

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Christopher D. Jaime  
Bankruptcy Judge  
**Modesto, California**

**June 8, 2021 at 1:00 p.m.**

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1.     [16-90775](#)-B-13     KANDACE ATKINS                             MOTION TO MODIFY PLAN  
          [BSH](#)-12             Brian S. Haddix                             4-30-21 [[133](#)]

**Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to deny the motion to confirm as moot and overrule the objection as moot.

Subsequent to the filing of the Trustee's objection, the Debtors filed a new modified plan on June 4, 2021. The confirmation hearing for the modified plan is scheduled for July 13, 2021. The earlier plan filed April 30, 2021, is not confirmed.

The motion is ORDERED DENIED AS MOOT and the objection ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

**June 8, 2021 at 1:00 p.m.**

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2. [20-90684](#)-B-13 J JESUS GOMEZ AND MARIA MOTION FOR COMPENSATION FOR  
[BLF](#)-5 TRIGUEROS LORIS L. BAKKEN, TRUSTEES  
**Thru #4** T. Mark O'Toole ATTORNEY(S)  
4-23-21 [[58](#)]

#### **Final Ruling**

The motion has been set for hearing on 28-days' notice. Local Bankruptcy Rule 9014-1(f)(1). 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)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion for compensation.

#### **Fees and Costs Requested**

Loris L. Bakken ("Movant"), attorney to Chapter 7 Trustee, makes his first and final request for the reduced allowance of \$2,625.00 in fees and \$82.78 in expenses. The period for which the fees are requested is for January 12, 2021, through and including May 11, 2021.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

Here, Movant's services in the relevant period included: (1) general case administration to the Trustee, (2) investigation of the sale of real property, and (3) reviewing and responding to Debtors' motion to convert to chapter 13. Dkt. 62. The court finds that the compensation sought is reasonable, actual, and necessary, and the court will approve the motion.

Applicant is allowed, and the Trustee is authorized to pay, the following amounts as compensation to this professional in this case:

|                    |            |
|--------------------|------------|
| Fees               | \$2,625.00 |
| Costs and Expenses | \$ 82.78   |

The motion is ORDERED GRANTED for fees of \$2,625.00 and costs and expenses of \$82.78.

The court will issue an order.

3. [20-90684](#)-B-13 J JESUS GOMEZ AND MARIA MOTION FOR COMPENSATION FOR  
[BLF](#)-6 TRIGUEROS GARY FARRAR, CHAPTER 7  
T. Mark O'Toole TRUSTEE(S)  
4-23-21 [[64](#)]

#### **Final Ruling**

The motion has been set for hearing on 28-days' notice. Local Bankruptcy Rule 9014-1(f)(1). 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)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion for compensation.

### **Fees and Costs Requested**

Gary Farrar ("Movant"), Chapter 7 Trustee, makes his first and final request for the allowance of \$1,260.00 based on an hourly rate of \$300.00. The period for which the fees are requested is for October 17, 2020, through February 22, 2021.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

Here, Movant's services in the relevant period included: (1) normal trustee's duties, (2) employing Loris L. Bakken as counsel and Bob Brazeal as realtor to value Debtors' real property, (3) evaluating the sale of real property to utilize nonexempt equity to pay all unsecured claims, and (4) reviewing Debtors' motion to convert to chapter 13. Dkt. 67. The court finds that the compensation sought is reasonable, actual, and necessary, and the court will approve the motion.

Applicant is allowed, and the Trustee is authorized to pay, the following amounts as compensation to this professional in this case:

|                    |            |
|--------------------|------------|
| Fees               | \$1,260.00 |
| Costs and Expenses | \$ 0.00    |

The motion is ORDERED GRANTED for fees of \$1,260.00 and costs and expenses of \$0.00.

The court will issue an order.

4. [20-90684](#)-B-13 J JESUS GOMEZ AND MARIA MOTION FOR COMPENSATION FOR  
[BLF](#)-7 TRIGUEROS REMAX EXECUTIVE, REALTOR(S)  
T. Mark O'Toole 4-23-21 [[78](#)]

### **Final Ruling**

The motion has been set for hearing on 28-days' notice. Local Bankruptcy Rule 9014-1(f)(1). 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)(B) is considered to be the equivalent of a statement of nonopposition. Cf. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion for compensation.

### **Fees and Costs Requested**

Bob Brazeal ("Movant"), realtor to the Chapter 7 Trustee, makes his first and final request for the allowance of \$330.00 based on an hourly rate of \$110.00. The period for which the fees are requested is for November 25, 2020, through December 9, 2020.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

Here, Movant's services in the relevant period included: (1) research public record, comparable sales, and establishing the valuation and possible equity to Debtors' real

property, (2) physically inspecting the interior and exterior of the real property, and (3) updating projected value and equity of the real property. Dkt. 82. The court finds that the compensation sought is reasonable, actual, and necessary, and the court will approve the motion.

Applicant is allowed, and the Trustee is authorized to pay, the following amounts as compensation to this professional in this case:

|                    |          |
|--------------------|----------|
| Fees               | \$330.00 |
| Costs and Expenses | \$ 0.00  |

The motion is ORDERED GRANTED for fees of \$330.00 and costs and expenses of \$0.00.

The court will issue an order.