

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable W. Richard Lee

Hearing Date: Wednesday, May 21, 2014

Place: Department B – Courtroom #12

Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

2. Submission of Orders:

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

3. Matters Resolved Without Opposition:

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

4. Matters Resolved by Stipulation:

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

5. Resubmittal of Denied Matters:

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

10:00 A.M.

1. [14-11605](#)-B-7 CHRISTINA GIBSON AMENDED MOTION TO COMPEL  
MAZ-2 ABANDONMENT  
CHRISTINA GIBSON/MV 4-30-14 [[38](#)]  
MARK ZIMMERMAN/Atty. for dbt.
2. [13-11709](#)-B-7 HILDA VARGAS MOTION TO AVOID LIEN OF  
AG-2 NATIONAL CREDIT ACCEPTANCE,  
HILDA VARGAS/MV INC.  
4-22-14 [[44](#)]  
ALBERT GARCIA/Atty. for dbt.

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

3. [13-11709](#)-B-7 HILDA VARGAS MOTION TO AVOID LIEN OF  
AG-3 PROFESSIONAL COLLECTION  
HILDA VARGAS/MV CONSULTANTS  
4-22-14 [[50](#)]  
ALBERT GARCIA/Atty. for dbt.  
RESPONSIVE PLEADING

**This matter was fully noticed in compliance with the Local Rules. The motion will be granted without oral argument for cause shown. Based on the creditor's response, the judgment lien will be avoided as to the debtor's fifty-percent (50%) interest only. The moving party shall submit a proposed form of order approved by respondent's attorney. No appearance is necessary.**

4. [13-11709](#)-B-7 HILDA VARGAS MOTION TO AVOID LIEN OF CAPITAL  
AG-4 ONE BANK  
HILDA VARGAS/MV 4-22-14 [[56](#)]  
ALBERT GARCIA/Atty. for dbt.

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

5. [14-11717](#)-B-7 CLAUDIA GUZMAN  
GMA-1  
CLAUDIA GUZMAN/MV  
GEOFFREY ADALIAN/Atty. for dbt.

MOTION TO AVOID LIEN OF UNIFUND  
CCR PARTNERS  
4-16-14 [[9](#)]

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

6. [14-11717](#)-B-7 CLAUDIA GUZMAN  
GMA-2  
CLAUDIA GUZMAN/MV  
GEOFFREY ADALIAN/Atty. for dbt.

MOTION TO AVOID LIEN OF LVNV  
FUNDING LLC  
4-16-14 [[14](#)]

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

7. [13-16222](#)-B-7 JOHNNY RAMIREZ AND MONICA  
JES-1 DIAZ  
JAMES SALVEN/MV  
JERRY LOWE/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED OBJECTION TO DEBTOR'S  
CLAIM OF EXEMPTIONS  
3-18-14 [[46](#)]

**This matter was continued for further briefing regarding applicable state law. The trustee now raises the same "waiver" issue that the court has under submission in *In re Gutierrez* (case number 12-60444). Accordingly, this matter will be continued to June 25, 2014, at 10:00 a.m., for further consideration after the court has ruled in the *Gutierrez* matter. The court will prepare a minute order. No appearance is necessary.**

8. [14-10428](#)-B-7 IRBY/KRISTIE INESS  
TMT-1  
TRUDI MANFREDO/MV  
ADRIAN WILLIAMS/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

MOTION TO SELL  
4-10-14 [[21](#)]

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

9. [14-10129](#)-B-7 LESLIE WARDERS MOTION TO DISMISS CASE PURSUANT  
UST-1 TO 11 U.S.C. SECTION 707(B)  
TRACY DAVIS/MV 4-10-14 [[22](#)]  
GARY HUSS/Atty. for dbt.  
ROBIN TUBESING/Atty. for mv.  
RESPONSIVE PLEADING

10. [11-63430](#)-B-7 KAY MESMAN MOTION FOR COMPENSATION FOR  
TGM-3 TRUDI G. MANFREDO, TRUSTEE'S  
ATTORNEY(S) .  
4-14-14 [[69](#)]  
  
PETER BUNTING/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The applicant's attorneys fees are approved for payment as a chapter 7 administrative expense at the time the trustee pays all other chapter 7 administrative expenses. The moving party shall submit a proposed order. No appearance is necessary.**

11. [14-11735](#)-B-7 FERNANDO ALVARADO GOVEA ORDER TO SHOW CAUSE - FAILURE  
AND GRISELDA CHAVEZ GOVEA TO PAY FEES  
5-1-14 [[33](#)]  
  
\$30.00 FEE PAID 5/5/14

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

12. [14-10139](#)-B-7 JOHN/NICKOLINA TROYAN MOTION TO EXTEND DEADLINE TO  
SAS-1 FILE A COMPLAINT OBJECTING TO  
SHERYL STRAIN/MV DISCHARGE OF THE DEBTOR  
4-22-14 [[25](#)]  
  
SCOTT LYONS/Atty. for dbt.  
WITHDRAWN

**The matter has been withdrawn. No appearance is necessary.**

13. [13-16448](#)-B-7 MARK SKOMSVOLD CONTINUED MOTION TO AVOID LIEN  
KDG-5 OF AMERICAN EXPRESS CENTURION  
MARK SKOMSVOLD/MV BANK  
3-26-14 [[46](#)]  
  
HAGOP BEDOYAN/Atty. for dbt.

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

14. [10-11253](#)-B-7 MAX/SUSAN DEVIVO  
RHT-3  
ROBERT HAWKINS/MV  
  
KEVIN O'CASEY/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.  
OST 5/6

MOTION TO COMPROMISE  
CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH CSAA  
5-2-14 [[67](#)]

15. [10-11253](#)-B-7 MAX/SUSAN DEVIVO  
RHT-4  
ROBERT HAWKINS/MV  
  
KEVIN O'CASEY/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.

MOTION FOR IN CAMERA REVIEW OF  
CONFIDENTIAL SETTLEMENT  
AGREEMENT  
5-7-14 [[72](#)]

16. [13-17455](#)-B-7 LINDA LOGAN  
RHT-1  
ROBERT HAWKINS/MV  
PETER BUNTING/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.

MOTION TO SELL  
4-18-14 [[24](#)]

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

17. [14-10657](#)-B-7 DAVID/CYNTHIA ELM  
WCE-2  
DAVID ELM/MV  
WILLIAM COLLIER/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT  
4-4-14 [[25](#)]

**The motion will be denied without prejudice. The motion was filed without admissible supporting evidence as required by Local Rule 9014-1(d)(6). The motion was supported only by a hearsay declaration of the debtors' attorney and not by admissible supporting evidence.**

**Further, the motion appears to be unnecessary. The assets which the debtors seek to abandon, two computers, a desk and some chairs, were claimed exempt and the exemptions are now final. The trustee has filed a report of no distribution and has not demanded either a shutdown of the debtors' business or turnover of the exempt assets. No appearance is necessary.**

18. [10-60960](#)-B-7 SHARRON NISBETT MOTION FOR COMPENSATION FOR  
JES-2 JAMES E. SALVEN, ACCOUNTANT(S).  
JAMES E. SALVEN, CERTIFIED 4-7-14 [[259](#)]  
PUBLIC ACCOUNTANT/MV  
JEFF REICH/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The applicant's accounting fees are approved for payment as a chapter 7 administrative expense at the time the trustee pays all other chapter 7 administrative expenses. The moving party shall submit a proposed order. No appearance is necessary.**

19. [12-18163](#)-B-7 OFELIA PETTROSS MOTION TO COMPEL ABANDONMENT  
CJO-1 4-25-14 [[66](#)]  
BANK OF AMERICA, N.A./MV  
JEFF REICH/Atty. for dbt.  
CHRISTINA O/Atty. for mv.

20. [13-15969](#)-B-7 JAMES BAGGOTT AND CAMILLE CONTINUED MOTION TO COMPEL  
JES-1 BRYANT AND/OR MOTION FOR TURNOVER OF  
JAMES SALVEN/MV PROPERTY  
3-7-14 [[43](#)]  
YELENA GUREVICH/Atty. for dbt.  
RESPONSIVE PLEADING

**The motion will be denied. The matter has been resolved by stipulation of the parties and order dated May 9, 2014 (docket number 66). No appearance is necessary.**

21. [13-15969](#)-B-7 JAMES BAGGOTT AND CAMILLE MOTION TO DISMISS CASE PURSUANT  
UST-4 BRYANT TO 11 U.S.C. SECTION 707(B)  
TRACY DAVIS/MV 5-9-14 [[68](#)]  
YELENA GUREVICH/Atty. for dbt.  
ROBIN TUBESING/Atty. for mv.

22. [13-15969](#)-B-7 JAMES BAGGOTT AND CAMILLE CONTINUED MOTION BY YELENA  
YG-4 BRYANT GUREVICH TO WITHDRAW AS  
JAMES BAGGOTT/MV ATTORNEY  
4-17-14 [[56](#)]  
YELENA GUREVICH/Atty. for dbt.

23. [14-10770](#)-B-7      LENAI MULL      MOTION TO SELL  
RHT-1      4-10-14 [[15](#)]  
ROBERT HAWKINS/MV  
HAGOP BEDOYAN/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.

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

24. [14-10180](#)-B-7      RAYMOND/MELISSA MARTINEZ      MOTION TO DISMISS CASE PURSUANT  
UST-1      TO 11 U.S.C. SECTION 707(B)  
TRACY DAVIS/MV      4-21-14 [[17](#)]  
SCOTT LYONS/Atty. for dbt.  
ROBIN TUBESING/Atty. for mv.

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

25. [14-10183](#)-B-7      EVERARDO/ADRIANA CURIEL      MOTION TO SELL  
TMT-1      4-15-14 [[19](#)]  
TRUDI MANFREDO/MV  
GEORGE ALONSO/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

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

26. [13-18085](#)-B-7      PROVISIONS FOOD COMPANY,      MOTION TO EMPLOY BAIRD AUCTIONS  
SAS-3      INC.      & APPRAISALS AS AUCTIONEER,  
SHERYL STRAIN/MV      AUTHORIZING SALE OF PROPERTY AT  
PUBLIC AUCTION AND AUTHORIZING  
PAYMENT OF AUCTIONEER FEES AND  
EXPENSES  
4-22-14 [[43](#)]  
  
DAVID JENKINS/Atty. for dbt.  
THOMAS ARMSTRONG/Atty. for mv.

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

27. [12-17990](#)-B-7    NOE FERNANDEZ  
HDN-6  
NOE FERNANDEZ/MV  
HENRY NUNEZ/Atty. for dbt.    MOTION TO AVOID LIEN OF  
AMERICAN EXPRESS BANK, F.S.B.  
5-7-14 [[70](#)]
28. [12-17990](#)-B-7    NOE FERNANDEZ  
HDN-7  
NOE FERNANDEZ/MV  
HENRY NUNEZ/Atty. for dbt.    MOTION TO AVOID LIEN OF CACH,  
L.L.C.  
5-7-14 [[75](#)]
29. [12-17990](#)-B-7    NOE FERNANDEZ  
HDN-8  
NOE FERNANDEZ/MV  
HENRY NUNEZ/Atty. for dbt.    MOTION TO AVOID LIEN OF DAL  
TILE DISTRIBUTING CO.  
5-7-14 [[80](#)]
30. [12-17990](#)-B-7    NOE FERNANDEZ  
HDN-9  
NOE FERNANDEZ/MV  
HENRY NUNEZ/Atty. for dbt.    MOTION TO AVOID LIEN OF PATELCO  
CREDIT UNION  
5-7-14 [[85](#)]
31. [13-17494](#)-B-7    JESUS/PATRICIA MANCILLA  
JES-1  
JAMES SALVEN/MV  
GREG BLEVINS/Atty. for dbt.  
RESPONSIVE PLEADING    CONTINUED HEARING RE: OBJECTION  
TO DEBTOR'S CLAIM OF EXEMPTIONS  
3-18-14 [[19](#)]



10:30 A.M.

1. [14-10019](#)-B-7 ROY/LINDA SCOTT  
U.S. BANK TRUST, N.A./MV  
DAVID JENKINS/Atty. for dbt.  
PETER WOLFF/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
4-23-14 [[16](#)]

The motion will be denied without prejudice. The moving papers do not include an appropriate docket control number as required by the Local Rules of the Eastern District of California Bankruptcy Court, 9014-1(c).

In addition, the proof of service was not signed in conformance with Local Rule 9004-1(c)(1), and, the form and/or content of the notice do not comply with Local Rule 9014-1(d).

Also, the Request for Judicial Notice with attached exhibits was not filed in conformance with Local Rule, Appendix, Form EDC2-901, Revised Guidelines for Preparation of Documents, (6).

Finally, the §362 information sheet is incomplete and fails to comply with Local Rule 4001-1(c). No appearance is necessary.

2. [14-11421](#)-B-7 KIAUNDRA CRAWFORD  
SW-1  
WELLS FARGO BANK, N.A./MV  
KENNETH JORGENSEN/Atty. for dbt.  
TORIANA HOLMES/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
4-28-14 [[10](#)]

3. [12-15547](#)-B-7 DONNA DAVIS  
CJO-1  
THE BANK OF NEW YORK MELLON/MV  
GARY HUSS/Atty. for dbt.  
CHRISTINA O/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
4-24-14 [[87](#)]

4. [14-11656](#)-B-7 CHARLIE/ROSA RUACHO  
APN-1  
WELLS FARGO BANK/MV  
JOEL WINTER/Atty. for dbt.  
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
4-10-14 [[11](#)]

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

5. [14-11065](#)-B-7 STEVEN/CISSY CORBITT  
JLH-2  
TUCOEMAS FEDERAL CREDIT  
UNION/MV  
LEONARD WELSH/Atty. for dbt.  
JOSEPH HORSWILL/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
5-7-14 [[22](#)]

6. [13-17968](#)-B-7 JANE HOGGARD  
HTP-1  
BANK OF THE SIERRA/MV  
HILTON RYDER/Atty. for dbt.  
HANNO POWELL/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
5-7-14 [[12](#)]

11:00 A.M.

1. [14-11804](#)-B-7 SHANNON WENTWORTH PRO SE REAFFIRMATION AGREEMENT  
WITH TOYOTA MOTOR CREDIT  
CORPORATION  
4-29-14 [[11](#)]

HENRIK MOSESI/Atty. for dbt.

The hearing will be dropped from calendar. The court is not approving or denying approval of the reaffirmation agreement. Debtor(s) was (were) represented by counsel when he/she/they entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). The reaffirmation agreement, in the absence of a declaration by debtor's counsel, does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable. The Debtor(s) shall have 14 days to refile the reaffirmation agreement properly signed and endorsed by the attorney. No appearance is necessary at this hearing.

- |    |                                      |  |   |
|----|--------------------------------------|--|---|
| 2. | <a href="#"><u>14-11017</u></a> -B-7 | CORINA BONILLA                                       | CONTINUED REAFFIRMATION<br>AGREEMENT<br>4-14-14 [ <a href="#"><u>15</u></a> ]                                     |
| 3. | <a href="#"><u>14-11729</u></a> -B-7 | TERESA ARROYO  | PRO SE REAFFIRMATION AGREEMENT<br>WITH TRAVIS CREDIT UNION<br>5-5-14 [ <a href="#"><u>17</u></a> ]                |
| 4. | <a href="#"><u>14-11735</u></a> -B-7 | FERNANDO ALVARADO GOVEA<br>AND GRISELDA CHAVEZ GOVEA | PRO SE REAFFIRMATION AGREEMENT<br>WITH FIRST TECH FEDERAL CREDIT<br>UNION<br>5-1-14 [ <a href="#"><u>34</u></a> ] |
| 5. | <a href="#"><u>14-11735</u></a> -B-7 | FERNANDO ALVARADO GOVEA<br>AND GRISELDA CHAVEZ GOVEA | PRO SE REAFFIRMATION AGREEMENT<br>WITH HTD LEASING LLC<br>4-25-14 [ <a href="#"><u>28</u></a> ]                   |

6. [14-10937](#)-B-7 FRANCISCO/DINA FLORES

REAFFIRMATION AGREEMENT WITH  
AMERICAN AUTO FINANCING INC  
4-18-14 [[14](#)]

THOMAS ARMSTRONG/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtors' attorney signed the reaffirmation agreement certifying that he or she has explained the agreement to the debtors, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. The bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

7. [14-11354](#)-B-7 ENRIQUE/SANDRA NAVARRETE

REAFFIRMATION AGREEMENT WITH  
FRESNO COUNTY FEDERAL CREDIT  
UNION  
4-23-14 [[11](#)]

TIMOTHY SPRINGER/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtor(s) attorney signed the reaffirmation agreement certifying that he or she has explained the agreement to the debtor(s), but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. The bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

8. [14-11668](#)-B-7 JOSE DIAZ

PRO SE REAFFIRMATION AGREEMENT  
WITH CALIFORNIA AUTO FINANCE  
5-5-14 [[15](#)]

9. [14-10774](#)-B-7 RICHARD DAVIS

PRO SE REAFFIRMATION AGREEMENT  
WITH AMERICREDIT FINANCIAL  
SERVICES, INC.  
4-30-14 [[14](#)]

1:30 P.M.

1. [12-12100](#)-B-13 DOUGLAS MCDONOUGH MOTION TO MODIFY PLAN  
TCS-3 4-10-14 [[65](#)]  
DOUGLAS MCDONOUGH/MV  
TIMOTHY SPRINGER/Atty. for dbt.

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

2. [12-12100](#)-B-13 DOUGLAS MCDONOUGH MOTION TO APPROVE LOAN  
TCS-4 MODIFICATION  
DOUGLAS MCDONOUGH/MV 4-10-14 [[70](#)]  
TIMOTHY SPRINGER/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument. The court does not approve or disapprove the terms of a mortgage modification outside of a chapter 13 plan. See *In re Wofford*, 449 B.R. 362 (Bankr. W.D. Wis. 2011). However, the court will authorize the debtor(s) to enter into a modification agreement on terms to be negotiated between the debtor(s) and the mortgagee so long as modification of the mortgage does not interfere with the debtor(s) duties and trustee's administration of the chapter 13 plan. The moving party shall submit a proposed order. No appearance is necessary.

3. [11-17001](#)-B-13 CATHY WILCOX MOTION FOR RELIEF FROM  
JCW-1 AUTOMATIC STAY  
CITIMORTGAGE, INC./MV 4-14-14 [[58](#)]  
GLEN GATES/Atty. for dbt.  
JENNIFER WONG/Atty. for mv.  
RESPONSIVE PLEADING

4. [14-10001](#)-B-13 CHRISTY BEELER  
TCS-1  
CHRISTY BEELER/MV  
  
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
WELLS FARGO FINANCIAL NATIONAL  
BANK  
4-15-14 [[17](#)]

**This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence presented, the respondent's secured claim will be fixed at \$1,000. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.**

5. [14-10005](#)-B-13 STEVEN/KATHERINE JANTZ  
WJC-3  
STEVEN JANTZ/MV  
WILLIAM COLLIER/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN  
3-21-14 [[49](#)]

6. [14-10005](#)-B-13 STEVEN/KATHERINE JANTZ  
WJC-5  
STEVEN JANTZ/MV  
  
WILLIAM COLLIER/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
WESTAMERICA BANK/W.T. CAPITAL  
LENDER SERVICES  
4-8-14 [[59](#)]

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

7. [14-10510](#)-B-13 SAMUEL/DIANE DOMINGUEZ  
JLW-3  
ROBERT LAIRD/MV  
DAVID JENKINS/Atty. for dbt.  
JODY WINTER/Atty. for mv.  
CASE DISMISSED

OBJECTION TO CONFIRMATION OF  
PLAN BY ROBERT STEVEN LAIRD AND  
MIRJAM RIJFKOGEL-LAIRD  
4-23-14 [[27](#)]

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

8. [10-18017](#)-B-13 BRIAN/BRENDA LANGE  
PBB-1  
BRIAN LANGE/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO MODIFY PLAN  
4-9-14 [[40](#)]

**The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.**

9. [14-11518](#)-B-13 ROBERTO ROBLES  
SAH-1  
ROBERTO ROBLES/MV  
SUSAN HEMB/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO VALUE COLLATERAL OF  
CITIFINANCIAL  
4-1-14 [[8](#)]

**Based on the respondent's opposition, this matter will be continued to June 26, 2014, at 1:30 p.m. This matter is now deemed to be a contested matter. Pursuant to FRBP 9014(c), the federal rules of discovery apply to contested matters. The debtor(s) shall make the subject property available for inspection on reasonable notice. The parties shall immediately commence formal discovery, exchange appraisals, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing if the matter is not resolved by the continued hearing date. The court will prepare a civil minute order. No appearance is necessary.**

10. [14-10623](#)-B-13 JOSHUA JONE AND MANDY  
BHT-1 JONES  
REGIONS BANK/MV  
BRIAN TRAN/Atty. for mv.  
CASE DISMISSED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
4-29-14 [[124](#)]

**The motion was fully noticed and there was no opposition. Relief under §362(d)(1) and (2) will be denied as moot. The case has been dismissed and the automatic stay has already terminated by operation of law.**

**However, the request for annulment of the automatic stay and for relief under §362(d)(4) will be granted for cause shown. Based on the evidence presented and the record of this case, the court is persuaded that this bankruptcy was filed as part of a scheme to hinder, delay, or defraud the moving party. The movant shall submit an appropriate order that conforms to this ruling and to the language of §362(d)(4). No appearance is necessary.**



11. [14-10623](#)-B-13 JOSHUA JONE AND MANDY MOTION FOR RELIEF FROM  
JCW-1 JONES AUTOMATIC STAY  
U.S. BANK NA/MV 4-11-14 [[105](#)]  
JENNIFER WONG/Atty. for mv.  
CASE DISMISSED

**This case has been dismissed and the automatic stay has already terminated by operation of law, however the motion for relief under §362(d)(4) will be granted for cause shown. Based on the evidence presented and the record of this case, the court is persuaded that this bankruptcy was filed as part of a scheme to hinder, delay, or defraud the moving party. The movant shall submit an appropriate order that conforms to this ruling and to the language of §362(d)(4). No appearance is necessary.**

12. [11-12725](#)-B-13 SONIA LANEY MOTION TO DETERMINE FINAL CURE  
MHM-1 AND MORTGAGE PAYMENT RULE  
MICHAEL MEYER/MV 3002.1  
4-14-14 [[63](#)]  
  
STEPHEN LABIAK/Atty. for dbt.  
RESPONSIVE PLEADING

13. [10-62332](#)-B-13 LARRY/PENNIE STOUT MOTION TO MODIFY PLAN  
ACW-3 3-25-14 [[125](#)]  
LARRY STOUT/MV  
ANDY WARSHAW/Atty. for dbt.  
RESPONSIVE PLEADING  
WITHDRAWN

**The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and the trustee's opposition has been withdrawn. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.**

14. [10-62332](#)-B-13 LARRY/PENNIE STOUT MOTION FOR COMPENSATION FOR  
ACW-4 ANDY C. WARSHAW, DEBTOR'S  
ATTORNEY(S).  
4-8-14 [[132](#)]  
  
ANDY WARSHAW/Atty. for dbt.  
RESPONSIVE PLEADING  
WITHDRAWN

**This matter will be continued to June 26, 2014, at 1:30 p.m., for filing additional supporting evidence. Exhibits C, "Itemized Time Entries by Project," and E, "Fee Agreement," were not filed, nor was a reason given for why the fee agreement could not be filed. The court will prepare a minute order. No appearance is necessary.**

15. [09-62333](#)-B-13 MANNY/INONE BERNARDINO  
PLF-9

MOTION FOR COMPENSATION FOR  
PETER L. FEAR, DEBTOR'S  
ATTORNEY(S),  
4-18-14 [[159](#)]

PETER FEAR/Atty. for dbt.

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

16. [09-62335](#)-B-13 RICHARD/TRICIA REDDING  
PLF-4

MOTION FOR COMPENSATION FOR  
PETER L. FEAR, DEBTOR'S  
ATTORNEY(S).  
4-18-14 [[60](#)]

PETER FEAR/Atty. for dbt.

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

17. [08-15039](#)-B-13 DAVID/VERA TORRES  
[14-1036](#)  
TORRES ET AL V. JPMORGAN CHASE  
BANK, N.A.  
GABRIEL WADDELL/Atty. for pl.  
RESPONSIVE PLEADING

STATUS CONFERENCE RE: COMPLAINT  
3-21-14 [[1](#)]

18. [14-11145](#)-B-13 THOMAS/ESMERALDA HUCKABEE  
BCS-1  
THOMAS HUCKABEE/MV  
BENJAMIN SHEIN/Atty. for dbt.

MOTION TO AVOID LIEN OF  
DISCOVER BANK  
4-17-14 [[14](#)]

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

19. [13-15147](#)-B-13 FRANK/BETTY JOHNSON  
APN-1  
TOYOTA LEASE TRUST/MV  
JOEL WINTER/Atty. for dbt.  
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
4-11-14 [[32](#)]

**This motion for relief from the automatic stay will be denied as moot. The moving party seeks relief from the automatic stay with regard to a fully matured vehicle lease. However, the lease was provided for in Section 3 of the debtors' confirmed chapter 13 plan. Upon confirmation of the chapter 13 plan, the automatic stay was modified for this claim to permit enforcement of the creditor's remedies with regard to the leased property as provided under applicable non bankruptcy law. No attorney's fees will be awarded in relation to this motion. No appearance is necessary.**

20. [14-11175](#)-B-13 DANNY/SARA BAEZA  
KMM-1  
DANNY BAEZA/MV  
KARNEY MEKHITARIAN/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
WELLS FARGO BANK, NA  
4-10-14 [[25](#)]

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

21. [13-16981](#)-B-13 SILVIA PADILLA  
JES-2  
JAMES SALVEN/MV  
  
GEORGE LOGAN/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION FOR COMPENSATION FOR  
JAMES E. SALVEN, CHAPTER 13  
TRUSTEE(S).  
4-24-14 [[59](#)]

22. [13-18092](#)-B-13 TIMOTHY/JULIE BEIRNE  
RCP-3  
TIMOTHY BEIRNE/MV  
REYNALDO PULIDO/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN  
3-27-14 [[50](#)]

23. [09-12194](#)-B-13 CRISTOBAL/MARIA CABRAL  
MHM-1  
MICHAEL MEYER/MV  
  
GEOFFREY ADALIAN/Atty. for dbt.

MOTION TO DETERMINE FINAL CURE  
AND MORTGAGE PAYMENT RULE  
3002.1  
4-23-14 [[76](#)]

2:00 P.M.

1. [14-10512](#)-B-13 JOSE/MARIA INES TAFOLLA  
MHM-1  
MICHAEL MEYER/MV  
DAVID JENKINS/Atty. for dbt.  
  
MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
4-29-14 [[15](#)]
2. [14-10317](#)-B-13 JAIME BORDERS  
MHM-1  
MICHAEL MEYER/MV  
  
TIMOTHY SPRINGER/Atty. for dbt.  
WITHDRAWN  
  
MOTION TO DISMISS CASE AND/OR  
MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
4-29-14 [[17](#)]

The matter has been withdrawn. No appearance is necessary.