

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

June 2, 2015 at 10:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.

3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.

4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	15-90206-D-13	KATRINA CHANDLER	OBJECTION TO DEBTOR'S CLAIM OF
	RDG-2		EXEMPTIONS
			4-17-15 [24]

Final ruling:

This is the trustee's objection to the debtor's claim of exemptions. The basis of the objection is that the debtor utilized Utah's exemption statutes on her Schedule C. On April 16, 2015, the day before the objection was filed, the debtor filed an amended Schedule C in which she claimed exemptions under Arizona's exemption statutes. As a result of the filing of the amended Schedule C, this objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

2. 10-90711-D-13 JORGE/SILVIA GARCIA MOTION TO SELL
CJY-8 5-7-15 [85]

3. 11-93915-D-13 ALFRED/SANDRA VALDEZ MOTION TO MODIFY PLAN
RAC-3 4-24-15 [34]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

4. 11-92624-D-13 NANCY VALDIVIA MOTION TO APPROVE LOAN
RAC-2 MODIFICATION
5-1-15 [38]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion to approve loan modification is supported by the record. As such the court will grant the motion to approve loan modification by minute order. No appearance is necessary.

5. 15-90226-D-13 JOHNNY/TAMARA MATTHEWS OBJECTION TO CONFIRMATION OF
KAZ-1 PLAN BY U.S. BANK NATIONAL
ASSOCIATION
5-6-15 [32]

6. 15-90226-D-13 JOHNNY/TAMARA MATTHEWS OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
5-1-15 [29]
7. 15-90229-D-13 STANLEY/KAREN SALBECK OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
5-1-15 [19]
8. 14-90041-D-13 LEVERT/PAMELA RIDENOUR MOTION TO MODIFY PLAN
JDP-1 4-15-15 [22]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

9. 15-90248-D-13 JOHN DELAO AND OBJECTION TO CONFIRMATION OF
BF-5 ALEXANDRINA BARRERA PLAN BY BANK OF AMERICA, N.A.
5-6-15 [20]

10. 15-90248-D-13 JOHN DELAO AND OBJECTION TO CONFIRMATION OF
RDG-1 ALEXANDRINA BARRERA PLAN BY RUSSELL D. GREER
5-4-15 [17]

11. 15-90150-D-13 DANIELLE BELL-AZEVEDO OBJECTION TO DEBTOR'S CLAIM OF
RDG-1 EXEMPTIONS
4-17-15 [14]

Final ruling:

This is the trustee's objection to the debtor's claim of exemptions. The basis of the objection is that the debtor failed to file a spousal waiver to allow her to use the exemptions provided by Cal. Code Civ. Proc. § 703.140(b). On April 21, 2015, the debtor filed a spousal waiver in the correct form signed by the debtor and her spouse. As a result of the filing of the spousal waiver, the objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

12. 14-91662-D-13 RAUL/ANA VELA MOTION TO VALUE COLLATERAL OF
SDM-4 BANK OF THE WEST
4-13-15 [58]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Bank of the West at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Bank of the West's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

13. 15-90073-D-13 RAYMOND STARK MOTION TO CONFIRM PLAN
EWG-1 4-16-15 [26]

Tentative ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the plan provides for the secured claim of Central State Credit Union at less than the full amount of the claim, but the debtor has failed to file a motion to value the collateral securing the claim. Thus, the debtor has not complied with LBR 3015-1(j).

The court will hear the matter.

14. 11-91075-D-13 SARAH MARTIN CONTINUED MOTION TO MODIFY PLAN
DCJ-2 3-15-15 [66]

15. 15-90378-D-13 WALTER/CECILIA FERREIRA MOTION TO VALUE COLLATERAL OF
JCK-1 KEYHOLE CAPITAL
4-30-15 [13]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Keyhole Capital at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Keyhole Capital's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

16. 15-90378-D-13 WALTER/CECILIA FERREIRA MOTION TO VALUE COLLATERAL OF
JCK-2 PREMIUM CAPITAL FUNDING
4-30-15 [18]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Premium Capital Funding at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Premium Capital Funding's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

17. 15-90378-D-13 WALTER/CECILIA FERREIRA MOTION TO AVOID LIEN OF PACE
JCK-3 SUPPLY CORPORATION
5-1-15 [23]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

18. 15-90382-D-13 THOMAS/CECILIA GOVEA
TOG-1

MOTION TO VALUE COLLATERAL OF
WELLS FARGO BANK, N.A.
5-2-15 [9]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Wells Fargo Bank, N.A. at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Wells Fargo Bank, N.A.'s secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

19. 10-93883-D-13 MUKESH/VINORMA PRASAD
TBC-1

MOTION TO MODIFY PLAN
4-18-15 [50]

Final ruling:

This is the debtors' motion to confirm a modified chapter 13 plan. The motion will be denied for the following reasons. First, the proofs of service are not signed under oath, as required by 28 U.S.C. § 1746. Second, with the exception of those creditors who have filed requests for special notice, creditors were served only with the plan and the notice of hearing, and not the motion or supporting papers. Pursuant to LBR 9014-1(d)(5), when notice of a motion is served without the motion or supporting papers, the notice shall set forth the essential facts necessary for a party to determine whether to oppose the motion. The notice of hearing in this instance failed to comply. Further, the rule provides that in any event, the motion and supporting papers shall be served on those parties requesting special notice and those who are directly affected by the requested relief. All creditors are directly affected by the relief requested in a motion to modify a plan.

As a result of these service defects, the motion will be denied, and the court need not reach the issues raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

20. 13-90717-D-13 RAY POTTER
JDP-2

MOTION TO INCUR DEBT
5-12-15 [28]

21.	12-92229-D-13 JCK-3	SANDY BENNETT	CONTINUED MOTION TO INCUR DEBT 4-23-15 [55]
22.	15-90340-D-13 MLP-1	MARIA AYALA	MOTION TO VALUE COLLATERAL OF WANG YANG ENTERPRISES, LLC 5-11-15 [18]
23.	14-91451-D-13 DCJ-2	KAL/DEBORAH KIRKLE	CONTINUED MOTION TO CONFIRM PLAN 3-27-15 [46]
24.	10-90861-D-13 JDP-1	JASON/APRIL KENNEDY	MOTION TO VALUE COLLATERAL OF BANK OF AMERICA, N.A. 5-19-15 [83]

25. 10-91581-D-13 BARRY/LAURA FINNEMAN
JDP-1

MOTION TO VALUE COLLATERAL OF
CITIBANK, N.A.
5-14-15 [34]