

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

June 7, 2016 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.	16-90003 -D-13	JOHN/TAMARA FERNANDEZ	MOTION TO CONFIRM PLAN
	BSH-3		4-26-16 [43]

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.

2. [15-90904](#)-D-13 KURT/MARIA OBISPO MOTION TO MODIFY PLAN
TOG-3 4-19-16 [[66](#)]

Final ruling:

This case was dismissed on April 28, 2016. As a result the motion will be denied by minute order as moot. No appearance is necessary.

3. [16-90209](#)-D-13 PHINAS HATTON OBJECTION TO CONFIRMATION OF
LMK-1 PLAN BY VENTURES TRUST
2013-I-H-R
4-21-16 [[29](#)]

Final ruling:

This case was dismissed on May 24, 2016. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

4. [16-90209](#)-D-13 PHINAS HATTON OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
5-9-16 [[36](#)]

Final ruling:

This case was dismissed on May 24, 2016. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

5. [16-90011](#)-D-13 WILLIAM WALKER MOTION TO CONFIRM PLAN
MRG-3 4-26-16 [[50](#)]

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.

6. [12-91015](#)-D-13 GREGORY/DOLORES STEFFENS MOTION TO MODIFY PLAN
CJY-2 5-3-16 [[56](#)]

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.

7. [15-91115](#)-D-13 MICHAEL LOCARNINI AND MOTION TO CONFIRM PLAN
 DCJ-1 CLAUDIA GALLARDO 4-24-16 [[35](#)]

8. [13-90717](#)-D-13 RAY POTTER MOTION TO MODIFY PLAN
 CJY-1 4-28-16 [[37](#)]

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. [16-90219](#)-D-13 SHARON HAMILTON OBJECTION TO CONFIRMATION OF
 RDG-1 PLAN BY RUSSELL GREER
 5-9-16 [[24](#)]

10. [16-90219](#)-D-13 SHARON HAMILTON OBJECTION TO CONFIRMATION OF
SW-1 PLAN BY ALLY BANK
5-6-16 [[20](#)]
11. [16-90227](#)-D-13 NICHOLAS MCFADDEN OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY TRUSTEE RUSSELL D.
GREER
5-9-16 [[23](#)]
12. [16-90230](#)-D-13 ALEXANDER ALVAREZ OBJECTION TO CONFIRMATION OF
KLF-1 PLAN BY WILMINGTON TRUST,
NATIONAL ASSOCIATION
4-13-16 [[16](#)]
13. [15-91234](#)-D-13 LYNLEE/SHERON JAMES MOTION TO CONFIRM PLAN
BSH-1 4-26-16 [[29](#)]

14. [15-91037](#)-D-13 TODD/ROSIE JONES MOTION TO CONFIRM PLAN
PLG-6 5-3-16 [[76](#)]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied because the moving parties gave only 35 days' notice of the hearing rather than 42 days', as required by LBR 3015-1(d) (1) and applicable rules.

As a result of this notice defect, the motion will be denied by minute order. No appearance is necessary.

15. [16-90352](#)-D-13 FREDDY MATZUY MOTION FOR RELIEF FROM
ADR-1 AUTOMATIC STAY
SANATU BISWAS VS. 5-5-16 [[11](#)]

Final ruling:

This case was dismissed on May 25, 2016. As a result the motion will be denied by minute order as moot. No appearance is necessary.

16. [16-90167](#)-D-13 LORENZO OJEDA OBJECTION TO DEBTOR'S CLAIM OF
RDG-3 EXEMPTIONS
4-25-16 [[33](#)]

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 him to use the exemptions provided by Cal. Code Civ. Proc. § 703.140(b). On May 24, 2016, the debtor filed a spousal waiver in the correct form that appears to be signed by the debtor and his 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.

17. [15-90868](#)-D-13 ROY/VIRGINIA ARCENAS MOTION TO CONFIRM PLAN
DCJ-2 4-24-16 [[37](#)]

18. [15-91177](#)-D-13 ARTHUR/KATHERINE MARTIN MOTION TO CONFIRM PLAN
DCJ-3 4-24-16 [[43](#)]

19. [15-91195](#)-D-13 SOMCHAY/SANDY VONGSENA MOTION TO CONFIRM PLAN
TOG-3 4-14-16 [[34](#)]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving parties utilized an outdated matrix for service of the motion; as a result, they failed to serve several creditors filing claims in this case at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g); and (2) the moving parties filed an errata to their plan on May 5, 2016, by which they purported to change the payment terms of the plan from those that are contained in the plan filed with the motion. The changed terms differ from those in the plan filed with the motion and from those described in the motion and the debtors' supporting declaration. Thus, the debtors have never signed a plan that includes the changed terms. Further, the errata was served only 33 days prior to the hearing, rather than 42 days, as required by LBR 3015-1(d) and applicable rules.

As a result of these service and notice defects, the motion will be denied by minute order. No appearance is necessary.

20. [11-91199](#)-D-13 FRANK/SHARYON REICHMUTH MOTION TO MODIFY PLAN
DEF-7 4-13-16 [[130](#)]

Final ruling:

This is the debtors' motion to confirm a modified chapter 13 plan. The motion will be denied because, although the moving parties served the creditors filing Claim Nos. 3, 4, and 6 at the addresses on their proofs of claim, they failed to serve the entities listed as the transferees of the claims on those entities' notices of transfer of claim, filed with the court well over two years ago, which entity names and addresses are reflected on the court's claims register. Thus, the moving parties failed to serve the actual holders of the claims and failed to serve

all creditors, as required by LBR 2002(b) .

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

21. [11-91199](#)-D-13 FRANK/SHARYON REICHMUTH MOTION TO APPROVE LOAN
DEF-8 MODIFICATION
4-13-16 [[137](#)]

Final ruling:

This is the debtors' motion to approve a loan modification. The motion will be denied because, although the moving parties served the creditors filing Claim Nos. 3, 4, and 6 at the addresses on their proofs of claim, they failed to serve the entities listed as the transferees of the claims on those entities' notices of transfer of claim, filed with the court well over two years ago, which entity names and addresses are reflected on the court's claims register. Thus, the moving parties failed to serve the actual holders of the claims.

As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

22. [11-90911](#)-D-13 GUILLERMO/KAREN BARRAGAN CONTINUED MOTION TO VALUE
CJY-1 COLLATERAL OF JP MORGAN CHASE
BANK, N.A.
4-27-16 [[56](#)]

23. [12-92427](#)-D-13 BENJAMIN/STEPHANIE ROSE MOTION TO INCUR DEBT
MSN-1 5-17-16 [[68](#)]

24. [15-90257](#)-D-13 BRANDEN/DEONA HALL MOTION TO SELL
CJY-2 5-16-16 [[25](#)]
25. [15-90257](#)-D-13 BRANDEN/DEONA HALL AMENDED MOTION TO INCUR DEBT
CJY-1 5-17-16 [[38](#)]
26. [15-90868](#)-D-13 ROY/VIRGINIA ARCENAS MOTION TO VALUE COLLATERAL OF
DCJ-3 PNC BANK, N.A.
5-24-16 [[47](#)]
27. [15-91177](#)-D-13 ARTHUR/KATHERINE MARTIN MOTION TO VALUE COLLATERAL OF
DCJ-4 TOYOTA MOTOR CREDIT CORPORATION
5-24-16 [[57](#)]

28. [15-90499](#)-D-13 KENNETH/TRACIE THORNE MOTION TO SELL
DEF-9 5-23-16 [[162](#)]