

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Fredrick E. Clement  
Bankruptcy Judge  
2500 Tulare Street, Fifth Floor  
Department A, Courtroom 11  
Fresno, California

**THURSDAY**

**MAY 28, 2015**

**PRE-HEARING DISPOSITIONS**

**GENERAL DESIGNATIONS**

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

**MATTERS RESOLVED BEFORE HEARING**

If the court has issued a final ruling on a matter and the parties directly affected by a matter have resolved the matter by stipulation or withdrawal of the motion before the hearing, then the moving party shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter to be dropped from calendar notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860.

**ERRORS IN FINAL RULINGS**

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 52(b), 59(e) or 60, as incorporated by Federal Rules of Bankruptcy Procedure, 7052, 9023 and 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

9:00 a.m.

1. [15-10902](#)-A-13 DESIREE HALMES  
EGS-1  
GUILD MORTGAGE COMPANY/MV  
EDWARD SCHLOSS/Atty. for mv.      OBJECTION TO CONFIRMATION OF  
PLAN BY GUILD MORTGAGE COMPANY  
5-2-15 [[35](#)]

**Final Ruling**

The case dismissed, the objection is overruled as moot.

2. [15-10406](#)-A-13 ANGELITA CAMPA  
ALS-1  
FARMERS INSURANCE GROUP  
FEDERAL CREDIT UNION/MV      CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY FARMERS  
INSURANCE GROUP FEDERAL CREDIT  
UNION  
3-19-15 [[16](#)]  
  
TIMOTHY SPRINGER/Atty. for dbt.  
A. SIMON/Atty. for mv.

**No tentative ruling.**

3. [13-18013](#)-A-13 MADELINE MEDINA  
MHM-1  
MICHAEL MEYER/MV  
PETER BUNTING/Atty. for dbt.      MOTION TO DISMISS CASE  
4-9-15 [[53](#)]

**Final Ruling**

**Motion:** Dismiss Case

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

For the reasons stated in the motion, cause exists under § 1307(c)(1) and (6) to dismiss the case. The debtor has failed to make all payments due under the confirmed plan. Payments are delinquent in the amount of \$978.96.

4. [15-10916](#)-A-13 LURLINE TUCKER  
PBB-1  
LURLINE TUCKER/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO AVOID LIEN OF FRESNO  
COUNTY FEDERAL CREDIT UNION  
4-15-15 [[13](#)]

**Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of—(i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The responding party's judicial lien, all other liens, and the exemption amount together exceed the property's value by an amount greater than or equal to the debt secured by the responding party's lien. As a result, the responding party's judicial lien will be avoided entirely.

5. [15-10017](#)-A-13 JAMES CULVER  
  
DAVID JENKINS/Atty. for dbt.

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
5-11-15 [[88](#)]

**Final Ruling**

The fee paid in full, the order to show cause is discharged.

6. [15-10017](#)-A-13 JAMES CULVER  
CH-1  
EXPRESSLOAN.COM, INC./MV  
DAVID JENKINS/Atty. for dbt.  
COBY HALAVASIS/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
5-8-15 [[81](#)]

### **Tentative Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Denied without prejudice

**Order:** Civil minute order

**Subject:** 852 Beauregard Lane, Clovis, CA

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

"Where the property is declining in value or accruing interest and taxes eat up the equity cushion to the point where the cushion no longer provides adequate protection, the court may either grant the motion to lift the stay or order the debtor to provide some other form of adequate protection." Kathleen P. March, Hon. Alan M. Ahart & Janet A. Shapiro, *California Practice Guide: Bankruptcy* ¶ 8:1096 (rev. 2011). However, "[a]n undersecured creditor is entitled to adequate protection only for the decline in the [collateral's] value *after* the bankruptcy filing." See *id.* ¶ 8:1065.1 (rev. 2012) (citing *United Sav. Ass'n v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 370-73 (1988)). Further, when a creditor is oversecured, an existing equity cushion may adequately protect the creditor's security interest against a decline in the collateral's value while the stay remains in effect. See *id.* ¶ 8:1072 (citing cases). In calculating the amount of the movant creditor's equity cushion, the court ignores the debt secured by junior liens. See *id.* ¶ 8:1076 (citing *In re Mellor*, 734 F.2d 1396, 1400-01 (9th Cir. 1984)).

The debtor has missed 3 post-petition payments due on the debt secured by the moving party's lien. The debtor has classified the movant's claim as a Class 1 claim, and has proposed a plan, ECF No. 51, that will cure the arrears and continue to maintain regular monthly payments on the movant's debt. This bankruptcy case was filed January 5, 2015.

Given these facts, the court does not find that stay relief is appropriate at this time. The debtor should be given a reasonable-but not unlimited-opportunity to confirm a chapter 13 plan and resolve the postpetition defaults in payment. However, the motion's denial will be without prejudice to a future motion based on post-petition defaults in payment that include the 3 postpetition missed payments described in the motion.

7. [12-10318](#)-A-13 JAQUETTA WORTH MOTION TO DISMISS CASE  
MHM-3 4-9-15 [[150](#)]  
MICHAEL MEYER/MV  
SUSAN HEMB/Atty. for dbt.  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

8. [10-64121](#)-A-13 JAVIER/CARINA HINOJOSA OBJECTION TO CLAIM OF HFC,  
MHM-2 CLAIM NUMBER 2  
MICHAEL MEYER/MV 4-2-15 [[76](#)]  
THOMAS GILLIS/Atty. for dbt.  
WITHDRAWN

**Final Ruling**

The objection withdrawn, the matter is dropped as moot.

9. [11-19833](#)-A-13 ANITA HERNANDEZ MOTION TO DISMISS CASE  
MHM-2 4-9-15 [[50](#)]  
MICHAEL MEYER/MV  
PETER BUNTING/Atty. for dbt.  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

10. [11-60834](#)-A-13 JOSE CHAVEZ AND MARIA OBJECTION TO CLAIM OF WELLS  
MHM-3 GARCIA FARGO FINANCIAL CALIFORNIA,  
MICHAEL MEYER/MV INC., CLAIM NUMBER 5  
4-1-15 [[69](#)]  
GEOFFREY ADALIAN/Atty. for dbt.

**Tentative Ruling**

**Objection:** Objection to Claim

**Notice:** LBR 3007-1(b)(1); written opposition required

**Disposition:** Sustained in part, overruled in part

**Order:** Civil minute order

Unopposed objections are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c); LBR 9001-1(d), (n) (contested matters include objections). Written opposition to the sustaining of this objection was required not less than 14 days before the hearing on this objection. None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

## **CLAIM OBJECTION**

The chapter 13 trustee objects to the allowance of Claim No. 5 filed by the claimant, Wells Fargo Financial California, Inc. ("Wells Fargo"). The court will sustain the objection in part and overrule the objection in part.

According to the claim objection, claim no. 5 was filed in the amount of \$38,850.99. On April 20, 2012, a stipulation and order treating the claim of Wells Fargo as a general unsecured claim was filed. A plan was confirmed on November 29, 2011.

The trustee states that the plan provided for an 11% dividend to be paid to unsecured creditors. Here, multiplying 11% by \$38,850.99 equals \$4,273.61. This is only \$.30 more than the amount paid to Wells Fargo.

The trustee requests that the claim be allowed in the amount of \$4273.31, the amount the trustee paid to date to Wells Fargo, and that all other amounts be disallowed. However, if the claim is allowed in the amount of \$4273.31, then the claim will have been overpaid. This is true because 11% of \$4273.31 is only \$470.06, and only \$470.06 should be paid to satisfy an unsecured claim of \$4273.31 when the plan provides for an 11% payment to unsecured creditors.

Accordingly, the court will sustain the objection in part to the extent that it seeks to establish that the claim has been paid in full, and establish a claim amount that is consistent with the 11% dividend of \$4273.31 that was actually paid on the claim. The court will overrule the objection in part to the extent it seeks to establish a claim amount that is inconsistent with the dividend paid on such claim pursuant to the plan.

## **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 13 trustee's objection to claim no. 5 has been presented to the court. Having considered the objection, and having heard oral argument, if any, presented at the hearing,

IT IS ORDERED that the objection is sustained in part and overruled in part. Claim no. 5 will be allowed in the amount of \$38,848.27. The objection is overruled to the extent it seeks to allow the claim in the amount of \$4273.31.

11. [14-15936](#)-A-13 BRENT SCHAIBLE MOTION TO DISMISS CASE  
MHM-1 4-10-15 [[37](#)]  
MICHAEL MEYER/MV  
DAVID JENKINS/Atty. for dbt.  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

12. [14-11240](#)-A-13 RICHARD SORIANO MOTION TO DISMISS CASE  
MHM-1 4-9-15 [[24](#)]  
MICHAEL MEYER/MV  
BENNY BARCO/Atty. for dbt.  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

13. [10-19549](#)-A-13 SABINO CAYETANO AND MOTION FOR COMPENSATION BY THE  
PLF-2 CLAUDIA TORRES-CAYETANO LAW OFFICE OF FEAR LAW GROUP,  
P.C. FOR PETER L. FEAR, DEBTORS  
ATTORNEY(S)  
4-27-15 [[58](#)]

PETER FEAR/Atty. for dbt.

**Final Ruling**

**Application:** Allowance of Final Compensation and Expense Reimbursement

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Approved

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

**COMPENSATION AND EXPENSES**

In this Chapter 13 case, Fear Law Group, P.C., has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$2415.50 and reimbursement of expenses in the amount of \$137.64.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a debtor's attorney in a Chapter 13 case and "reimbursement for actual, necessary

expenses." 11 U.S.C. § 330(a)(1), (4)(B). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Fear Law Group, P.C.'s application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$2415.50 and reimbursement of expenses in the amount of \$137.64. The aggregate allowed amount equals \$2553.14. The court's approval of this aggregate amount is in addition to the no-look fee previously approved in the amount of \$3500. As of the date of the application, the applicant held a retainer in the amount of \$0.00. The amount of \$2553.14 shall be allowed as an administrative expense to be paid through the plan, and the remainder of the allowed amounts, if any, shall be paid from the retainer held by the applicant.

IT IS FURTHER ORDERED that the trustee is authorized to pay the fees allowed by this order from the available funds of the plan in a manner consistent with the terms of the confirmed plan.

14. [13-10355](#)-A-13 MARY MIGLIORE  
MHM-3  
MICHAEL MEYER/MV  
GLEN GATES/Atty. for dbt.  
DISMISSED

MOTION TO DISMISS CASE  
4-15-15 [[56](#)]

#### **Final Ruling**

The case dismissed, the matter is denied as moot.



15. [14-14958](#)-A-13 AARON MANNON MOTION TO DISMISS CASE  
MHM-1 4-10-15 [[20](#)]  
MICHAEL MEYER/MV  
GEOFFREY ADALIAN/Atty. for dbt.

**Final Ruling**

The case dismissed, the matter is denied as moot.

16. [14-11059](#)-A-13 JORGE VELAZQUEZ-JARACUARO OBJECTION TO CLAIM OF INTERNAL  
ALG-2 AND ADRIANA OROPEZA REVENUE SERVICE, CLAIM NUMBER  
JORGE VELAZQUEZ-JARACUARO/MV 10  
4-27-15 [[66](#)]  
JANINE ESQUIVEL/Atty. for dbt.  
RENOTICED FOR 6/25/15

**Final Ruling**

The hearing renoticed for June 25, 2015, at 9:00 a.m., the matter is dropped as moot.

17. [15-10464](#)-A-13 JON/SALVACION GRATTON MOTION TO DISMISS CASE  
MHM-1 4-3-15 [[17](#)]  
MICHAEL MEYER/MV  
SCOTT LYONS/Atty. for dbt.

**Final Ruling**

**Motion:** Dismiss Case

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

For the reasons stated in the motion, cause exists under § 1307(c)(1) to dismiss the case. The debtors have failed to appear at the § 341 meeting of creditors on March 31, 2015.

18. [14-15265](#)-A-13 DANIEL/ERICA DE LA CERDA MOTION TO CONFIRM PLAN  
SL-1 4-2-15 [[31](#)]  
DANIEL DE LA CERDA/MV  
STEPHEN LABIAK/Atty. for dbt.  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

19. [14-14572](#)-A-13 ALFREDO/GRACIE LAZO MOTION TO MODIFY PLAN  
JRL-1 4-24-15 [[35](#)]  
ALFREDO LAZO/MV  
JERRY LOWE/Atty. for dbt.  
RESPONSIVE PLEADING

**Final Ruling**

**Motion:** Modification of a Chapter 13 Plan

**Disposition:** Denied without prejudice

**Order:** Civil minute order

The moving party did not provide a sufficient period of notice of the hearing on the motion or the time fixed for filing objections. Federal Rule of Bankruptcy Procedure 3015(g) requires not less than 21 days' notice of the time fixed for filing objections and the hearing to consider a proposed modification of a chapter 13 plan. To comply with both Federal Rule of Bankruptcy Procedure 3015(g) and Local Bankruptcy Rule 9014-1(f)(1), creditors and parties in interest must be given at least 35 days' notice of the motion. LBR 3015-1(d). Creditors and parties in interest received approximately 17 days to file objections, which is less than the required 21 days' notice of the time fixed for filing objections, and the motion and notice of hearing were filed and served less than 35 days prior to the hearing (31 days).

20. [14-15479](#)-A-13 FRANK/MELISSA WOODLEY MOTION TO DISMISS CASE  
MHM-1 4-10-15 [[19](#)]  
MICHAEL MEYER/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
RESPONSIVE PLEADING

**Tentative Ruling**

**Matter:** Dismiss Chapter 13 Case

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Continued to June 25, 2015, at 9:00 a.m.

**Order:** Civil minute order if appropriate

The trustee has filed a motion to dismiss this case for failure to make all payments due under the plan. Payments are delinquent in the amount of \$2,243.64.

The debtors admit their delinquency under the confirmed plan. But a modified plan has been filed and a hearing on confirmation of such plan is set for June 25, 2015, at 9:00 a.m. The debtors state that the confirmation of the modified plan will cure all delinquencies.

The court will continue the hearing on this matter to June 25, 2015. If a modified plan is not confirmed by June 25, 2015, then the court may dismiss this case.

21. [13-15982](#)-A-13 RICHARD DIAZ MOTION TO DISMISS CASE  
MHM-1 4-9-15 [[29](#)]  
MICHAEL MEYER/MV  
STEVEN ALPERT/Atty. for dbt.  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

22. [13-17682](#)-A-13 EUGENE/MARILYN MORA MOTION TO DISMISS CASE  
MHM-2 4-9-15 [[47](#)]  
MICHAEL MEYER/MV  
GARY HUSS/Atty. for dbt.  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

23. [11-10791](#)-A-12 LUKE/SARAH PEASTER MOTION TO VALUE COLLATERAL OF  
PLF-10 FIDEL MERCADO, FLC AND/OR  
LUKE PEASTER/MV MOTION TO VALUE COLLATERAL OF  
FARM LABOR CONTRACTOR  
4-29-15 [[117](#)]  
  
PETER FEAR/Atty. for dbt.

**Final Ruling**

**Motion:** Value Collateral [Real Property; Chapter 12]

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the respondent is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

## **VALUATION OF COLLATERAL**

To value collateral, the moving party must proceed by noticed motion. Fed. R. Bankr. P. 3012. The motion must be served on the holder of the secured claim. Fed. R. Bankr. P. 3012, 9014(a); LBR 3015-1(j).

Under § 506 of the Bankruptcy Code, "a secured creditor's claim is to be divided into secured and unsecured portions, with the secured portion of the claim limited to the value of the collateral." *Assocs. Commercial Corp. v. Rash*, 520 U.S. 953, 961 (1997) (citing *United States v. Ron Pair Enters., Inc.*, 489 U.S. 235, 238-39 (1989)); accord *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1168-69 (9th Cir. 2004) (citing 11 U.S.C. § 506). "To separate the secured from the unsecured portion of a claim, a court must compare the creditor's claim to the value of 'such property,' i.e., the collateral." *Rash*, 520 U.S. at 961.

"Such value shall be determined in light of the purpose of the valuation and of the proposed disposition or use of such property, and in conjunction with any hearing on such disposition or use or on a plan affecting such creditor's interest." 11 U.S.C. § 506(a)(1). In the lien stripping context, a replacement-value standard is proper when the debtor proposes to retain and use the collateral. *Rash*, 520 U.S. at 962-63.

The moving party must provide factual grounds for the proposed value of the collateral. "In the absence of contrary evidence, an owner's opinion of property value may be conclusive." *Enewally*, 368 F.3d at 1173.

The motion requests that the court value real property collateral securing the respondent's claim. The real property is located at 8660 W. Walnut Ave., Winton, CA.

The court values the collateral at \$320,000. The responding creditor's claim is secured only to the extent of the collateral's value unencumbered by any senior liens. See 11 U.S.C. § 506(a).

## **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to value real property collateral has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The real property collateral located at 8660 W. Walnut Ave., Winton, CA has a value of \$320,000. The first deed of trust on the collateral held by American Home Mortgage Service, Inc., secures a debt with an approximate principal balance of \$620,000. The respondent has a secured claim in the amount of \$0.00 equal to the value of the collateral that is unencumbered by senior liens. The respondent has a general unsecured claim for the balance of the claim.

24. [12-11896](#)-A-13 MYRNA GOMEZ  
MHM-2  
MICHAEL MEYER/MV  
SCOTT LYONS/Atty. for dbt.  
WITHDRAWN

MOTION TO DISMISS CASE  
4-9-15 [[57](#)]

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

25. [15-11298](#)-A-13 JON/AMBER ORTIZ  
  
MARK ZIMMERMAN/Atty. for dbt.

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
5-7-15 [[18](#)]

**Final Ruling**

The fee paid in full, the order to show cause is discharged.

26. [15-11801](#)-A-13 TAMARA STOCKS  
PBB-1  
TAMARA STOCKS/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY  
5-20-15 [[8](#)]

**Tentative Ruling**

**Motion:** Extend the Automatic Stay

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted except as to any creditor without proper notice of this motion

**Order:** Prepared by moving party pursuant to the instructions below

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Upon request of a party in interest, the court may extend the automatic stay where the debtor has had one previous bankruptcy case that was pending within the 1-year period prior to the filing of the current bankruptcy case but was dismissed. See 11 U.S.C. § 362(c)(3)(B). Procedurally, the automatic stay may be extended only "after notice and a hearing *completed* before the expiration of the 30-day period" after the filing of the petition in the later case. *Id.* (emphasis added). To extend the stay, the court must find that the filing of the *later case* is in good faith as to the creditors to be stayed, and the extension of the stay may be made subject to conditions or limitations the court may impose. *Id.*

For the reasons stated in the motion and supporting papers, the court finds that the filing of the current case is in good faith as to the creditors to be stayed. The motion will be granted except as to any creditor without proper notice of this motion.

27. [15-10967](#)-A-13 NIGEL MARIN

CONTINUED ORDER TO SHOW CAUSE -  
FAILURE TO PAY FEES  
4-24-15 [[36](#)]

RESPONSIVE PLEADING

**Final Ruling**

The amendment fee paid in full, the order to show cause is discharged.