

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable W. Richard Lee  
Hearing Date: Thursday, May 29, 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.

9:00 A.M.

1. [13-10302](#)-B-11 GMC DAIRY FARMS LP  
RAC-5

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF BLAKELEY &  
BLAKELEY LLP FOR RONALD  
CLIFFORD, CREDITOR COMM. ATY(S)  
4-29-14 [[505](#)]

THOMAS GILLIS/Atty. for dbt.  
RESPONSIVE PLEADING

**This matter will be continued to June 12, 2014, at 9:00 a.m., to be considered with the continued motion to approve a disclosure statement. This motion does not identify a source of funds to pay the applicant's fees. The FCW entities have not consented to the use of any cash collateral to pay professional fees without a confirmed plan. Based on the representations made at the last disclosure statement hearing, it is not yet clear that a plan can be confirmed in this case. The court will prepare a minute order. No appearance is necessary.**

2. [14-10695](#)-B-11 ROSENDO PEREZ AND MARIA  
TOG-13 JAIME  
ROSENDO PEREZ/MV  
THOMAS GILLIS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
US BANK, N.A.  
4-25-14 [[85](#)]

**This matter will be dropped from calendar and may be renoticed for a hearing, if appropriate, after the case is converted to chapter 13. Pursuant to this court's ruling on the U.S. Trustee's motion to dismiss, this case will be dismissed if the debtors do not convert it to chapter 13. No appearance is necessary.**

3. [14-10695](#)-B-11 ROSENDO PEREZ AND MARIA  
TOG-15 JAIME  
ROSENDO PEREZ/MV  
THOMAS GILLIS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
WELLS FARGO BANK, N.A.  
4-25-14 [[93](#)]

**This matter will be dropped from calendar and may be renoticed for a hearing, if appropriate, after the case is converted to chapter 13. Pursuant to this court's ruling on the U.S. Trustee's motion to dismiss, this case will be dismissed if the debtors do not convert it to chapter 13. No appearance is necessary.**

4. [14-11106](#)-B-7 GEVORG ADAMYAN AND  
JES-1 VARDUHI KRDOTYAN

OPPOSITION RE: TRUSTEE'S MOTION  
TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341 (A) MEETING  
OF CREDITORS  
4-11-14 [[16](#)]

ARIS ARTOUNIANS/Atty. for dbt.  
NOTICED INCORRECTLY

**This matter was improperly noticed for the chapter 11 calendar. It will be called at the end of the chapter 7 calendar at 10:00 a.m. No appearance is necessary at 9:00 a.m.**

10:00 A.M.

1. [13-17403](#)-B-7 JERRY/TERESA CRAIN MOTION TO SELL  
RHT-1 4-25-14 [[44](#)]  
ROBERT HAWKINS/MV  
MARK ZIMMERMAN/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.**

2. [13-17914](#)-B-7 WILLIAM/RANAE BUCKENDAHL MOTION TO EMPLOY BAIRD AUCTIONS  
SAS-1 & APPRAISALS AS AUCTIONEER,  
SHERYL STRAIN/MV AUTHORIZING SALE OF PROPERTY AT  
PUBLIC AUCTION AND AUTHORIZING  
PAYMENT OF AUCTIONEER FEES AND  
EXPENSES  
4-30-14 [[26](#)]  
  
SUSAN HEMB/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. [14-12221](#)-B-7 JOHN/AURORA DIAS MOTION TO COMPEL ABANDONMENT  
MAZ-2 5-7-14 [[23](#)]  
JOHN DIAS/MV  
MARK ZIMMERMAN/Atty. for dbt.
4. [14-12222](#)-B-7 FRANK/ALICIA SIERRA MOTION TO COMPEL ABANDONMENT  
MAZ-2 5-7-14 [[23](#)]  
FRANK SIERRA/MV  
MARK ZIMMERMAN/Atty. for dbt.
5. [14-10139](#)-B-7 JOHN/NICKOLINA TROYAN MOTION TO DISMISS CASE  
SL-1 4-22-14 [[28](#)]  
JOHN TROYAN/MV  
SCOTT LYONS/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 case will be dismissed. The court will enter a civil minute order. No appearance is necessary.**

6. [13-17341](#)-B-7 HOWARD SAGASER  
KDG-2  
HOWARD SAGASER/MV  
HAGOP BEDOYAN/Atty. for dbt.  
CONTINUED MOTION TO EMPLOY GARY  
I. ISTANBOULIAN AS  
ACCOUNTANT(S)  
11-27-13 [[24](#)]
7. [13-17341](#)-B-7 HOWARD SAGASER  
KDG-6  
HAGOP BEDOYAN/MV  
HAGOP BEDOYAN/Atty. for dbt.  
RESPONSIVE PLEADING  
CONTINUED MOTION FOR  
COMPENSATION FOR GARY I.  
ISTANBOULIAN, ACCOUNTANT(S),  
FEE: \$5289.00, EXPENSES: \$0.00  
1-21-14 [[153](#)]
8. [13-17341](#)-B-7 HOWARD SAGASER  
KDG-9  
GARY ISTANBOULIAN/MV  
HAGOP BEDOYAN/Atty. for dbt.  
MOTION FOR COMPENSATION FOR  
GARY I. ISTANBOULIAN,  
ACCOUNTANT(S) .  
5-6-14 [[361](#)]
9. [13-17341](#)-B-7 HOWARD SAGASER  
TGM-2  
HEIDI SAGASER/MV  
HAGOP BEDOYAN/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.  
MOTION TO EXTEND DEADLINE TO  
FILE A COMPLAINT OBJECTING TO  
DISCHARGE OF THE DEBTOR  
4-30-14 [[350](#)]
- 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 bar date under Rule 4007(c) shall be extended for the moving party to August 18, 2014. The moving party shall submit a proposed order. No appearance is necessary.**
10. [13-17341](#)-B-7 HOWARD SAGASER  
WFH-5  
SHERYL STRAIN/MV  
HAGOP BEDOYAN/Atty. for dbt.  
DANIEL EGAN/Atty. for mv.  
MOTION FOR COMPENSATION FOR  
JUDGE RAOUL RAMIREZ,  
MEDIATOR(S) .  
5-9-14 [[386](#)]
11. [12-15547](#)-B-7 DONNA DAVIS  
RH-3  
JAMES SALVEN/MV  
GARY HUSS/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.  
RESPONSIVE PLEADING  
MOTION TO SELL  
5-8-14 [[94](#)]

12. [12-15547](#)-B-7 DONNA DAVIS MOTION TO SELL  
RH-4 5-8-14 [[100](#)]  
JAMES SALVEN/MV  
GARY HUSS/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.  
RESPONSIVE PLEADING
13. [12-15548](#)-B-7 EVERETT DAVIS MOTION TO SELL AND/OR MOTION TO  
RH-3 PAY  
JAMES SALVEN/MV 5-8-14 [[92](#)]  
GARY HUSS/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.  
RESPONSIVE PLEADING
14. [12-15548](#)-B-7 EVERETT DAVIS MOTION TO SELL AND/OR MOTION TO  
RH-4 PAY  
JAMES SALVEN/MV 5-8-14 [[98](#)]  
GARY HUSS/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.  
RESPONSIVE PLEADING
15. [14-10554](#)-B-7 ANTONIO IBARRA AND OBJECTION TO DEBTOR'S CLAIM OF  
TMT-1 GUADALUPE YBARRA EXEMPTIONS  
TRUDI MANFREDO/MV 4-30-14 [[15](#)]  
THOMAS GILLIS/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 objection will be sustained without oral argument for cause shown. The Debtors shall turnover 25% of the amounts listed in the exempted bank accounts to the chapter 7 trustee within 10 days. The trustee shall submit a proposed order. No appearance is necessary.**

16. [12-60455](#)-B-7 MARIO/ANITA VEGA MOTION FOR COMPENSATION FOR  
MMW-2 JUSTIN D. HARRIS, TRUSTEE'S  
ATTORNEY(S).  
5-1-14 [[52](#)]  
MARIO LANGONE/Atty. for dbt.

**This motion will be continued to June 25, 2014, at 10:00 a.m., for supplemental evidence. The applicant was employed to serve as the chapter 7 trustee's general counsel. The trustee has not yet filed his final report. Based on the evidence presented in support of the motion, the court cannot tell if the applicant's services are concluded and cannot evaluate the necessity, reasonableness, and benefit of the applicant's services. No appearance is necessary.**

17. [13-16171](#)-B-7 FRANCES PASS  
TGM-3  
JAMES SALVEN/MV  
GABRIEL WADDELL/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.  
RESPONSIVE PLEADING

MOTION TO SELL  
4-30-14 [[52](#)]

18. [14-10371](#)-B-7 SUSANA VITO  
PBB-2  
SUSANA VITO/MV  
  
PETER BUNTING/Atty. for dbt.

MOTION TO EXTEND DEADLINE TO  
FILE A COMPLAINT OBJECTING TO  
DISCHARGE OF THE DEBTOR  
4-30-14 [[22](#)]

**This motion will be denied as moot. The creditor has timely filed an adversary proceeding and no further extension of time appears to be necessary or appropriate. No appearance is necessary.**

19. [14-10871](#)-B-7 ANN HOSIER-HARDCASTLE  
RHT-1  
ROBERT HAWKINS/MV  
PETER BUNTING/Atty. for dbt.  
ROBERT HAWKINS/Atty. for mv.

MOTION TO EMPLOY RICHARD C.  
CONWAY AS SPECIAL COUNSEL  
4-11-14 [[9](#)]

20. [13-13472](#)-B-7 MICHAEL/KAREN DEMEUSY  
DRJ-3  
TRUDI MANFREDO/MV  
JAMES MILLER/Atty. for dbt.  
DAVID JENKINS/Atty. for mv.

MOTION TO SELL  
4-24-14 [[43](#)]

21. [10-19080](#)-B-7 FRANK IKUTA  
JTW-2  
JANZEN, TAMBERI AND WONG/MV  
  
MICHAEL GONG/Atty. for dbt.

MOTION FOR COMPENSATION FOR  
JANZEN, TAMBERI & WONG,  
ACCOUNTANT(S).  
5-1-14 [[69](#)]

**This motion will be dropped from calendar without a disposition. Pursuant to FRBP 2002(a)(6), a noticed hearing is not required if the applicant's request for compensation does not exceed \$1,000. In addition, the motion requires additional supporting evidence. The applicant was employed to serve as the chapter 7 trustee's accountant. The trustee has not yet filed his final report. Based on the evidence presented in support of the motion, the court cannot tell if the applicant's services are concluded and cannot evaluate the necessity, reasonableness, and benefit of the applicant's services. The amended motion may be resubmitted without a noticed hearing. No appearance is necessary.**

22. [14-11883](#)-B-7 ROBERT/TERESA YATES  
SL-1  
ROBERT YATES/MV  
STEPHEN LABIAK/Atty. for dbt.

MOTION TO AVOID LIEN OF KINGS  
CREDIT SERVICES  
4-22-14 [[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.**

23. [10-13093](#)-B-7 FERNANDO/VERA LUPIAN  
TMT-4  
TRUDI MANFREDO/MV

MOTION TO COMPROMISE  
CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH CENTRAL VALLEY  
RESIDENTIAL BUILDERS, L.P. AND  
MCMILLIN HOMES CONSTRUCTION,  
INC.  
5-1-14 [[54](#)]

PHILIP BIANCO/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.**

24. [10-13093](#)-B-7 FERNANDO/VERA LUPIAN  
TMT-5  
STEVEN WAISBREN/MV

MOTION FOR COMPENSATION FOR  
STEVE WAISBREN, SPECIAL  
COUNSEL(S).  
5-1-14 [[60](#)]

PHILIP BIANCO/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.**

25. [10-13093](#)-B-7 FERNANDO/VERA LUPIAN  
TMT-6  
TRUDI MANFREDO/MV

MOTION TO COMPROMISE  
CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH FERNANDO LUPIAN  
AND VERA LUPIAN  
5-8-14 [[67](#)]

PHILIP BIANCO/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.**



10:30 A.M.

1. [13-18015](#)-B-7 WESTERN LANDSCAPE  
KK-1 DEVELOPMENT, INC.  
DEERE & COMPANY/MV

MOTION TO APPROVE STIPULATION  
FOR RELIEF FROM THE AUTOMATIC  
STAY  
4-29-14 [[10](#)]

DAVID JENKINS/Atty. for dbt.  
KATHERINE KANE/Atty. for mv.  
RESPONSIVE PLEADING

**This matter was fully noticed in compliance with the Local Rules and the debtor filed a notice of no opposition. The motion will be granted without oral argument for cause shown. The stipulation between the movant and the chapter 7 trustee will be approved. The movant shall submit a proposed order. No appearance is necessary.**

2. [13-18125](#)-B-7 CARY SHAFER  
PD-1  
CALIBER HOME LOANS, INC./MV  
CHELSEA RYAN/Atty. for dbt.  
JONATHAN CAHILL/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
4-18-14 [[26](#)]

**This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. 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.**

3. [13-17082](#)-B-7 RONALD RUSHING  
JLH-1  
ALTAONE FEDERAL CREDIT  
UNION/MV  
SCOTT LYONS/Atty. for dbt.  
JOSEPH HORSWILL/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
5-13-14 [[117](#)]

4. [14-12291](#)-B-7 ROSAURA GARZA  
SW-1  
ALLY BANK/MV  
JEFFREY ROWE/Atty. for dbt.  
TORIANA HOLMES/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
5-12-14 [[9](#)]

5. [14-11893](#)-B-7 RAFAEL/TERESA TAFOLLA  
SW-1  
WELLS FARGO BANK, N.A./MV  
TORIANA HOLMES/Atty. for mv.

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

11:00 A.M.

1. [14-10034](#)-B-7 OSCAR/LISA MONTEZ

PRO SE REAFFIRMATION AGREEMENT  
WITH SPRINGLEAF FINANCIAL  
SERVICES  
5-7-14 [[29](#)]

The reaffirmation agreement between the debtors and Springleaf Financial Services will not be approved and the debtors are not required to appear at the scheduled hearing.

The debtors filed bankruptcy without an attorney. In this reaffirmation agreement it appears the debtors are trying to reaffirm a debt for \$2,788 secured by a non-possessory, non-purchase money security interest in their exempt household goods. Although the creditor has reduced the annual interest rate from 37.73% to 10%, the agreement still obligates the debtors to pay \$155 a month for almost two years. Based on a careful review of the record and consideration of the facts, including the creditor's valuation of the household goods at \$1,200, or less than one-half of the amount being reaffirmed, and, based on the fact that this obligation is avoidable and could be discharged in the debtors' bankruptcy case, the court finds that the reaffirmation agreement is not in the debtors' and their five dependants' best interest.

The court strongly urges the debtors to obtain professional legal counsel to advise them with regard to the avoidability of this lien pursuant to 11 U.S.C. § 522(f)(1)(B)(i), which allows debtors to avoid a non-possessory, non-purchase money security interest in household goods that are held primarily for the personal, family, or household use of the debtors or their dependents.

If the lien can be avoided, the debtors can keep their household goods and the entire debt will be potentially dischargeable.

1:30 P.M.

1. [14-10001](#)-B-13 CHRISTY BEELER MOTION TO MODIFY PLAN  
TCS-2 4-16-14 [[21](#)]  
CHRISTY BEELER/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. [14-11803](#)-B-13 JOSE GONZALEZ AND JUANITA MOTION TO VALUE COLLATERAL OF  
TOG-1 RIOS BANK OF AMERICA, N.A.  
JOSE GONZALEZ/MV 5-1-14 [[11](#)]  
THOMAS GILLIS/Atty. for dbt.

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.*

3. [14-11304](#)-B-13 FELIPE/EVANGELINA ALVA OBJECTION TO CONFIRMATION OF  
PD-1 PLAN BY WELLS FARGO BANK, N.A.  
WELLS FARGO BANK, N.A./MV 5-6-14 [[19](#)]  
SCOTT LYONS/Atty. for dbt.  
JONATHAN CAHILL/Atty. for mv.
4. [14-11209](#)-B-13 RUTH MANRIQUEZ OBJECTION TO CONFIRMATION OF  
RMD-1 PLAN BY EVERBANK  
EVERBANK/MV 5-1-14 [[18](#)]  
SCOTT LYONS/Atty. for dbt.  
RYAN DAVIES/Atty. for mv.

5. [14-11310](#)-B-13 MICHAEL GARDNER  
KK-1  
HSBC MORTGAGE CORPORATION/MV  
  
PETER FEAR/Atty. for dbt.  
KATELYN KNAPP/Atty. for mv.  
RESPONSIVE PLEADING

OBJECTION TO CONFIRMATION OF  
PLAN BY HSBC MORTGAGE  
CORPORATION  
5-6-14 [[36](#)]

This matter will be continued to June 26, 2014, at 1:30 p.m., for completion of the §341 meeting of creditors. The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan.

The objection is based upon the chapter 13 plan's treatment of the mortgage arrearage. However, the creditor has not yet filed a proof of claim for the arrearage. If the objecting creditor wants the court to rule on its objection, the creditor shall file a proof of claim at least 7 days before the continued hearing. The court will prepare a civil minute order. No appearance is necessary.

6. [14-11310](#)-B-13 MICHAEL GARDNER  
PLF-1  
MICHAEL GARDNER/MV  
  
PETER FEAR/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO VALUE COLLATERAL OF  
AMERICREDIT FINANCIAL SERVICES,  
INC.  
4-30-14 [[20](#)]

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.

7. [14-11310](#)-B-13 MICHAEL GARDNER  
PLF-2  
MICHAEL GARDNER/MV  
PETER FEAR/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
INTERNAL REVENUE SERVICE  
5-1-14 [[24](#)]

**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 \$7,480. 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.**

8. [14-11321](#)-B-13 RONALD/LEANNA BUYS  
PBB-1  
RONALD BUYS/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
INTERNAL REVENUE SERVICE  
4-10-14 [[16](#)]

**This motion to value collateral will be denied as moot. There is no case or controversy. The creditor has filed a proof of secured claim, which values its collateral in the same amount as stated in the motion. In the Eastern District of California, the amount and classification of a claim is determined by the proof of claim and applicable non-bankruptcy law. No further relief is required unless the granting of a motion will affect the treatment of the claim. No appearance is necessary.**

9. [14-11321](#)-B-13 RONALD/LEANNA BUYS  
PBB-2  
RONALD BUYS/MV  
  
PETER BUNTING/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
CALIFORNIA EMPLOYMENT  
DEVELOPMENT DEPARTMENT  
4-10-14 [[22](#)]

**This motion to value collateral will be denied as moot. There is no case or controversy. The creditor has filed a proof of secured claim, which values its collateral in the same amount as stated in the motion. In the Eastern District of California, the amount and classification of a claim is determined by the proof of claim and applicable non-bankruptcy law. No further relief is required unless the granting of a motion will affect the treatment of the claim. No appearance is necessary.**

10. [13-17728](#)-B-13 ROBERT/CONNIE RICHMOND  
GH-2  
ROBERT RICHMOND/MV  
GARY HUSS/Atty. for dbt.
- MOTION TO VALUE COLLATERAL OF  
WELLS FARGO BANK, NA  
4-10-14 [[51](#)]

**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.***

11. [10-63548](#)-B-13 NICK MARTINEZ  
GH-1  
NICK MARTINEZ/MV  
GARY HUSS/Atty. for dbt.  
RESPONSIVE PLEADING
- MOTION TO MODIFY PLAN  
4-16-14 [[41](#)]

12. [11-63950](#)-B-13 ERNESTO/SOVEYDA AMBRIZ  
PBB-2  
ERNESTO AMBRIZ/MV  
PETER BUNTING/Atty. for dbt.
- MOTION TO APPROVE LOAN  
MODIFICATION  
5-12-14 [[42](#)]

13. [14-11451](#)-B-13 JOSE ALCANTAR  
MRG-1  
CAPITAL ONE AUTO FINANCE/MV  
SCOTT LYONS/Atty. for dbt.  
MICHAEL GONZALES/Atty. for mv.
- OBJECTION TO CONFIRMATION OF  
PLAN BY CAPITAL ONE AUTO  
FINANCE  
4-17-14 [[24](#)]

**This objection to confirmation of the chapter 13 plan will be overruled without prejudice. The debtor(s) has (have) filed and set for hearing a modified plan. The plan that this objection relates to is deemed withdrawn. No appearance is necessary.**

**The valuation issue appears to be resolved in the modified plan. The interest rate issue has not been addressed and may be raised in an objection to the modified plan.**

14. [14-11361](#)-B-13 DAVID/GLORIA RIVERA  
TTE-1  
PREMIER VALLEY BANK/MV  
PETER FEAR/Atty. for dbt.  
TROY EWELL/Atty. for mv.

OBJECTION TO CONFIRMATION OF  
PLAN BY PREMIER VALLEY BANK  
5-6-14 [[24](#)]

The objection will be overruled without prejudice on procedural grounds. The moving papers do not include an appropriate docket control number as required by Local Rule 9014-1(c).

In addition, the form of the proof of service does not comply with LBR 9014-1(d)(1) (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (4)(e)). The documents were not properly signed in compliance with LBR 9004-1(c).

Finally, the trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan.

With regard to the merits of the objection, in the Eastern District of California, confirmation of a chapter 13 plan does not operate to adjudicate the value of any property and does not operate to "strip" any liens. The court will prepare a minute order. No appearance is necessary.

15. [14-11175](#)-B-13 DANNY/SARA BAEZA  
KMM-2  
DANNY BAEZA/MV  
KARNEY MEKHITARIAN/Atty. for dbt.

MOTION TO CONFIRM PLAN  
4-11-14 [[36](#)]

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.

16. [14-11175](#)-B-13 DANNY/SARA BAEZA  
VVF-1  
AMERICAN HONDA FINANCE  
CORPORATION/MV  
KARNEY MEKHITARIAN/Atty. for dbt.  
VINCENT FROUNJIAN/Atty. for mv.  
WITHDRAWN

OBJECTION TO CONFIRMATION OF  
PLAN BY AMERICAN HONDA FINANCE  
CORPORATION  
3-19-14 [[10](#)]

The objection has been withdrawn. No appearance is necessary.



17. [12-13384](#)-B-13 BRADLEY PEARCE  
DRJ-2  
BRADLEY PEARCE/MV  
DAVID JENKINS/Atty. for dbt.

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

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.

18. [12-15184](#)-B-13 RICHARD/DIANA ESCALANTE  
PBB-2  
RICHARD ESCALANTE/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO MODIFY PLAN  
4-17-14 [[45](#)]

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.

19. [14-10684](#)-B-13 NADER SHOKRY  
PLG-1  
NADER SHOKRY/MV

CONTINUED MOTION TO AVOID LIEN  
OF COLLECTIBLES MANAGEMENT  
RESOURCES, A GENERAL  
PARTNERSHIP  
3-31-14 [[22](#)]

RABIN POURNAZARIAN/Atty. for dbt.

This motion will be denied without prejudice. This matter was continued from May 8, 2014, with instructions to the debtor to correct errors in the motion and properly serve it. The amended motion was not filed until May 22, 2014, and it was served with only seven days' notice. The amended notice requires that a responsive pleading be filed 14 days before the continued hearing (seven days before the amended motion was even served), and does not comply with LBR 9014-1(f)(1) and (f)(2). No appearance is necessary.

20. [11-10493](#)-B-13 DONALD TROWER  
JDM-1  
DONALD TROWER/MV  
JAMES MILLER/Atty. for dbt.

MOTION TO MODIFY PLAN  
4-9-14 [[42](#)]

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.

21. [14-11195](#)-B-13 FERNANDO VEGA AND MARTHA  
MDE-1 LERMA  
WELLS FARGO BANK, N.A./MV  
THOMAS GILLIS/Atty. for dbt.  
MARK ESTLE/Atty. for mv.

OBJECTION TO CONFIRMATION OF  
PLAN BY WELLS FARGO BANK, N.A.  
4-28-14 [[16](#)]

This objection to confirmation of the chapter 13 plan will be overruled without prejudice. The debtors have filed and set for hearing a modified plan. The plan that this objection relates to is deemed withdrawn. No appearance is necessary.

22. [11-16997](#)-B-13 HEATH/MICHELLE NEWTON  
DRJ-6  
HEATH NEWTON/MV  
DAVID JENKINS/Atty. for dbt.

MOTION TO MODIFY PLAN  
3-11-14 [[88](#)]

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.

23. [09-10010](#)-B-13 MARK/LISA ERHARDT  
TCS-3  
MARK ERHARDT/MV  
TIMOTHY SPRINGER/Atty. for dbt.  
OST 5/22/14

MOTION TO SELL AND/OR MOTION TO  
INCUR DEBT  
5-21-14 [[50](#)]

2:00 P.M.

1. [13-15946](#)-B-13 ROBERTO RODRIGUEZ AND  
MHM-2 TERESA AGUILAR  
MICHAEL MEYER/MV  
MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
5-15-14 [[114](#)]

THOMAS GILLIS/Atty. for dbt.

**This motion will be denied. The court has entered an order that appears to resolve the issue with regard to the valuation of U.S. Bank's secured claim. No appearance is necessary.**