

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

Honorable Christopher D. Jaime  
Robert T. Matsui U.S. Courthouse  
501 I Street, Sixth Floor  
Sacramento, California

**PRE-HEARING DISPOSITIONS COVER SHEET**

**DAY: TUESDAY**

**DATE: May 20, 2025**

**CALENDAR: 1:00 P.M. CHAPTER 13 and CHAPTER 11 (ITEMS 21 - 24)**

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  
Bankruptcy Judge  
Sacramento, California

May 20, 2025 at 1:00 p.m.

- 
1. [24-21500](#)-B-13 NATASHA JACKSON MOTION TO VALUE COLLATERAL OF  
[JBR](#)-10 Jennifer B. Reichhoff ILWU CREDIT UNION  
**Thru #2** 4-14-25 [[136](#)]

**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 value the secured claim of ILWU Credit Union at \$11,711.00.

Debtor moves to value the secured claim of ILWU Credit Union ("Creditor"). Debtor is the owner of a 2021 Kia K5 ("Vehicle"). The Debtor seeks to value the Vehicle at a replacement value of \$11,711.00 as of the petition filing date. As the owner, Debtor's opinion of value is evidence of the asset's value. See Fed. R. Evid. 701; see also *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

Creditor has also agreed to the valuation as evidenced by a signed stipulation at Exhibit B, dkt. 139.

The lien on the Vehicle's title secures a purchase-money loan incurred in April 2021, which is more than 910 days prior to filing of the petition, to secure a debt owed to Creditor with a balance of approximately \$21,135.00. Therefore, the Creditor's claim secured by a lien on the asset's title is under-collateralized. The Creditor's secured claim is determined to be in the amount of \$11,711.00. See 11 U.S.C. § 506(a). The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is granted.

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

The court will issue an order.

2. [24-21500](#)-B-13 NATASHA JACKSON MOTION TO CONFIRM PLAN  
[JBR](#)-11 Jennifer B. Reichhoff 4-14-25 [[141](#)]

**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

May 20, 2025 at 1:00 p.m.

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 Debtor has 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. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

3. [24-20702](#)-B-13 CRAIG GILMORE  
[LGT](#)-3 G. Michael Williams

CONTINUED MOTION TO DISMISS  
CASE  
3-11-25 [[109](#)]

### **Final Ruling**

This matter was continued from May 6, 2025, to allow attorney Brian Haddix ("Counsel") to file additional documentation regarding his substitution of attorney. Counsel filed a timely declaration stating, in relevant part, that it was his understanding on April 22, 2025, that debtor Craig Gilmore ("Debtor") no longer wanted Counsel to represent him.

Furthermore, after the court's May 6 inquiry about the status of Debtor's case, Counsel made two attempts to contact Debtor by telephone, leaving messages on May 9 and 15 to ascertain Debtor's intentions and status of representation. To date, Counsel has not received any response from Debtor.

Given the aforementioned and that Debtor has failed to confirm a plan and bring payments current, the Chapter 13 Trustee's motion to convert case to one under chapter 7 is granted.

The motion is ORDER GRANTED and the case is CONVERTED to one under chapter 7 for reasons stated in the minutes.

The court will issue an order.

### **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's decision is to grant the motion to extend 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 February 27, 2025, for failure to set a modified plan for hearing and delinquency of plan payments (case no. 2024-23139). 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.

### **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 there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13. *Id.* at § 362(c)(3)(C)(i)(III). 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). This court does not utilize the *Sarafoglou* factors as urged by the Debtor. See *In Re Sarafoglou*, 345 B.R. 19 (Bankr. D. Mass. 2006).

Debtor states that the prior case failed because she and her husband were going through a separation and could not come to an agreement on financial obligations. Debtor contends that her circumstances have changed since she is now separated from her husband and their financial obligations have also been divided. Debtor states that she has sufficient income to succeed in this bankruptcy because she has secured additional \$3,200 in income per month from renting out bedrooms. Debtor has filed the present bankruptcy in order to keep her home and pay back creditors to the best of her ability.

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.

5.     [24-23014](#)-B-13     SENGPHET/SYPHONG     MOTION TO CONFIRM PLAN  
          [MJD](#)-2           PHIMMASENE           4-15-25 [[74](#)]  
                      Matthew J. DeCaminada

**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. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

**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 by the Chapter 13 Trustee ("Trustee") and Wells Fargo Bank, N.A. ("Wells Fargo") Debtor Maureen Sharma ("Debtor") filed a response.

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 first amended plan.

The Trustee and Wells Fargo object to confirmation of the plan on various grounds, primarily the speculative sale or refinance of Debtor's real property within 60 months, which render the plan not feasible.

Debtor filed a response reiterating a refinance or loan modification to her real property no later than June 1, 2026. However, this does not resolve the speculative nature of this term in the plan. Debtor notes that her counsel has reached out to the attorney for Wells Fargo in hopes that a loan modification process can commence and be streamlined, but to no avail.

Due to the speculative nature of the sale or refinance of Debtor's real property, the 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.

7. [25-20431](#)-B-13 MITCHELL MILES  
[LGT](#)-1 David A. Boone

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
3-24-25 [[15](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed January 31, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to May 27, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). Due to the claim filed by Lendmark Financial Services LLC (2000 Chevrolet Silverado) and non-scheduled priority and unsecured claims, the current plan payment proposal causes the plan to take 96.24 months to fund.

Second, Debtor's counsel failed to make a selection in the plan for compensation at Section 3.05. Therefore, the attorney of record will need to seek approval of fees through a fee application filed with the court.

Third, the Disclosure of Compensation of Attorney for Debtor form filed on January 31, 2025 is incorrect. In regard to question 5 and 6, the required language of the standard form is missing. The form does not match the standardized form as provided on the Eastern District of California Court's website.

The plan 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 objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on May 23, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no 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 27, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on May 27, 2025, at 1:00 p.m.

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

The court will issue an order.

8. [25-21031](#)-B-13 JAMES JOHN CATUBIG  
[LGT](#)-1 Anh V. Nguyen

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
4-22-25 [[14](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed March 7, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to May 27, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

Debtor's current plan classifies mortgage creditor, Lakeview Loan Servicing LLC ("Creditor"), as a Class 1 and a Class 2 creditor. However, based on Creditor's proof of claim 4-1, the loan matures in December 2047, well after the conclusion of the plan term. Accordingly, Creditor should be solely listed as a Class 1 creditor.

The plan 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 objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on May 23, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no 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 27, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on May 27, 2025, at 1:00 p.m.

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

The court will issue an order.

### **Final Ruling**

The *initial* Chapter 13 Plan filed March 13, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to May 27, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the plan unfairly discriminates between a class or classes of unsecured claims. 11 U.S.C. § 1322(b). The nonstandard provision of Debtor's plan states "The trustee shall not disburse any funds to the Department of Education on its claim." However, the Department of Education is not Debtor's only student loan. Schedule F provides for three separate student loan claims with Aidvantage. These were not included in the provisions of the plan as being paid direct. Additionally, Debtor testified at the meeting of creditors that Aidvantage student loans were also meant to be paid direct as the Aidvantage loans belong to her daughter. Her daughter makes all the payments.

Second, the Disclosure of Compensation of Attorney for Debtor form filed March 13, 2025, is incorrect. The form does not match that of the form provided on the Eastern District of California Court's website.

The plan 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 objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on May 23, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no 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 27, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on May 27, 2025, at 1:00 p.m.

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

The court will issue an order.

10. [24-23745](#)-B-13 DENON/LAQUANA MARYLAND MOTION TO CONFIRM PLAN  
[CYB](#)-1 Candace Y. Brooks 4-14-25 [[36](#)]

**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)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed April 14, 2025, will be confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

11. [25-20946](#)-B-13 ERIN KENNY  
[LGT](#)-2 Julius J. Cherry

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
4-24-25 [[18](#)]

**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.

Separately, an order confirming plan was already entered on May 6, 2025.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

12. [21-21449](#)-B-13 GARY/DIANNE AMBRIZ  
[LGT](#)-1 Thomas A. Moore

MOTION TO DETERMINE FINAL CURE  
AND MORTGAGE PAYMENT RULE  
3002.1  
4-11-25 [[58](#)]

### 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to grant the motion for determination of final cure and payment.

The Chapter 13 Trustee ("Trustee") seeks an order confirming that: (1) the Debtors have cured the default with respect to the promissory note dated July 12, 2010, secured by a deed of trust on real property located at 3134 Autumn Chase Circle, Stockton, California 95219 in favor of U.S. Bank National Association, its assignees and/or successors, by and through its servicing agent Fay Servicing, LLC., and (2) all post-petition payments due and owing as of May 2021 through February 2025 have been paid.

Fay Servicing, LLC, servicer for Wilmington Savings Fund Society, FSB, as Trustee of Stanwich Mortgage Loan Trust 1 ("Fay Servicing"), filed an opposition stating that the payment dated September 30, 2024, in the amount of \$1,620.73 is missing.

### History

The missing payment appears to be the result of transfers from the original mortgage holder to subsequent servicers and a failure to pay the transfer of claim fee.

Date	Events
4/20/21	Debtors file their voluntary petition for relief under chapter 13.
6/14/21	Pursuant to Proof of Claim 5-1, filed by the mortgage holder Wilmington Savings Fund Society, Carrington Mortgage Services, LLC ("Carrington") was to be the mortgage servicer.
5/10/24	A transfer of claim was filed attempting to transfer the claim of Wilmington Savings Fund Society to U.S. Bank National Association c/o Fay Servicing.
5/24/24	An Order to Show Cause was issued due to failure to pay the transfer of claim fee.
6/26/24	The Court issued an order striking the transfer of claim. As a result, the Trustee continued to pay Carrington.
9/30/24	The Trustee sent the \$1,620.73 mortgage payment to Carrington, who at the time was still the mortgage servicer of record.
10/17/24	Carrington returned \$1,620.73 via check to the Trustee stating that "these funds are being returned as the loan has been paid in full."
10/29/24	The Trustee returned the check to Carrington Mortgage Services, LLC with a letter stating "as for the funds, if this account has been paid in full, my office no longer have [sic] any interest in these funds, and they should be forwarded to the Debtor accordingly."
1/28/25	Debtors final plan payment was received.

3/3/25	Trustee's office filed a Notice of Final Cure pursuant to Rule 3002.1(h).
3/19/25	A transfer of claim was filed transferring the claim of Wilmington Savings Fund Society to U.S. Bank National Association c/o Fay Servicing.

Noteworthy is that between the September 2024 mortgage payment date and the March 19, 2025, mortgage claim transfer, the Trustee made multiple mortgage payments to Carrington and none of those payments are disputed.

According to the Trustee, as of April 9, 2025, the check for \$1,620.73 remains outstanding.

#### **Discussion**

Pursuant to Federal Rule of Bankruptcy Procedure 3002.1(h), on motion of the debtor or trustee, after notice and hearing, the court shall determine whether a debtor has cured the default and paid all required post-petition amounts.

Here, a review of the Notice of Final Cure Payment indicates that Debtors have made all payments under the plan for arrears to Wilmington Savings Fund Society, Carrington Mortgage Services, LLC. The Trustee has also sent the disputed \$1,620.73 check to Carrington and the check remains outstanding. Thus, any issue with the missing payment is a dispute between two mortgage servicers, Carrington and Fay Servicing, and not the Trustee.

Therefore, the court finds that the Trustee fulfilled its duties of curing defaults and paying all required post-petition amounts, and that there are insufficient funds in the bankruptcy estate to issue any additional funds. The disputed payment of \$1,620.73 shall be resolved between mortgage servicers Carrington and Fay Servicing.

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

The court will issue an order.

13. [25-21059](#)-B-13 JONATHAN GOBERT AND LUIS OBJECTION TO CONFIRMATION OF  
[LGT](#)-1 OTERO PLAN BY LILIAN G. TSANG  
Robert L. Goldstein 4-22-25 [[20](#)]

CONTINUED TO 6/03/25 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE MEETING OF CREDITORS SET FOR 5/29/25.

**Final Ruling**

No appearance at the May 20, 2025, hearing is required. The court will issue an order.

14. [25-21075](#)-B-13 JOSEPH POTPROCKY  
[JCW](#)-1 Nicholas Wajda  
**Thru #15**

OBJECTION TO CONFIRMATION OF  
PLAN BY BRIDGECREST CREDIT  
COMPANY, LLC  
4-23-25 [[22](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed March 11, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to May 27, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

Creditor Bridgecrest Credit Company, LLC ("Creditor"), holds a purchase money security interest in a motor vehicle that was purchased by Debtor in the 910-day period preceding the date of the filing of the petition. Therefore, the lien is not subject to cramdown and the Debtor must pay the full value of the claim. Creditor objects to Debtor's proposed reduction of the interest rate from the contract rate of 19.48% to 6.50%. Creditor states that Debtor must pay the present value of the secured claim by paying a discount rate of interest as measured by the formula rate expressed by the United States Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). See also *Drive Fin. Servs., L.P. v. Jordan*, 521 F.3d 343 (5th Cir. 2008) (applying prime plus rate to vehicle lender's 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 17, 2025, [http://online.wsj.com/mdc/public/page/mdc\\_bonds.html](http://online.wsj.com/mdc/public/page/mdc_bonds.html). The current prime rate is 7.50%. To set the appropriate rate, courts utilizes the "formula approach" of *Till*, 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 8.75% to be appropriate. If either party disputes the interest rate, it may request an evidentiary hearing in either the subsequent motion to confirm or any opposition/objection thereto. The request shall appear in the caption of the document in which it is made. If an evidentiary hearing is requested, the document(s) shall also identify the interest rate expert(s). The court may also appoint its own interest rate expert, Fed. R. Evid. 706(a), and if it does it may allocate the expert's compensation among the parties as appropriate. Fed. R. Evid. 706(c). All parties, attorneys, and witnesses will be required to appear in person for the evidentiary hearing. Telephonic and/or video appearances will not be permitted.

The plan 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 objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on May 23, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no 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 27, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on May 27, 2025, at 1:00 p.m.

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

The court will issue an order.

15. [25-21075](#)-B-13 JOSEPH POTPROCKY OBJECTION TO CONFIRMATION OF  
[LGT](#)-1 Nicholas Wajda PLAN BY LILIAN G. TSANG  
4-22-25 [[18](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed March 11, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to May 27, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Paragraph 2.01 of Debtor's plan provides for a monthly plan payment of \$2,453.93. The Debtor has failed to provide admissible evidence that his plan is mathematically feasible. Trustee's calculations indicate that Debtor's plan will take 60.50 months to fund. The plan payment will need to be at least \$2,474.29 per month for the plan term of 60 months in order for Debtor's plan to be feasible.

Second, Debtor must file amended an Disclosure of Compensation of Attorney for Debtor and not exclude any services that are included in the No-Look Fee and Rights and Responsibilities.

Third, Debtor testified that he has not received his 2024 tax refunds. Debtor needs to amend Schedule A/B to disclose the amount of the anticipated tax refunds.

Fourth, Debtor testified to having filed a bankruptcy in 2024, Debtor needs to amend the voluntary petition to disclose the prior filing.

The plan 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 objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on May 23, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no 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 27, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on May 27, 2025, at 1:00 p.m.

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

The court will issue an order.

16. [25-20580](#)-B-13 IVAN FERREIRA  
[LGT](#)-1 Arete Kostopoulos

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
3-21-25 [[15](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed February 11, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to May 27, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, amended schedules are required. Specifically amended Statement of Financial Affairs, Disclosure of Compensation of Attorney for Debtor, and Schedules A/B, C, and D.

Second, the plan does not provide for all of the Debtor's projected disposable income to be applied to unsecured creditors under the plan. 11 U.S.C. § 1325(b)(1)(B). Based on Debtor's current monthly income, Debtor has available disposable income to fund 100% of the plan.

Third, calculations indicate that Debtor's plan will take 72.07 months to fund. The plan payment will need to be at least \$6,337.99 per month for the plan term of 60 months in order for Debtor's plan to be feasible. Furthermore, based on Debtor's testimony on May 15, 2025, Debtor has tax liability for the 2024 taxable year which will also need to be provided for in the plan, thus requiring an even higher plan payment to fund in 60 months.

Fourth, Section 3.05 of Debtor's plan provides for the balance of attorney fees of \$6,000.00 to be paid through the plan. However, Section 3.06 of Debtor's plan fails to state the monthly dividend payable for those attorney fees. Debtor's plan is not feasible.

The plan 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 objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on May 23, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no 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 27, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on May 27, 2025, at 1:00 p.m.

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

The court will issue an order.

17. [25-20583](#)-B-13 RYAN/STEFFANIE NELSON MOTION TO CONFIRM PLAN  
FI-[1](#) Fred A. Ihejirika 4-21-25 [[18](#)]

**Final Ruling**

CONTINUED TO 6/10/25 AT 1:00 P.M. AT SACRAMENTO COURTROOM.

18. [25-20485](#)-B-13 STEVEN KAMP  
[SMK](#)-1 Pro Se

MOTION TO CONFIRM PLAN  
4-3-25 [[30](#)]

CONTINUED TO 7/01/25 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE MEETING  
OF CREDITORS SET FOR 6/26/25.

**Final Ruling**

No appearance at the May 20, 2025, hearing is required. The court will issue an order.

19. [25-20988](#)-B-13 IAN RENDELL  
[LGT](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
4-17-25 [[21](#)]

DEBTOR DISMISSED: 05/01/25

**Final Ruling**

The case having been dismissed on May 1, 2025, the objection to confirmation of plan is overruled as moot.

The court will issue an order.

20. [24-25490](#)-C-13 BEE DAVIS  
[CCJ](#)-1 Gabriel E. Liberman

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
4-17-25 [[53](#)]

FONTE HOLDINGS, INC. VS.

### **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). 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 deny without prejudice the motion for relief from automatic stay.

Fonte Holdings, Inc. ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 411 Estates Drive, Sacramento, California (the "Property"). Movant has provided the Declaration of Carl Jones to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

The Jones Declaration states that the last payment from debtor Bee Davis ("Debtor") was received on September 28, 2023, and that Debtor has failed to make any post-petition payments to Movant whatsoever.

Debtor filed an opposition stating that she has paid \$41,132.00, or approximately four post-petition plan payments to the Chapter 13 Trustee ("Trustee") since the case was filed on December 4, 2024. Of this amount, the Trustee has distributed four post-petition mortgage payments to Movant, each for \$4,151.66, totaling \$16,606.64. A copy of Creditor's claim summary page from the National Data Center website as of May 13, 2025, is submitted as Exhibit A.

Debtor's opposition also states that a second amended plan was filed on May 13, 2025, and the confirmation hearing is set for July 1, 2025, at 1:00 p.m. Debtor states that the second amended plan resolves issues raised by Movant, including mortgage arrears on her primary residence.

Separately, Movant values the Property at \$850,000.00 for purposes of its motion. Dkt. 58. Movant asserts it is owed \$650,871.85 on its first deed of trust that encumbers the Property. *Id.* That leaves equity of approximately \$199,128.15 which translates to an equity cushion for Movant of approximately 23.42%. The Ninth Circuit has held that an equity cushion of at least 20% adequately protects a secured creditor, even in the absence of payments. *Pistole v. Mellor (In re Mellor)*, 734 F.2d 1396, 1400-01 (9th Cir. 1984).

Given the aforementioned, the court finds that relief from the automatic stay is not warranted at this time. The motion is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

21. [24-23489](#)-B-11 SUKHRAJ PAMMA APPROVAL OF AMENDED DISCLOSURE  
[BRG](#)-15 Barney Given STATEMENT  
4-30-25 [[441](#)]
22. [24-23489](#)-B-11 SUKHRAJ PAMMA CONTINUED STATUS CONFERENCE RE:  
[25-2015](#) CAE-1 COMPLAINT  
DHILLON ET AL V. U.S. BANK 1-28-25 [[1](#)]  
NATIONAL ASSOCIATION ET AL
23. [24-23489](#)-B-11 SUKHRAJ PAMMA CONTINUED MOTION TO DISMISS  
[25-2015](#) DJN-1 CAUSE(S) OF ACTION FROM  
DHILLON ET AL V. U.S. BANK COMPLAINT  
NATIONAL ASSOCIATION ET AL 3-27-25 [[30](#)]
24. [24-23489](#)-B-11 SUKHRAJ PAMMA CONTINUED MOTION TO SELL FREE  
[BRG](#)-13 Barney Given AND CLEAR OF LIENS  
1-28-25 [[260](#)]