount of \$36,994.27. The Debtor asserts that the claim has not been timely filed. See Fed. R. Bankr. P. 3002(c). The deadline for filing proofs of claim in this case for a non-government unit was March 2, 2026. The Creditor's claim was filed March 12, 2026.

Section 501(a) of the Bankruptcy Code provides that any creditor may file a proof of claim. "A proof of claim is a written statement setting forth a creditor's claim." Rule 3001(a). If the claim meets the requirements of § 501, the bankruptcy court must then determine whether the claim should be allowed. Section 502(a) provides that a claim is deemed allowed unless a party in interest objects. If such an objection is made, the court shall allow such claim "except to the extent that the proof of claim is not timely filed." See 11 U.S.C. § 502(b)(9).

Federal Rule of Bankruptcy Procedure 3002(c) governs the time for filing proofs of claim in a Chapter 13 case. Rule 9006(b)(3) prohibits the enlargement of time to file a proof of claim under Rule 3002(c) except as provided in one of the circumstances included in Rule 3002(c). *Zidell, Inc. v. Forsch (In re Coastal Alaska Lines, Inc.)*, 920 F.2d 1428, 1432-1433 (9th Cir. 1990) ("We . . . hold that the bankruptcy court cannot enlarge the time for filing a proof of claim unless one of the six situations listed in Rule 3002(c) exists."). No showing has been made that any of those circumstances apply.

The court also notes that the excusable neglect standard does not apply to permit the court to extend the time to file a proof of claim under Rule 3002(c). As the Ninth Circuit stated in *Coastal Alaska*:

Rule 9006(b) plainly allows an extension of the 90-day time limit established by Rule 3002(c) only under the conditions permitted by Rule 3002(c). Rule 3002(c) identifies six circumstances where a late filing is allowed, and excusable neglect is not among them. Thus, the 90-day deadline for filing claims under Rule 3002(c) cannot be extended for excusable neglect.

Id. at 1432. In fact, the time for filing claims under Rule 3002(c) cannot be extended for any equitable reason at all. As stated in *Spokane Law Enforcement Credit Union v. Barker (In re Barker)*, 839 F.3d 1189, 1197 (9th Cir. 2016): "[T]he Ninth Circuit has repeatedly held that the deadline to file a proof of claim in a Chapter 13 proceeding is 'rigid' and the bankruptcy court lacks equitable power to extend this deadline after the fact."

In sum, Creditor filed an untimely proof of claim and has not demonstrated any reason that would permit the court to allow its late-filed proof of claim.

Based on the evidence before the court, the Creditor's claim is disallowed in its entirety as untimely. The objection to the proof of claim is sustained .

The objection is ORDERED CONDITIONALLY SUSTAINED.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rule 3007-1(b)(2), any party in interest shall have until 5:00 p.m. on Friday, May 22, 2026, to file and serve an opposition or other response to the objection. See Local Bankr. R. 3007-1(b)(2). Any opposition or response shall be served on the Chapter 13 Trustee and creditor by facsimile or email.

If no opposition or response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on May 26, 2026, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the objection on May 26, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to May 26, 2026 at 1:00 p.m. for reasons stated in the minutes.

4. [26-21310](#)-B-13 MANSOOR/NAZREEN ALI
[LGT](#)-1 Colby D. LaVelle

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
4-24-26 [[22](#)]

CONTINUED TO 6/16/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF
CREDITORS SET FOR 6/04/26.

The court will issue an order.

The objection is CONTINUED to June 16, 2026 at 1:00 p.m. for reasons stated in the
minutes.

5. [25-20616](#)-B-13 TEOFILO RIVERA AND KARA MOTION TO MODIFY PLAN
[JCK](#)-3 DOMINGUEZ RIVERA 4-8-26 [[79](#)]
Gregory J. Smith

Final Ruling

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

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

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

The Chapter 13 trustee has filed opposition because the Debtor's plan omitted plan payments for months 20 through 29. The debtor has filed a response stating that was a typo and agrees to put the following plan payment instructions in the order confirming: \$1,475 per month for months 14 through 19, \$1,888 for months 20 through 35, \$2,666 per month for months 36 through 40 and then \$3,076 per month for months 41 through 60.

The court believes the issues have been resolved and the plan can be confirmed.

The modified plan does comply with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

6. [26-21216](#)-B-13 JOSHUA CRUZ
[LGT](#)-1 Kathleen H. Crist

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
4-23-26 [[14](#)]

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

7. [26-21120](#)-B-13 MARIA ROCHA
[LGT-1](#) Gabriel E. Liberman

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
4-15-26 [[27](#)]

Final Ruling

The objection has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1) and Federal Rule of Bankruptcy Procedure 4003(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to sustain the objection and the exemptions are disallowed in their entirety.

The Trustee objects to the Debtor's use of California Code of Civil Procedure § 704.730 as debtor is asserting a homestead exemption greater than the county median sale price. The Debtor has claimed an exemption of \$722,502.00 of home equity in her residence under § 704.730. The trustee objects to this exemption stating that the county wide median sale price for a single family home in 2025 was \$550,000.00. California Code of Civil Procedure provides that the homestead exemption is limited by the county-wide median sale price for a single-family home in the calendar year prior to when the bankruptcy petition was filed, not to exceed \$600,000.00. The debtor has not filed opposition as required by Local Bankruptcy Rule 9014-1(f)(1)(B). As such, the exemption in the amount of \$722,502.00 should be disallowed and the objection will be sustained.

The Trustee's objection is sustained and the claimed exemption is disallowed.

The objection is ORDERED SUSTAINED and the claimed exemption is DISALLOWED for reasons stated in the minutes.

The court will issue an order.

8. [20-24822](#)-B-13 NORBERTO ROSARIO RIVERA CONTINUED MOTION UNDER RULE
[LGT](#)-2 Gregory J. Smith 3002-1(G) (4) TO DETERMINE FINAL
CURE AND PAYMENT OF THE
MORTGAGE CLAIM. RE: MCLP ASSET
COMPANY, INC.. (CLAIM NO. 3)
3-24-26 [[105](#)]

Final Ruling

Continued to June 23, 2026, at 1:00 p.m. by stipulation filed May 11, 2026. Dkt. 114.
No appearance on May 19, 2026, at 1:00 p.m. is required.

The motion is ORDERED CONTINUED to June 23, 2026 at 1:00 p.m. for reasons stated in the
minutes.

9. [26-20723](#)-B-13 DONALD/TAMMY LACHER CONTINUED OBJECTION TO
[SKI](#)-1 Seth L. Hanson CONFIRMATION OF PLAN BY
Thru #10 SANTANDER CONSUMER USA INC.
3-23-26 [[12](#)]

Final Ruling

Debtors and creditor Santander Consumer USA, Inc., entered into a stipulation resolving the objection to confirmation of plan. An order was entered on May 15, 2026, removing the hearing from calendar. Dkt. 48. No appearances are necessary.

10. [26-20723](#)-B-13 DONALD/TAMMY LACHER MOTION TO VALUE COLLATERAL OF
[SLH](#)-1 Seth L. Hanson SANTANDER CONSUMER USA INC.
4-8-26 [[20](#)]

Final Ruling

Debtors and creditor Santander Consumer USA, Inc., entered into a stipulation resolving the opposition filed against the motion to value collateral. An order was entered on May 15, 2026, removing the hearing from calendar. Dkt. 47. The stipulation states that the subject property will be valued at \$35,325.00 with the remaining balance of \$7,494.87 to be allowed as a general unsecured claim. Further, the secured claim will be paid through the Chapter 13 plan with interest of 8.75%. No appearances are necessary.

Resolved by stipulation.

11. [26-20132](#)-B-13 JENNY/BRIAN WATSON CONTINUED OBJECTION TO
[JCW-1](#) Michael O'Dowd Hays CONFIRMATION OF PLAN BY BANK OF
Thru #12 AMERICA, N.A.
3-4-26 [[27](#)]

DEBTORS DISMISSED: 04/29/26

Final Ruling

The case having previously been dismissed, the motion is dismissed as moot.

The motion is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

12. [26-20132](#)-B-13 JENNY/BRIAN WATSON CONTINUED OBJECTION TO
[LGT-1](#) Michael O'Dowd Hays CONFIRMATION OF PLAN BY LILIAN
G. TSANG
2-27-26 [[24](#)]

DEBTORS DISMISSED: 04/29/26

Final Ruling

The case having previously been dismissed, the motion is dismissed as moot.

The motion is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

13. [26-20637](#)-B-13 RAHINA BUKSH CONTINUED OBJECTION TO
[LGT-1](#) Eric John Schwab CONFIRMATION OF PLAN BY LILIAN
Thru #14 G. TSANG
3-26-26 [[17](#)]

Final Ruling

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

Because the plan is not confirmable and the objection is not one that may be resolved in the confirmation order, further briefing is not necessary. See Local Bankr. R. 9014-1(f)(2)(C). The court has also determined that oral argument will not assist in the decision-making process or resolution of the objection. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers. No appearance at the hearing is necessary.

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

First, feasibility of the plan depends on the granting of a motion to value collateral of Creditor Santander for a 2025 Tesla Model Y. To date, the Debtor has not filed, served, or set for hearing a valuation motion pursuant to Local Bankr. R. 3015-1(j).

Second, the Debtor has not provided the Trustee with copies of payment advices or other evidence of income received within the six months prior to the filing of the petition. Further, the debtor has not provided the trustee with all payment advices Debtor has received since the bankruptcy petition filing date. The Debtor has not complied with 11 U.S.C. § 521(a)(1)(B)(iv).

The plan filed February 5, 2026, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

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

The court will issue an order.

14. [26-20637](#)-B-13 RAHINA BUKSH CONTINUED OBJECTION TO
[SKI-1](#) Eric John Schwab CONFIRMATION OF PLAN BY
SANTANDER CONSUMER USA INC.
3-20-26 [[12](#)]

Final Ruling

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

Because the plan is not confirmable and the objection is not one that may be resolved in the confirmation order, further briefing is not necessary. See Local Bankr. R. 9014-1(f)(2)(C). The court has also determined that oral argument will not assist in the decision-making process or resolution of the objection. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers. No appearance at the hearing is necessary.

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

First, feasibility of the plan depends on the granting of a motion to value collateral of Creditor Santander for a 2025 Tesla Model Y. To date, the Debtor has not filed, served, or set for hearing a valuation motion pursuant to Local Bankr. R. 3015-1(j). Further, the creditor argues that since the purchase money security interest securing the debt that is subject to the claim was incurred less than 910 days preceding the bankruptcy filing. As such, the motion to value would likely be denied.

Second, the creditor argues that the debtor's proposed interest on the creditor's claim is insufficient. The Debtor's plan provides interest of 5.00% on creditors claim. The court takes judicial notice of the prime rate of interest as published in a leading newspaper. *Bonds, Rates & Credit Markets: Consumer Money Rates*, Wall St. J., May 15, 2026, http://online.wsj.com/mdc/public/page/mdc_bonds.html. The current prime rate is 6.75%. To set the appropriate rate, courts utilize the "formula approach" of *Till v. SCS Credit Corp.*, 124 S.Ct. 1951 (2004), which takes into consideration the national prime rate and adjusts it for a greater risk of default posed by a debtor. Courts have typically adjusted the interest rate by 1% to 3%. The court finds that an interest rate of 5.00% to be insufficient as it is lower than the prime market rate.

As such, the objection to confirmation will be sustained.

The plan filed February 5, 2026, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

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

The court will issue an order.

15. [25-24738](#)-B-13 JUAN PEREZ
[PGM](#)-2 Peter G. Macaluso

MOTION TO CONFIRM PLAN
4-13-26 [[60](#)]

Final Ruling

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

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

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

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

16. [26-21338](#)-B-13 ANTONIO MIRANDA AND OBJECTION TO CONFIRMATION OF
[LGT](#)-1 SILVIA MIRANDA SORIANO PLAN BY LILIAN G. TSANG
Gregory J. Smith 4-24-26 [[14](#)]
WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

17. [26-21438](#)-B-13 DONALD/ALLISON HAMPTON OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Peter G. Macaluso PLAN BY LILIAN G. TSANG
4-24-26 [[12](#)]

CONTINUED TO 6/02/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 5/21/26.

The court will issue an order.

The objection is CONTINUED to June 2, 2026 at 1:00 p.m. for reasons stated in the minutes.

18. [24-20039](#)-B-13 KENNETH/MARIANNE GOETZE MOTION TO APPROVE LOAN
[CYB-1](#) Candace Y. Brooks MODIFICATION
4-16-26 [[74](#)]

Final Ruling

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

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

The court's decision is to **conditionally grant the motion and continue the matter to May 26, 2026, at 1:00 p.m.**

Debtors seek court approval to incur post-petition credit. New Rez, LLC, ("Creditor"), whose claim the plan provides for in Class 4, has agreed to a loan modification that will place the pre-petition mortgage payments in the amount of \$14,641.42 to be due as a lump sum on March 1, 2051. The modification will not require any increase in the mortgage payments and will be due at the end of debtors' existing mortgage loan with Creditor.

The motion is supported by the Declaration of Debtors Kenneth Goetze and Marianne Goetze. The Declaration affirms Debtors' desire to obtain the post-petition financing and provides evidence of Debtors' ability to pay this claim on the modified terms since there will be no increase to existing mortgage payments.

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

The motion is ORDERED CONDITIONALLY GRANTED.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, May 22, 2026, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on May 26, 2026, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on May 26, 2026, at 1:00 p.m.

The motion is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to May 26, 2026 at 1:00 p.m. for reasons stated in the minutes.

19. [24-20547](#)-B-13 JILL PALOMBI MOTION TO SELL
[MRI](#)-1 Mikalah Liviakis 4-28-26 [[21](#)]

Tentative Ruling

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

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

The court's decision is to grant the motion to sell.

The Bankruptcy Code permits Chapter 13 debtors to sell property of the estate after a noticed hearing. 11 U.S.C. §§ 363(b) and 1303. Debtor proposes to sell property described as 8920 Arcade Road, Atascadero, California, 93422 ("Property").

Proposed purchasers Ryan Bingham and Amy Bingham have agreed to purchase the Property for \$605,000.00. All costs of sale, such as escrow fees, title insurances, and broker's commissions will be paid in full from the sale proceeds. Debtor will not relinquish title to or possession of the Property prior to payment in full of the purchase price.

At the time of the hearing the court will announce the proposed sale and request that all other persons interested in submitting overbids present them in open court.

Based on the evidence before the court, the court determines that the proposed sale is in the best interest of the estate. The motion is granted.

Debtor's attorney shall submit an order consistent with the Trustee's standard sale language. The order shall be approved by the Trustee.

20. [25-26447](#)-B-13 KAREEM SYKES
[PGM-2](#) Peter G. Macaluso

MOTION TO CONFIRM PLAN
4-14-26 [[46](#)]

Final Ruling

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

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

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtors have provided evidence in support of confirmation. The Chapter 13 Trustee filed opposition, but has since withdrawn opposition due to all issues being resolved. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

21. [26-21250](#)-B-13 MICHELLE RUELOS
[LGT-1](#) Natali A. Ron

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
4-28-26 [[12](#)]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). A written reply has been filed to the objection.

Because the plan is not confirmable and the objection is not one that may be resolved in the confirmation order, further briefing is not necessary. See Local Bankr. R. 9014-1(f)(2)(C). The court has also determined that oral argument will not assist in the decision-making process or resolution of the objection. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers. No appearance at the hearing is necessary.

The court's decision is to continue the objection to May 26, 2026 at 1:00 p.m.

The Chapter 13 Trustee had filed the objection to confirmation on the basis that 1) an amended Statement of Financial Affairs needed to be filed, 2) Schedule A/B did not disclose all assets and an amended Schedule A/B needed to be filed, and 3) Debtor has not provided the trustee with verification that all tax returns have been filed.

The Debtor has filed a Amended Schedules A/B and an amended Statement of Financial Affairs. Debtor has stated they will provide proof of the tax filings to the Trustee upon receipt. As such, the court will continue the objection to May 26, 2026, at 1:00 p.m. to allow the debtor to file with the trustee proof of the filed tax returns. On May 22, 2026, by 5:00 p.m., the debtor and trustee shall file a status report regarding the objection to confirmation. If no status report is received, the court will assume the issues are outstanding and will sustain the objection to confirmation. If a status report is received and all issues are resolved, the court will overrule the objection to confirmation and no appearances will be necessary at the May 26, 2026 hearing.

The objection is ORDERED CONTINUED to May 26, 2026, at 1:00 p.m. for reasons stated in the minutes.

IT IS FURTHER ORDERED that a status report shall be filed by the trustee and debtor by 5:00 p.m. on May 22, 2026.

The court will issue an order.

22. [25-90167](#)-B-13 HAROLD EMMONS
[BSH](#)-4 Brian S. Haddix

MOTION TO MODIFY PLAN
4-13-26 [[72](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

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

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

23. [26-21269](#)-B-13 UDAIVEER DHILLON OBJECTION TO CONFIRMATION OF
AP-1 Pro Se PLAN BY PLAZA HOME MORTGAGE,
Thru #24 INC.
4-20-26 [[20](#)]

DEBTOR DISMISSED: 04/29/26

Final Ruling

The case having previously been dismissed, the motion is dismissed as moot.

The motion is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

24. [26-21269](#)-B-13 UDAIVEER DHILLON OBJECTION TO CONFIRMATION OF
[LGT-2](#) Pro Se PLAN BY LILIAN G. TSANG
4-24-26 [[24](#)]

DEBTOR DISMISSED: 04/29/26

Final Ruling

The case having previously been dismissed, the motion is dismissed as moot.

The motion is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

25. [25-20172](#)-B-13 ROSIE HERNANDEZ
[BSH](#)-3 Brian S. Haddix

MOTION TO MODIFY PLAN
4-11-26 [[55](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

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

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

26. [26-21272](#)-B-13 EDUARDO PLASCENCIA AND OBJECTION TO CONFIRMATION OF
[LGT](#)-1 VERONICA RUVALCABA PLAN BY LILIAN G. TSANG
Eric J. Gravel 4-24-26 [[12](#)]

CONTINUED TO 6/02/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 5/21/26.

The court will issue an order.

The objection is CONTINUED to June 2, 2026 at 1:00 p.m. for reasons stated in the minutes.

Final Ruling

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

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

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

First, the Chapter 13 trustee filed opposition stating that a motion to value collateral was necessary and the start date for monthly Class 2 dividends should start in November 2025. The debtor has filed a declaration stating that the motion to value had been granted by the court and that the dividend date could be corrected in the order confirming. While these issues appear to have been resolved, there is still an outstanding issue with the creditor.

Second, the creditor Ally Bank has opposed the motion to confirm because the interest rate on the Class 2 claim is 6.00%. The court takes judicial notice of the prime rate of interest as published in a leading newspaper. *Bonds, Rates & Credit Markets: Consumer Money Rates*, Wall St. J., May 15, 2026, http://online.wsj.com/mdc/public/page/mdc_bonds.html. The current prime rate is 6.75%. To set the appropriate rate, courts utilize the "formula approach" of *Till v. SCS Credit Corp.*, 124 S.Ct. 1951 (2004), which takes into consideration the national prime rate and adjusts it for a greater risk of default posed by a debtor. Courts have typically adjusted the interest rate by 1% to 3%. The court finds that an interest rate of 6% to be insufficient as it is less than the prime market rate. As such, the creditor's opposition will be sustained and the plan will not be confirmed.

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

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

The court will issue an order.

Tentative Ruling

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

The court's decision is to grant the motion to extend the automatic stay.

Debtor seeks to have the automatic stay extended beyond 30 days pursuant to 11 U.S.C. § 362(c)(3). This is the Debtor's second bankruptcy petition pending in the past 12 months. The Debtor's prior bankruptcy case was dismissed on March 18, 2026, for failure to make plan payments (case no. 24-22459). Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end in their entirety 30 days after filing of the petition. See e.g., *Reswick v. Reswick (In re Reswick)*, 446 B.R. 362 (9th Cir. BAP 2011) (stay terminates in its entirety); accord *Smith v. State of Maine Bureau of Revenue Services (In re Smith)*, 910 F.3d 576 (1st Cir. 2018). This motion was set for hearing within 30 days of the filing of the instant case. 11 U.S.C. § 362(c)(3)(B).

Discussion

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond 30 days if the filing of the subsequent petition was in good faith. 11 U.S.C. § 362(c)(3)(B). The subsequently filed case is presumed to be filed in bad faith if the debtor failed to perform under the terms of a confirmed plan. *Id.* at § 362(c)(3)(C)(i)(II)(cc). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* at § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-210 (2008).

Debtor asserts that his prior case failed due to a lack in understanding of how long it would take TFS payments to post. Debtor states he tried to remedy his delinquency but the payments posted after the motion to dismiss was heard. Debtor will make payments earlier going forward or will utilize another payment method as to not be delinquent again.

The Debtor has sufficiently rebutted, by clear and convincing evidence, the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The motion is granted and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

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

The court will issue an order.

29. [25-26178](#)-B-13 JERMYN/JOCELYN JULIAN
[PGM-1](#) Peter G. Macaluso

MOTION TO CONFIRM PLAN
4-8-26 [[27](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed and withdrawn by the Chapter 13 Trustee. The matter will be resolved without oral argument. No appearance at the hearing is required.

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

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtors have provided evidence in support of confirmation. The Chapter 13 Trustee filed opposition, but has since withdrawn the opposition as all issues have been resolved. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

30. [25-27279](#)-B-13 SHAWN AVANT
[LGT](#)-1 Michael T. Reid

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
2-12-26 [[13](#)]

DEBTOR DISMISSED: 04/29/26

Final Ruling

The case having previously been dismissed, the motion is dismissed as moot.

The motion is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

31. [26-20583](#)-B-13 DAVID WOODS
[LGT](#)-1 Arete Kostopoulos

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
3-16-26 [[18](#)]

CONTINUED TO 6/16/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF
CREDITORS SET FOR 6/04/26.

The court will issue an order.

The objection is CONTINUED to June 16, 2026 at 1:00 p.m. for reasons stated in the
minutes.

32. [26-21291](#)-B-13 DONNETTE DESANTIS
[LGT](#)-1 Richard L. Jare

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
4-28-26 [[17](#)]

CONTINUED TO 6/02/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF
CREDITORS SET FOR 5/21/26.

The court will issue an order.

The objection is CONTINUED to June 2, 2026 at 1:00 p.m. for reasons stated in the
minutes.

33. [26-21393](#)-B-13 JAMES/RACHELLE CHRISTY OBJECTION TO CONFIRMATION OF
[LGT](#)-1 R. Kenneth Bauer PLAN BY LILIAN G. TSANG
4-27-26 [[17](#)]

CONTINUED TO 6/16/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 6/04/26.

The court will issue an order.

The objection is CONTINUED to June 16, 2026 at 1:00 p.m. for reasons stated in the minutes.

34. [26-21294](#)-B-13 JAMES SIMPSON
[LGT-1](#) Simran Singh Hundal

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
4-23-26 [[12](#)]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). A written reply has been filed to the objection.

Because the plan is not confirmable and the objection is not one that may be resolved in the confirmation order, further briefing is not necessary. See Local Bankr. R. 9014-1(f)(2)(C). The court has also determined that oral argument will not assist in the decision-making process or resolution of the objection. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers. No appearance at the hearing is necessary.

The court's decision is to **conditionally sustain the objection, deny confirmation of the plan and continue the matter to May 26, 2026 at 1:00 p.m.**

First, the Chapter 13 trustee has objected to the confirmation of the plan due to failure to schedule all debts, a need to file an amended Schedule I showing an additional income source, and a need for a declaration showing financial support in the amount of \$2,390.00. The debtor has since filed the necessary declaration showing financial support and has clarified that there is no additional income from renting a room thus the Schedule I is still valid. However, debtor has not filed an amended Schedule D showing all secured claims, such as the Franchise Tax Board claim that has not been scheduled. Due to this outstanding issue, the court will conditionally sustain the objection and deny confirmation.

The plan filed March 11, 2026, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, May 22, 2026, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on May 26, 2026, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on May 26, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to May 26, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

35. [24-25197](#)-B-13 DENISE REES
[PGM-7](#) Peter G. Macaluso

MOTION TO EMPLOY BECKY ANN
ROENSPIE AS REALTOR(S)
5-4-26 [[148](#)]

Final Ruling

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

The court's decision is to deny the motion as unnecessary.

Debtor seeks to employ a real estate broker pursuant to 11 U.S.C. § 327(a). The Debtor asserts that the real estate broker's appointment and retention is necessary to complete the sale of her residence.

Becky Ann Rosenpie, a licensed real estate broker, testifies that she has extensive knowledge and familiarity with the area where the Property is located. Broker Rosenpie testifies she and the firm do not represent or hold any interest adverse to the Debtor or to the estate and that they have no connection with the Debtor, creditors, the U.S. Trustee, any party in interest, or their respective attorneys.

Discussion

Section 327(a) authorizes a trustee or a debtor in possession, with court approval, to engage the services of professionals to represent or assist the trustee or debtor in possession in carrying out the trustee's duties under Title 11.

Some courts hold that § 327 applies to the employment of professionals by Chapter 13 trustees and Chapter 13 debtors. *See e.g., In re Wright*, 578 B.R. 570 (Bankr. S.D. Tex. 2017) (§ 327(e)); *In re Goines*, 465 B.R. 704 (Bankr. N.D. Ga. 2012) (§ 327(e)); *In re Jenkins*, 406 B.R. 817 (Bankr. N.D. Ind. 2009) ("the term 'trustee' in 11 U.S.C. § 327(e) is to be read as 'Chapter 13 debtor'").

However, a majority of courts hold that § 327 applies only when Chapter 13 trustees seek to employ professionals and it is inapplicable to the employment of professionals by Chapter 13 debtors. *See e.g., In re Gilliam*, 582 B.R. 459, 465-66 (Bankr. N.D. Ill. 2018) (§ 327 does not apply to Chapter 13 debtors); *In re Scott*, 531 B.R. 640, 644-45 (Bankr. N.D. Miss. 2015) (nothing suggests that "trustee" in § 327(e) means debtor); *In re Jones*, 505 B.R. 229, 231 (Bankr. E.D. Wis. 2014) ("[A]n individual chapter 13 debtor ... is not a 'trustee' for purposes of § 327."); *In re Maldonado*, 483 B.R. 326, 330 (Bankr. N.D. Ill. 2012) (§ 327 does not apply to debtors in Chapter 13 cases); *In re Tirado*, 329 B.R. 244, 250 (Bankr. E.D. Wis. 2009) ("Therefore, § 327 of the Bankruptcy Code simply does not apply to chapter 13 debtors who seek to employ professionals.").

The majority consider the limitation of § 327 to a "trustee" and the omission of reference to Chapter 13 debtors significant. As the court in *Tirado* explained in the context of the debtor's request to employ a professional to assist the debtor in the sale of real property:

[Section] 327 does not apply to the employment of attorneys or other professionals by a chapter 13 debtor. Section 327 applies to trustees, and, pursuant to § 1107 of the Bankruptcy Code, when § 327 refers to the trustee, the reference includes the debtor in possession. [Internal citation omitted].

Each subsection of § 327 either focuses on the trustee

or excludes chapter 13. See 11 U.S.C. §§ 327(a) (“the trustee ... may employ ...”); 327(b) (“the trustee may retain or replace ...”); 327(c) (“In a case under chapter 7, 12, or 11 of this title ...”); 327(d) (“the court may authorize the trustee to act as attorney or accountant”); 327(e) (“The trustee ... may employ ...”); and 327(f) (“The trustee may not employ ...”). Congress, through the use of plain and unambiguous language, has limited the scope of § 327 to trustees. Although chapter 11 debtors in possession have also been included under § 327 via § 1107, and chapter 12 debtors must comply with § 327 pursuant to § 1203, there is no corresponding section of chapter 13 making § 327 applicable to chapter 13 debtors.

Therefore, § 327 of the Bankruptcy Code simply does not apply to chapter 13 debtors who seek to employ professionals. The requirements of § 327 would be triggered by a chapter 13 trustee’s application to employ a professional, but in this case, [the professional’s] services were rendered to the Debtor, not the Trustee. For, unlike chapter 11 and 12 in which the debtor in possession has the same rights and duties when selling property and employing professionals as a trustee, ‘the [chapter 13] debtor shall have, exclusive of the trustee, the rights and powers of a trustee [to use, sell, or lease property].’ 11 U.S.C. § 1303 (emphasis supplied).

Tirado, 329 B.R. at 250.

This court has previously followed the majority and found that § 327 is inapplicable to a Chapter 13 debtor’s request to employ a professional to assist the debtor in the sale of his residence. *See e.g., In re Slagle*, No. 18-27555 (Bankr. E.D. Cal. 2018) (Dkts. 49, 52); *In re Fonseca*, No. 16-28212 (Dkts. 42, 43) In so doing, the court applied *Tirado’s* reasoning. Doing so is consistent with *Smith v. Yncera (In re Yncera)*, 2009 WL 7751418, *5 n.15 (9th Cir. BAP June 26, 2009), in which the BAP noted there is nothing in the Bankruptcy Code that specifically requires real estate professionals in Chapter 13 cases to be employed by order of the court or for the court to approve their compensation.

The court has considered the pros and cons of each approach to arrive at a result that is consistent with the plain language of § 327 in particular and the intent of the Bankruptcy Code generally. And so in that regard, the court finds *Tirado’s* reasoning and the majority position to be the better and better reasoned approach. Accordingly, the court concludes that it is not necessary for the Debtor’s real estate professional(s) employment to be approved under § 327 in order to permit the real estate professional to assist the Debtor in the sale of the Property.

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

The court will prepare an order

36. [26-21199](#)-B-13 WENDY JONES-TALLEY
[LGT](#)-1 Peter L. Cianchetta

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
4-24-26 [[12](#)]

Final Ruling

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

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

Subsequent to the Trustee filing her objection, Debtor filed an amended plan on May 5, 2026. The confirmation hearing for the amended plan is scheduled for June 16, 2026. The earlier plan filed March 5, 2026 is not confirmed.

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

The court will issue an order.

PNC BANK, NATIONAL
ASSOCIATION VS.

Final Ruling

PNC Bank, National Association, formerly known as PNC Equipment Finance ("Movant") requests relief from the automatic stay of 11 U.S.C. § 362(a). The motion was conditionally granted on May 12, 2026. Dkts. 50, 51. Debtor Justin Colton Ford ("Debtor") was provided an opportunity to respond to the conditional ruling. *Id.* Opposition was filed on May 15, 2026. Dkts. 52-55.

The court has reviewed the motion, opposition, and all related declarations and exhibits. The court has also reviewed and takes judicial notice of the docket. See Fed. R. Evid. 201(c)(1). Oral argument is not necessary and will not assist in the decision-making process. See Local Bankr. R. 1001-1(f), 9014-1(h).

Movant requests relief from the automatic stay so that it may exercise its rights to the following equipment: (i) a 2023 BobcatT66 Compact Track Loader, Serial Number 845835726; (ii) a 2023 Bobcat E35 Mini Excavator, Serial Number 84P3I4296; and (iii) a Bobcat H8880 Hydraulic Breaker, Serial Number A00X243g2 (collectively, "Bobcats"). The Bobcats are collateral under a finance agreement between Movant and Finish Line Construction, Inc. ("Finish Line"), which is the Debtor's non-debtor corporate entity. The Debtor is only a guarantor of the finance agreement between Movant and Finish Line. Finish Line is apparently in default of the finance agreement.

Critical here is that the Debtor does not own the Bobcats. The Bobcats belong to Finish Line which, as noted, is a separate non-debtor entity. That means three things.

First, it means the Bobcats are not property of the Debtor's bankruptcy estate. *Dole Food Co. v. Patrickson*, 538 U.S. 468, 474-75 (2003); *U.S. v. Bennett*, 621 F.3d 1131, 1136-37 (9th Cir. 2010); *In re Shapow*, 599 B.R. 51, 71 (Bankr. C.D. Cal. 2019) (bankruptcy of an individual brings into the estate only ownership interest in the corporation, not the assets of the corporation).

Second, it means the Bobcats are not protected by or subject to the automatic stay.

Third, it means that while Movant may not enforce the guaranty by collecting the debt that Finish Line owes Movant under the finance agreement from Debtor personally, Movant may nevertheless enforce its in rem rights as against the Bobcats to the extent Finish Line is in default under the finance agreement with Movant- as it apparently is.

Relief from the automatic stay is not necessary to allow Movant to enforce its in rem lien rights as to the Bobcats. That said, to the extent the Bobcats are in the Debtor's possession and to the extent that requires Movant to repossess the Bobcats as non-estate property from the Debtor, there is cause under 11 U.S.C. § 362(d)(1). The motion is **GRANTED**. The automatic stay of 11 U.S.C. § 362(a) is **TERMINATED** to allow Movant to exercise its rights to the Bobcats under applicable nonbankruptcy law, including repossession, sale, and application of proceeds to amounts owed under the finance agreement.

The 14-day stay of Rule 4001(a)(4) is **WAIVED**.

IT IS SO ORDERED.

The court will issue an order consistent with these minutes.