

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

May 30, 2017 at 1:00 p.m.

1. [17-20707](#)-B-13 ROGER GREER ORDER TO SHOW CAUSE - FAILURE
Thru #3 Seth L. Hanson TO PAY FEES
4-10-17 [[25](#)]

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. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due April 4, 2017. The court's docket as of May 24, 2017, reflects that the default has not been cured.

The court will enter an appropriate minute order.

2. [17-20707](#)-B-13 ROGER GREER ORDER TO SHOW CAUSE - FAILURE
Seth L. Hanson TO PAY FEES
5-9-17 [[49](#)]

Final Ruling: No appearance at the May 30, 2017, hearing is required.

The case having previously been dismissed at Item #1, the order to show cause is dismissed as moot.

The court will enter an appropriate minute order.

3. [17-20707](#)-B-13 ROGER GREER MOTION TO DISMISS CASE
JPJ-2 Seth L. Hanson 4-27-17 [[40](#)]

Final Ruling: No appearance at the May 30, 2017, hearing is required.

The case having previously been dismissed at Item #1, the motion is dismissed as moot.

The court will enter an appropriate minute order.

May 30, 2017 at 1:00 p.m.

4. [14-20013](#)-B-13 THOMAS/LISA DOUGLASS MOTION TO DISMISS CASE
JPJ-1 Scott J. Sagaria 5-4-17 [[33](#)]

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtors, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to dismiss the case.

The Debtors have not provided the Trustee with a requested copy of their income tax return for the tax year 2016, W-2 Wage and Tax Statement for the year 2016, copies of bank account statements for January, February, and March 2017, copies of payment advices for January, February, and March 2017, and information regarding any inheritances, life insurance benefits, lawsuits, potential claims against third parties, judgments in civil actions, lottery and other gambling winnings received since the filing of the petition pursuant to 11 U.S.C. § 521(f), Local Bankr. R. 3015-1(b)(5) and the duties imposed by Section 5.02 of the confirmed plan. The Debtors have not cooperated with the Trustee pursuant to 11 U.S.C. § 521(a)(3). There is cause to dismiss this case pursuant to 11 U.S.C. §§ 1307(c)(1) and (6).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

The court will enter an appropriate minute order.

5. [16-20914](#)-B-13 LEYLA SMITH
JPJ-2 Jeffrey S. Ogilvie

MOTION TO DISMISS CASE
5-3-17 [[32](#)]

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtor, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to dismiss the case.

The Debtor has not provided the Trustee with a requested copy of the Debtor's income tax return for the tax year 2016, W-2 Wage and Tax Statement for the year 2016, copies of bank account statements for January, February, and March 2017, copies of payment advices for January, February, and March 2017, and information regarding any inheritances, life insurance benefits, lawsuits, potential claims against third parties, judgments in civil actions, lottery and other gambling winnings received since the filing of the petition pursuant to 11 U.S.C. § 521(f), Local Bankr. R. 3015-1(b)(5) and the duties imposed by Section 5.02 of the confirmed plan. The Debtor has not cooperated with the Trustee pursuant to 11 U.S.C. § 521(a)(3). There is cause to dismiss this case pursuant to 11 U.S.C. §§ 1307(c)(1) and (6).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

The court will enter an appropriate minute order.

6. [16-23919](#)-B-13 TONI HERRERA
JPJ-2 Steele Lanphier

MOTION TO DISMISS CASE
5-4-17 [[46](#)]

WITHDRAWN BY M.P.

Final Ruling: No appearance at the May 30, 2017, hearing is required.

The Chapter 13 Trustee has filed a withdrawal for the pending Trustee's Motion to Dismiss. The court interprets the withdrawal to be an ex parte motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rule of Bankruptcy Procedure 9014 and 7041 for the court to dismiss without prejudice the Trustee's Motion to Dismiss. Good cause appearing, the court dismisses without prejudice the Trustee's Motion to Dismiss and the case is not dismissed.

The court will enter an appropriate minute order.

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtors, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to dismiss the case.

First, the Debtors have not provided the Trustee with a requested copy of their income tax return for the tax year 2016, W-2 Wage and Tax Statement for the year 2016, copies of bank account statements for January, February, and March 2017, copies of payment advices for January, February, and March 2017, and information regarding any inheritances, life insurance benefits, lawsuits, potential claims against third parties, judgments in civil actions, lottery and other gambling winnings received since the filing of the petition pursuant to 11 U.S.C. § 521(f), Local Bankr. R. 3015-1(b)(5) and the duties imposed by Section 5.02 of the confirmed plan. The Debtors have not cooperated with the Trustee pursuant to 11 U.S.C. § 521(a)(3). There is cause to dismiss this case pursuant to 11 U.S.C. §§ 1307(c)(1) and (6).

Second, the plan filed April 29, 2016, and confirmed on July 3, 2016, understates that secured claim owed to Americredit Financial Services, Tidewater Finance Company, and the Internal Revenue Service. The confirmed plan will take a total of 74 months to complete, which results in a commitment period that exceeds the permissible limit imposed by 11 U.S.C. § 1325(b)(4) and which is 14 months longer than the proposed duration of 60 months. The Debtors were required to object to claims within 60 calendar days after service of the Notice of Filed Claims or file and serve a modified plan and motion to confirm it within 90 calendar days after service of the Notice of Filed Claims. The Debtors did not take either action. The failure to do so constitutes an unreasonable delay by the Debtors that is prejudicial to creditors. There is cause to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

The court will enter an appropriate minute order.

Tentative Ruling: This matter was continued from April 25, 2017. The Trustee's Motion to Dismiss was originally filed on less than 28 days' notice of the hearing and deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtor, creditors, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion.

The court's decision is to grant the motion and dismiss this case.

According to the Chapter 13 Trustee, the plan understates the amount of unsecured non-priority claims in Section 2.15 at \$28.00. The total amount of allowed unsecured non-priority claims is \$6,966.25. The plan will take a total of 121 months to complete, which results in a commitment period that exceeds the permissible limit imposed by 11 U.S.C. § 1325(b)(4) and which is 85 months longer than the proposed duration of 36 months. The case is currently in month 25.

The Debtor did not timely file objections to the claims nor timely file a modified plan pursuant to Local Bankr. R. 3007-1(d), which is applicable to cases filed on or after May 1, 2012. The failure of the Debtor to timely file objections to claims within 60 days after service of the Notice of Filed Claims or to timely file a modified plan within 90 days after service of the Notice of Filed Claims constitutes an unreasonable delay by the Debtor that is prejudicial to creditors. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

However, at the hearing on April 25, 2017, the Debtor stated that creditors would be removing their claims and that the plan would therefore not understate the amount of unsecured non-priority claims. The motion to dismiss case was thus continued to May 30, 2017.

The Debtor filed an opposition to the Trustee's motion to dismiss on May 11, 2017. See Dkt. 58. The opposition states that the Trustee's motion to dismiss includes a \$3,493.81 unsecured claim, Claim No. 9, that has since been withdrawn by the creditor. The opposition also suggests that if objections to two other claims (to be heard on July 3, 2017) are sustained, in the absence of Claim No. 9, the plan will complete in 36 months.

The Trustee filed a reply on May 15, 2017. See Dkt. 60. The reply states that the Trustee did not include Claim No. 9 in his calculations; however, Claim No. 2 (which appears to be filed by the same creditor as Claim No. 9) is included. The reply further states that excluding Claim No. 9 but including Claim No. 2, even if the Debtor's pending objections are sustained the plan will still take 80 months to complete. That results in a commitment period which still exceeds the permissible limit under 11 U.S.C. § 1325(b)(4) and, thus, 44 months longer than the proposed 36 month commitment period.

Therefore, this case will be ordered dismissed.

The court will enter an appropriate minute order.

9. [17-20741](#)-B-13 JOSE RIOS
Steele Lanphier

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
4-12-17 [[22](#)]

CASE DISMISSED: 04/27/2017

Final Ruling: No appearance at the May 30, 2017, hearing is required.

The case having previously been dismissed, the Order to Show Cause is discharged as moot with no sanctions ordered.

The court will enter an appropriate minute order.

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtors, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to deny the motion without prejudice provided that the Debtors have resolved the below issues as stated in their objection to the Trustee's motion.

Chapter 13 Trustee Jan Johnson moves to dismiss this case on grounds that the Debtors have not provided the Trustee with a requested copy of the their income tax return for the tax year 2016, W-2 Wage and Tax Statement for the year 2016, copies of bank account statements for January, February, and March 2017, copies of payment advices for January, February, and March 2017, and information regarding any inheritances, life insurance benefits, lawsuits, potential claims against third parties, judgments in civil actions, lottery and other gambling winnings received since the filing of the petition pursuant to 11 U.S.C. § 521(f), Local Bankr. R. 3015-1(b)(5) and the duties imposed by Section 5.02 of the confirmed plan. Trustee asserts that the Debtors have not cooperated with him pursuant to 11 U.S.C. § 521(a)(3).

The Debtors have filed a response stating that they will provide the Trustee with all requested documents on or prior to the date of the hearing on this motion.

If the aforementioned issues are resolved, cause will not exist to dismiss this case and the motion will be denied without prejudice.

The court will enter an appropriate minute order.

11. [17-21449](#)-B-13 JOHN KRAINTZ AND LESLIE ORDER TO SHOW CAUSE - FAILURE
WENTLING KRAINTZ TO PAY FEES
Muoi Chea 5-11-17 [[28](#)]

Tentative Ruling: The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtors to pay the filing fee in installments.

The court granted the Debtors permission to pay the filing fee in installments. The Debtors failed to pay the \$77.00 installment when due on May 8, 2017. While the delinquent installment was paid on May 18, 2017, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter an appropriate minute order.

12. [15-23950](#)-B-13 STEVEN MUEHLBERG
JPJ-2 Robert W. Fong

MOTION TO DISMISS CASE
5-4-17 [[26](#)]

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtor, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to dismiss the case.

The Debtor has not provided the Trustee with a requested copy of the Debtor's income tax return for the tax year 2016, W-2 Wage and Tax Statement for the year 2016, copies of bank account statements for January, February, and March 2017, copies of payment advices for January, February, and March 2017, and information regarding any inheritances, life insurance benefits, lawsuits, potential claims against third parties, judgments in civil actions, lottery and other gambling winnings received since the filing of the petition pursuant to 11 U.S.C. § 521(f), Local Bankr. R. 3015-1(b)(5) and the duties imposed by Section 5.02 of the confirmed plan. The Debtor has not cooperated with the Trustee pursuant to 11 U.S.C. § 521(a)(3). There is cause to dismiss this case pursuant to 11 U.S.C. §§ 1307(c)(1) and (6).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

The court will enter an appropriate minute order.

13. [16-26754](#)-B-13 MICHAEL/SASHA KELLY
JPJ-1 Debora N. Paul

MOTION TO DISMISS CASE
5-5-17 [[55](#)]

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtor, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to dismiss the case.

The Debtors have not provided the Trustee with a requested copy of the Debtors' income tax return for the tax year 2016, W-2 Wage and Tax Statement for the year 2016, copies of bank account statements for January, February, and March 2017, copies of payment advices for January, February, and March 2017, and information regarding any inheritances, life insurance benefits, lawsuits, potential claims against third parties, judgments in civil actions, lottery and other gambling winnings received since the filing of the petition pursuant to 11 U.S.C. § 521(f), Local Bankr. R. 3015-1(b)(5) and the duties imposed by Section 5.02 of the confirmed plan. The Debtors have not cooperated with the Trustee pursuant to 11 U.S.C. § 521(a)(3). There is cause to dismiss this case pursuant to 11 U.S.C. §§ 1307(c)(1) and (6).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

The court will enter an appropriate minute order.

14. [17-20155](#)-B-13 RUMMY SANDHU
PGM-3 Peter G. Macaluso

CONTINUED MOTION TO CONFIRM
PLAN
4-4-17 [[46](#)]

Tentative Ruling: The Motion to Confirm Debtor's First Amended Plan Filed on April 4, 2017, was originally set for hearing on the 42-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition having been filed, the court will address the merits of the motion at the hearing.

The matter will be determined at the scheduled hearing.

This matter was continued from May 16, 2017. At that hearing, the Trustee had objected to confirmation on the ground that the Debtor was delinquent in the amount of \$2,622.00, which represents approximately 1 plan payment. See 11 U.S.C. § 1325(a)(6). The Debtor filed a response stating that it will be current on plan payments by the May 16, 2017, hearing. As confirmed by the Trustee at that hearing in open court, the Debtor cured the delinquency but has had a history of late payments. Debtor's counsel did not appear at the hearing and the matter was subsequently continued to May 30, 2017, at 1:00 p.m.

There are no other objections or oppositions so the motion to confirm the Debtor's first amended plan will be granted and the first amended plan will be confirmed. However, because the Debtor has history of late payments, the court will require that the confirmation order state that if the Debtor does not remain current on payments the case may be dismissed on the Trustee's ex parte application.

The court will enter an appropriate minute order.

15. [15-25157](#)-B-13 ANDRES/CARMEN PEREZ
JPJ-3 Pauldeep Bains

MOTION TO DISMISS CASE
5-5-17 [[52](#)]

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtor, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to dismiss the case.

The Debtors have not provided the Trustee with a requested copy of the Debtors' income tax return for the tax year 2016, W-2 Wage and Tax Statement for the year 2016, copies of bank account statements for January, February, and March 2017, copies of payment advices for January, February, and March 2017, and information regarding any inheritances, life insurance benefits, lawsuits, potential claims against third parties, judgments in civil actions, lottery and other gambling winnings received since the filing of the petition pursuant to 11 U.S.C. § 521(f), Local Bankr. R. 3015-1(b)(5) and the duties imposed by Section 5.02 of the confirmed plan. The Debtors have not cooperated with the Trustee pursuant to 11 U.S.C. § 521(a)(3). There is cause to dismiss this case pursuant to 11 U.S.C. §§ 1307(c)(1) and (6).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

The court will enter an appropriate minute order.

16. [16-22964](#)-B-13 CHANCE/MICHELE PETERSON MOTION TO DISMISS CASE
JPJ-1 Richard L. Jare 5-5-17 [[41](#)]

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtor, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to dismiss the case.

The Debtors have not provided the Trustee with a requested copy of the Debtors' income tax return for the tax year 2016, W-2 Wage and Tax Statement for the year 2016, copies of bank account statements for January, February, and March 2017, copies of payment advices for January, February, and March 2017, and information regarding any inheritances, life insurance benefits, lawsuits, potential claims against third parties, judgments in civil actions, lottery and other gambling winnings received since the filing of the petition pursuant to 11 U.S.C. § 521(f), Local Bankr. R. 3015-1(b)(5) and the duties imposed by Section 5.02 of the confirmed plan. The Debtors have not cooperated with the Trustee pursuant to 11 U.S.C. § 521(a)(3). There is cause to dismiss this case pursuant to 11 U.S.C. §§ 1307(c)(1) and (6).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

The court will enter an appropriate minute order.

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtor, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to dismiss the case.

The Debtor has not provided the Trustee with a requested copy of the Debtor's income tax return for the tax year 2016, W-2 Wage and Tax Statement for the year 2016, copies of bank account statements for January, February, and March 2017, copies of payment advices for January, February, and March 2017, and information regarding any inheritances, life insurance benefits, lawsuits, potential claims against third parties, judgments in civil actions, lottery and other gambling winnings received since the filing of the petition pursuant to 11 U.S.C. § 521(f), Local Bankr. R. 3015-1(b)(5) and the duties imposed by Section 5.02 of the confirmed plan. The Debtor has not cooperated with the Trustee pursuant to 11 U.S.C. § 521(a)(3). There is cause to dismiss this case pursuant to 11 U.S.C. §§ 1307(c)(1) and (6).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

The court will enter an appropriate minute order.

18. [14-23177](#)-B-13 GERALD YOUNG AND CARMEN MOTION TO DISMISS CASE
JPJ-4 HEINRICHS YOUNG 5-3-17 [[64](#)]
Diana J. Cavanaugh

WITHDRAWN BY M.P.

Final Ruling: No appearance at the May 30, 2017, hearing is required.

The Chapter 13 Trustee has filed a withdrawal for the pending Trustee's Motion to Dismiss. The court interprets the withdrawal to be an ex parte motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rule of Bankruptcy Procedure 9014 and 7041 for the court to dismiss without prejudice the Trustee's Motion to Dismiss. Good cause appearing, the court dismisses without prejudice the Trustee's Motion to Dismiss and the case is not dismissed.

The court will enter an appropriate minute order.

19. [16-20783](#)-B-13 JAMES/AMANDA DOMSIC
JPJ-1 Thomas L. Amberg

MOTION TO DISMISS CASE
5-4-17 [[38](#)]

WITHDRAWN BY M.P.

Final Ruling: No appearance at the May 30, 2017, hearing is required.

The Chapter 13 Trustee has filed a withdrawal for the pending Trustee's Motion to Dismiss Case, the withdrawal being consistent with the opposition filed to the motion. The court interprets the withdrawal to be an ex parte motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rule of Bankruptcy Procedure 9014 and 7041 for the court to dismiss without prejudice the Trustee's Motion to Dismiss Case. Good cause appearing, the court dismisses without prejudice the Trustee's Motion to Dismiss Case and the case is not dismissed.

The court will enter an appropriate minute order.

20. [17-22283](#)-B-13 ROBERT MAC BRIDE
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-10-17 [[30](#)]

Tentative Ruling: The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$79.00 installment when due on May 5, 2017. While the delinquent installment was paid on May 15, 2017, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter an appropriate minute order.

21. [17-20797](#)-B-13 DAWN VILARDI
Mohammad M. Mokarram

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
4-14-17 [[19](#)]

Tentative Ruling: The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$77.00 installment when due on April 10, 2017. While the delinquent installment was paid on May 9, 2017, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter an appropriate minute order.