

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Chief Bankruptcy Judge

Modesto, California

May 23, 2019 at 2:00 p.m.

1. [18-90906-E-7](#) **MELISSA VASQUEZ**
[19-9007](#)

**STATUS CONFERENCE RE:
COMPLAINT
3-19-19 [1]**

UNITED STATES V. VASQUEZ

Plaintiff's Atty: Jeffrey J. Lodge

Defendant's Atty: unknown

Adv. Filed: 3/19/19

Answer: none

Nature of Action:

Dischargeability - false pretenses, false representation, actual fraud

Dischargeability - other

The Status Conference is XXXXXXXXXXXXXXXX

Notes:

MAY 23, 2019 STATUS CONFERENCE

On March 19, 2019, the United States, acting through the Social Security Administration, filed a complain to have the asserted obligation for allegedly improperly obtained Social Security Benefits determined to be nondischargeable. Complaint, Dckt. 1. The amount asserted to be nondischargeable pursuant to 11 U.S.C. § 523(a)(2)(A) is \$56,882.70. In the Second Cause of Action the Plaintiff seeks a judicial determination that this obligation may be recouped from future benefits sought by Defendant.

No answer has been filed.

At the Status Conference XXXXXXXXXXXXXXXXXXXX

May 23, 2019 at 2:00 p.m.

- Page 1 of 17-

2. [18-90029-E-11](#) **JEFFERY ARAMBEL**
[18-9002](#)
LOPEZ V. ARAMBEL **4-16-18 [1]**

**CONTINUED STATUS CONFERENCE RE:
COMPLAINT**

Plaintiff's Atty: Michael F. Babitzke
Defendant's Atty: Iain A. Macdonald

Adv. Filed: 1/13/16
Answer: 2/23/16 [Robinson Enterprises Profit Sharing Plan]
2/23/16 [Johnny Massella; Mary Massella]
Counterclaim Filed: 2/23/16 [Robinson Enterprises Profit Sharing Plan]
Answer: None
Counterclaim Dismissed 5/2/16
Counterclaim Filed: 2/23/16 [Johnny Massella; Mary Massella]
Answer: None
Counterclaim Dismissed 5/2/16

Nature of Action:
Validity, priority or extent of lien or other interest in property

Notes:
Continued from 4/18/19 by request of the Defendant-Debtor to allow the Parties an opportunity to finalize a settlement.

Defendant's Status Report filed 5/14/19 [Dckt 35]

The Status Conference is XXXXXXXXXXXXXXXXXX

MAY 23, 2019 STATUS CONFERENCE

The Defendant-Debtor reports that due to the recent passing of Plaintiff's counsel, Michael Babitzke, the slow settlement process has come to a halt pending Plaintiff obtaining new counsel. Defendant-Debtor believes that the only dispute is the amount of the claim, as Debtor's Chapter 11 Plan will (and has to it being a significantly solvent estate) provide for a 100% dividend on general unsecured claims.

At the Status Conference XXXXXXXXXXXX

APRIL 18, 2019 STATUS CONFERENCE

In the Status Conference Report filed by Defendant-Debtor on April 1, 2019, it is reported that pursuant to the Order staying this Adversary Proceeding the Parties are working on their possible settlement, with this Adversary Proceeding stayed until April 13, 2019. Defendant-Debtor requests a thirty-day continuance "to allow the Parties a chance to finalize a settlement." Status Report, p. 2:19; Dckt. 31.

NOVEMBER 29, 2018 STATUS CONFERENCE

On November 20, 2018, the Defendant filed an updated Status Report. Dckt. 26. The Plaintiff joins in the Status Report and request for further continuance. Dckt. 28. Defendant reports that an amended complaint has not been filed and that settlement discussions have been unproductive. The parties request that the Status Conference be continued to April 18, 2019 (the court's regular Modesto hearing date in April 2019), to allow the parties to focus on the Chapter 11 Plan.

SEPTEMBER 27, 2018 STATUS CONFERENCE

In the Status Report filed on September 19, 2018 by the Defendant-Debtor, it is reported that while the parties have been unable to settle this matter, the filing on an amended complaint was stayed in light of the Defendant believing that he, as Debtor in Possession, would soon be confirming a Plan that provided for this claim. The Defendant requests that this Status Conference be continued to April 12, 2019, which is nine months from the stipulation to stay these proceedings.

The court is reluctant to so continue this Status Conference that long in light of the events transpiring in Defendant-Debtor's bankruptcy case. The court continues it to November 29, 2018, to see what transpires in the next several months, whether a bankruptcy trustee is appointed in the bankruptcy case, and whether it is reasonable to allow the Plaintiff to slumber on the prosecution of this Adversary Proceeding.

JUNE 21, 2018 STATUS CONFERENCE

The court granted Defendant-Debtor's Motion to Dismiss the Complaint filed in this case. The court has allowed Plaintiff through and including July 16, 2018, to file a First Amended Complaint.

3. [17-90346-E-7](#) **ENRIQUEZ/LISA SANCHEZ**
[17-9011](#)
SANCHEZ V. SANCHEZ ET AL

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
8-21-17 [1]

Plaintiff's Atty: Mahanvir S. Sahota
Defendant's Atty: Len ReidReynoso

Adv. Filed: 8/21/17
Answer: 9/18/17

Nature of Action:
Dischargeability - false pretenses, false representation, actual fraud
Dischargeability - fraud as fiduciary, embezzlement, larceny
Dischargeability - willful and malicious injury

Notes:
Continued from 2/14/19

The Status Conference is XXXXXXXXXXXXXXXXXXXX
--

MAY 23, 2019 STATUS CONFERENCE

Again, the parties have not filed an updated Status Conference Statement.

At the Status Conference XXXXXXXXXXXXXXXXXXXX

FEBRUARY 14, 2019 STATUS CONFERENCE

No updated Status Conference Statement has been filed. While it being reported that a settlement is being prosecuted, no settlement documents have been filed in connection with this Adversary Proceeding.

At the Status Conference it was reported that the settlement has been signed. The Chapter 7 Trustee has abandoned the property of the Estate that is encumbered by Plaintiff's lien, and that property is to be sold by Defendant-Debtor and the other co-owner family members. That sale and other steps are being/have been implemented to reduce the outstanding obligation owed to Plaintiff and allow the parties to determine the real scope of the obligation that will remain after their cooperative efforts, which they then anticipate being able to completely resolve by settlement.

The Parties requested a two month continuance to allow them to continue in their efforts and project full resolution without further proceedings in this Adversary Proceeding.

NOVEMBER 29, 2018 STATUS CONFERENCE

At the Status Conference the Parties reported that the settlement is being prosecuted.

JULY 12, 2018 STATUS CONFERENCE

At the Status Conference, the Parties reported that the settlement is being concluded and should be resolved in the next sixty days.

MARCH 8, 2018 STATUS CONFERENCE

No further pleadings have been filed in this Adversary Proceeding. At the Status Conference, it was reported that a settlement is being worked on with the Chapter 7 Trustee, which would resolve this Adversary Proceeding.

4. [18-90149](#)-E-11 SOUZA PROPERTIES, INC.

**CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
3-8-18 [\[1\]](#)**

Debtor's Atty: David C. Johnston

Notes:

Continued from 2/14/19 to afford Debtor in Possession time to file motion to dismiss in light of the real property asset having been foreclosed on.

Operating Report filed: 3/11/19; 4/16/19

[DCJ-4] Debtor in Possession's Motion to Dismiss Chapter 11 Case filed 5/2/19 [Dckt 139], set for hearing 5/23/19 at 10:30 a.m.

The Status Conference is XXXXXXXXXXXXXXXXXXXXXXXXXXXX

5. [19-90058](#)-E-7 PATRICIA SOLANO
[MDM-1](#)

STATUS CONFERENCE RE: TRUSTEE'S
MOTION TO DISMISS FOR FAILURE
TO APPEAR AT SEC. 341(A)
MEETING
3-7-19 [\[15\]](#)

Debtor's Atty: Pro Se

Notes:

Set by order of the court filed 4/22/19 [Dckt 22]. Debtor and document preparer to appear in person - No Telephonic Appearance Permitted.

Chapter 7 Trustee's Report of No Distribution filed 4/24/19

The Status Conference is XXXXXXXXXXXXXXXXXX
--

The Debtor, Patricia Solano, appeared in court on April 18, 2019, to address the Trustee's motion to dismiss this case. The Debtor stated that her document preparer, James Perneti, had prepared and filed an opposition to the Trustee's motion. A review of the docket shows no opposition being filed.

The court ordered the Debtor and James Perneti, and each of them, to appear on May 23, 2019 to address this lack of filing the opposition and the Debtor's case being put at risk of dismissal.

At the May 23, 2019 Status Conference, [XXXXXXXXXXXXXXXXXX](#)

6. [18-90764-E-7](#) DAWN CHRISTENSEN
[19-9002](#)
JONES V. CHRISTENSEN

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
1-17-19 [[1](#)]

Item 7 - Motion for Entry of Default Judgment

Plaintiff's Atty: Pro Se
Defendant's Atty: unknown

Adv. Filed: 1/17/19
Answer: none

Nature of Action:
[none stated on Adversary Proceeding Cover Sheet]

Notes:
Continued from 3/14/19. Court confirmed that default has been entered and Plaintiff is ready to proceed with a motion for entry of default.

Notice of Motion and Motion for Order to Enter Default Judgment; Declaration of Cynthia Jones in Support Thereof filed 4/1/19 [Dckt. 19], set for hearing 5/23/19 at 2:00 p.m.

The Status Conference is XXXXXXXXXXXXXXXXXX

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Defendant-Debtor on March 29, 2019. By the court's calculation, 55 days' notice was provided. 28 days' notice is required.

The Motion for Entry of Default Judgment has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1) and Federal Rule of Bankruptcy Procedure 4004(a). Failure of the respondent and other parties in interest to file written opposition at least fourteen 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) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). The defaults of the non-responding parties and other parties in interest are entered.

<p>The Motion for Entry of Default Judgment is granted.</p>
--

Cynthia Jones ("Plaintiff") filed the instant Motion for Default Judgment on April 1, 2019. Dckt. 19. Plaintiff-Debtor seeks an entry of default judgment against Dawn Larae Christensen ("Defendant-Debtor") in the instant Adversary Proceeding No. 19-09002.

The instant Adversary Proceeding was commenced on January 17, 2019. Dckt. 1. The summons was issued by the Clerk of the United States Bankruptcy Court on January 17, 2019. Dckt. 3. The complaint and summons were properly served on Defendant. Dckt. 6.

Defendant failed to file a timely answer or response or request for an extension of time. Default was entered against Defendant pursuant to Federal Rule of Bankruptcy Procedure 7055 by the Clerk of the United States Bankruptcy Court on March 13, 2019. Dckt. 15.

REVIEW OF COMPLAINT

Plaintiff filed a complaint for seeking a determination that Debtor should be denied her discharge as provided in 11 U.S.C. § 727(a)(2)(A) or (B), (a)(4)(A), or (a)(5). The Complaint contains the following general allegations as summarized by the court:

- A. Gary E. Christensen and Frances Ann Christensen, Trustees of the Christensen Family Trust dated September 22, 1998 (the “Trustees”), were the owners of the real property commonly known as 9747 Treetop Drive, Stockton, California (“Property”).
- B. On September 15, 2017 Trustees signed a grant deed which conveyed the Property to Defendant-Debtor (whom is believed to be the stepdaughter of Frances Ann Christensen). The deed was recorded September 21, 2017.
- C. On December 18, 2017, the Defendant-Debtor and the Trustees co-signed a promissory note incurring debt secured by a deed of trust on the Property. The deed of trust was recorded January 5, 2018.
- D. Plaintiff believes Defendant-Debtor resided at the Property from September 1, 2014 through May 1, 2018.
- E. On March 6, 2018 (“2018 Grant Deed”), the Defendant-Debtor executed a grant deed wherein she conveyed her undivided interest in the Property to the Trustees, which was recorded March 8, 2018.
- F. Plaintiff commenced an arbitration action involving Defendant-Debtor entitled *Cynthia Jones vs. Dawn Christensen*, Case No. STK-CV-UMCP-2017-2034, San Joaquin Superior Court (“Arbitration”). On June 5, 2018 judgement was awarded to Plaintiff in the amount of \$116,933.99 for the amount owed but not paid by Defendant-Debtor in relation to the purchase of Plaintiff’s paralegal business, Affordable Aid (“Affordable Aid”).
- G. The 2018 Grant Deed was recorded only 11 days before the Arbitration. Plaintiff believes Defendant-Debtor made the transfer to conceal her ownership interest in the Property. to avoid paying creditors.
- H. After the 2018 Grant Deed was recorded Defendant-Debtor continued to live at and exercise control over the Property until it was sold for \$302,000.00 on June 20, 2018.
- I. By the time the 2018 Grant Deed was recorded, there had been litigation for over a year regarding the Arbitration.
- J. In Defendant-Debtor’s bankruptcy case Defendant-Debtor failed to list any equitable or legal ownership interest in the Property despite her retention of a benefit of the Property within one year of the petition date.
- K. On her Statement of Financial Affairs, the Defendant-Debtor failed to report the recordation of the 2018 Grant Deed, which occurred within two years of the petition date.

- L. On December 20, 2018, the Defendant-Debtor filed an Amended Statement of Financial Affairs but still did not report the transfer.
- M. Defendant-Debtor held legal title as to the Property from September 17, 2017 through March 6, 2018, as evidenced by:
 - 1. The Trustee's representation on the 2018 Grant Deed that Defendant-Debtor held said title.
 - 2. Defendant-Debtor borrowing money secured by the Property.
 - 3. Defendant-Debtor residing at the Property from September 1, 2014 through May 1, 2018.

First Claim for Relief— 11 U.S.C. § 727(a)(2)(A)

Plaintiff alleges the following for the First Cause of Action:

- A. Defendant-Debtor concealed her legal ownership interest in the Property within one-year of the petition date with intent to hinder, delay, or defraud her creditors or the eventual trustee of the bankruptcy estate, or both.

Second Claim for Relief—11 U.S.C. § 727(a)(2)(B)

Plaintiff alleges the following for the Second Cause of Action:

- A. Defendant-Debtor concealed her legal ownership interest in the Property after the petition date with intent to hinder, delay, or defraud her creditors or the eventual trustee of the bankruptcy estate, or both.

Third Claim for Relief—11 U.S.C. § 727(a)(4)(A)

Plaintiff alleges the following for the Third Cause of Action:

- A. when the Defendant-Debtor signed her (i) Schedules and Statement of Financial Affairs on October 15, 2018 (filed on October 18, 2018) and/or (ii) her Amended Statement of Financial Affairs on December 17, 2018 (filed on December 20, 2018), in her bankruptcy case, under penalty of perjury, she knowingly and fraudulently in connection with her bankruptcy case, made numerous false oaths in her bankruptcy case, as follows:
- B. The Defendant-Debtor failed to disclose the 2018 Grant Deed in section 18 of her Statement of Financial Affairs even though the transfer of an undivided 1/2 interest in the Real Property, via the 2018 I Grant Deed, occurred within two years of the petition date.

- C. Debtor falsely stated in section 13 of her Statement of Financial Affairs that within two years before filing for bankruptcy she did not make any gifts with a total value of more than \$600.00 per person, and in section 18 of her Statement of Financial Affairs that within two years before she filed for bankruptcy she did not sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of her business or financial affairs. The Plaintiff repeated these misstatements in her Amended Statement of Financial Affairs. Debtor either transferred and/or made a gift of her paralegal business, known by among other names, Affordable Aid and A-i Affordable Aid, to her stepmother Frances Ann Christensen. The Defendant made this gift and/or transfer for the sole purpose of dissipating her assets and to defraud her creditors.
- D. Defendant-Debtor did not accurately report her current monthly income on both her chapter 7 Statement of Current Monthly Income and Amended Statement of Financial Affairs, including, among other things, income she received from her paralegal business, prepaid legal insurance business, notary business and paralegal business known as Divorce With Dignity. Defendant-Debtor made these misrepresentations for the sole purpose to defraud her creditors.
- E. Defendant-Debtor did not disclose in her Schedule A/B all of her reportable assets including, among other things, a possible vehicle and beneficiary interest in the family trust, the accounts receivables and customer lists from her paralegal businesses, and the license agreement to operate the paralegal business known as Divorce With Dignity. The Defendant made these omissions for the sole purpose to defraud her creditors.
- F. Defendant-Debtor did not disclose among her expenses on Schedule J of her bankruptcy petition that she was making monthly rental payments on her paralegal business. The Defendant's omission constitutes the making of a false statement.

Fourth Claim for Relief—11 U.S.C. § 727(a)(5)

Plaintiff alleges the following for the Fourth Cause of Action:

- A. Defendant-Debtor has failed to explain satisfactorily, before determination of denial of discharge under this paragraph, any loss of assets or deficiency of assets to meet the debtor's liabilities.
- B. In section 4 of the Debtor's Amended Statement of Financial Affairs, the Defendant-Debtor states that the gross income from the operation of her paralegal business was \$5,500.00 for the year 2018. The reported amount is substantially less than the historical revenues from the operation of the business in previous years. No explanation has been provided by the Debtor for this diminution of income. The Debtor has failed to explain satisfactorily the loss of the value of this asset, which has caused a

deficiency in the business, an asset of the estate which can be used to meet the Debtor's liabilities.

Prayer

Plaintiff requests the following relief in the Complaint's prayer:

- A. Discharge of the Debtor from her debts be denied
- B. Award attorneys' fees and costs;
- C. For such other relief as the court deems just and proper.

APPLICABLE LAW

Federal Rule of Civil Procedure 55 and Federal Rule of Bankruptcy Procedure 7055 govern default judgments. *Cashco Fin. Servs. v. McGee (In re McGee)*, 359 B.R. 764, 770 (B.A.P. 9th Cir. 2006). Obtaining a default judgment is a two-step process which requires: (1) entry of the defendant's default, and (2) entry of a default judgment. *Id.*

Even when a party has defaulted and all requirements for a default judgment are satisfied, a claimant is not entitled to a default judgment as a matter of right. 10 MOORE'S FEDERAL PRACTICE—CIVIL ¶ 55.31 (Daniel R. Coquillette & Gregory P. Joseph eds. 3d ed.). Entry of a default judgment is within the discretion of the court. *Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986). Default judgments are not favored, because the judicial process prefers determining cases on their merits whenever reasonably possible. *Id.* at 1472. Factors that the court may consider in exercising its discretion include:

- (1) the possibility of prejudice to the plaintiff,
- (2) the merits of plaintiff's substantive claim,
- (3) the sufficiency of the complaint,
- (4) the sum of money at stake in the action,
- (5) the possibility of a dispute concerning material facts,
- (6) whether the default was due to excusable neglect, and
- (7) the strong policy underlying the Federal Rules of Civil Procedure favoring decisions on the merits.

Id. at 1471–72 (citing 6 MOORE'S FEDERAL PRACTICE—CIVIL ¶ 55-05[s], at 55-24 to 55-26 (Daniel R. Coquillette & Gregory P. Joseph eds. 3d ed.)); *Kubick v. FDIC (In re Kubick)*, 171 B.R. 658, 661–62 (B.A.P. 9th Cir. 1994).

In fact, before entering a default judgment the court has an independent duty to determine the sufficiency of Plaintiff-Debtor's claim. *Id.* at 662. Entry of a default establishes well-pleaded allegations as admitted, but factual allegations that are unsupported by exhibits are not well pled and cannot support a claim. *In re McGee*, 359 B.R. at 774. Thus, a court may refuse to enter default judgment if Plaintiff-Debtor did not offer evidence in support of the allegations. *See id.* at 775.

Denial of Discharge

The relevant part of the Bankruptcy Code for this Motion is as follows:

(a) The court shall grant the debtor a discharge, unless—

...

(2) the debtor, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, has transferred, removed, destroyed, mutilated, or concealed, or has permitted to be transferred, removed, destroyed, mutilated, or concealed—

(A) property of the debtor, within one year before the date of the filing of the petition; or

(B) property of the estate, after the date of the filing of the petition;

...

(4) the debtor knowingly and fraudulently, in or in connection with the case—

(A) made a false oath or account;

(B) presented or used a false claim;

(C) gave, offered, received, or attempted to obtain money, property, or advantage, or a promise of money, property, or advantage, for acting or forbearing to act; or

(D) withheld from an officer of the estate entitled to possession under this title, any recorded information, including books, documents, records, and papers, relating to the debtor's property or financial affairs;

(5) the debtor has failed to explain satisfactorily, before determination of denial of discharge under this paragraph, any loss of assets or deficiency of assets to meet the debtor's liabilities;

...

11 U.S.C. § 727(a)(1)-(5).

DISCUSSION

Failure To Comply with Local Rules

Plaintiff has filed her Motion, Proof of Service, Exhibit, and Declaration all as one 64 page “mega pleading.” That is not the practice in the Bankruptcy Court. “Motions, notices, objections, responses, replies, declarations, affidavits, other documentary evidence, exhibits, memoranda of points and authorities,

other supporting documents, proofs of service, and related pleadings shall be filed as separate documents.” LOCAL BANKR. R. 9004-2(c)(1). Plaintiff is reminded of the court’s expectation that documents filed with this court comply as required by Local Bankruptcy Rule 9004-1(a). Failure to comply is cause to deny the motion. LOCAL BANKR. R. 1001-1(g), 9014-1(l).

These document filing rules exist for a very practical reason. Operating in a near paperless environment, the motion, points and authorities, declarations, exhibits, requests for judicial notice, and other pleadings create an unworkable electronic document for the court (some running hundreds of pages). It is not for the court to provide secretarial services to attorneys and separate an omnibus electronic document into separate electronic documents that can then be used by the court.

Recognizing the Plaintiff is in *Pro Se*, the court waives the defect.

Motion For Entry of Default Judgement

The Plaintiff, *Pro Se*, has presented considerable evidence to demonstrate the allegations in the Complaint.

On September 21, 2017, Trustees recorded a grant deed transferring an interest in the Property to Defendant-Debtor as a tenant in common. Exhibit A, Dckt. 19 at PDF p. 19; Declaration ¶ 4, Dckt. 19 at PDF p. 4. Then, on March 8, 2018, Defendant-Debtor recorded a grant deed seeking to convey her interest back to Trustees. Exhibit A, Dckt. 19 at PDF p. 40; Declaration ¶ 6, Dckt. 19 at PDF p. 4.

Debtor filed her bankruptcy case on August 18, 2018. Bankr. E.D. Cal. No. 18-90764, Dckt. 1. This was a mere five months and ten days after the Defendant-Debtor purported to transfer her interest in the Property to the Trustees.

On her Schedules A/B, Debtor did not list an interest in the Property. *Id.* On her original Statement of Financial Affairs, Debtor answered “no” to the following questions:

13. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person?

...

18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs?

Id. Defendant-Debtor’s statements were made under penalty of perjury.

Defendant-Debtor filed an Amended Statement of Financial Affairs on December 20, 2018. Bankr. E.D. Cal. No. 18-90764, Dckt. 21. However, Defendant-Debtor did not alter her prior statements as to questions 13 and 18 discussed above.

As discussed above, Defendant-Debtor had an interest in the Property which she transferred less than a year before filing her bankruptcy case. On the evidence presented, including the timing and

circumstances of her filing, Defendant-Debtor transferred the Property to hinder creditors from recovering on their claims. 11 U.S.C. § 727(a)(2)(A).

Defendant-Debtor then misrepresented on her Statement of Financial Affairs that she had not made any transfer or gift within 2 years prior to filing. This false statement made after the filing of the petition was an attempt to conceal the Property, and was made to hinder creditors from recovering on their claims. 11 U.S.C. § 727(a)(2)(B).

In making false statements on her Statement of Financial Affairs and Amended Statement of Financial Affairs, Defendant-Debtor knowingly made a false oath. 11 U.S.C. § 727(4)(A).

Finally, Defendant-Debtor has failed to provide any explanation as to why the Property was transferred for no consideration. 11 U.S.C. § 727(5).

Based on the foregoing, the Motion is granted and the court shall issue a judgement in favor of Plaintiff.

Attorney's Fees and Costs

Plaintiff seeks attorney's fees and costs associated with this action. However, no grounds were alleged in the Complaint or Motion for these fees.

Further, Plaintiff is proceeding in *Pro Se*. It is unclear what attorney's fees and costs Plaintiff is seeking.

As provided in Federal Rule of Bankruptcy Procedure 7054, which incorporates Federal Rule of Civil Procedure 54 with respect to asserting the right to costs and attorney's fees, Plaintiff may seek such fees and costs, if any.

RULING

The court grants the default judgment in favor of Plaintiff and against Defendant-Debtor. Upon successful completion of Defendant-Debtor's bankruptcy case (Case No. 18-90764), the case shall be closed without the entry of a discharge, and Debtor shall receive no discharge in the instant case.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Entry of Default Judgment filed by Cynthia Jones ("Plaintiff") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion for Entry of Default Judgment is granted. Upon successful completion of Defendant-Debtor's bankruptcy case (Case No. 18-90764), the case shall be closed without the entry of a discharge, and Debtor shall receive no discharge in that case.

IT IS FURTHER ORDERED that the request for attorney's fees and costs, if any, shall be made as provided in Federal Rule of Bankruptcy Procedure 7054 and Federal Rule of Civil Procedure 54 as incorporated into the Bankruptcy Rules of Procedure.