



**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Chief Judge Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: MONDAY
DATE: JUNE 9, 2025
CALENDAR: 10:30 A.M. CHAPTER 7 CASES

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business** day prior to the hearing.

Information regarding how to sign up can be found on the **Court Appearances** page of our website at:

<https://www.caeb.uscourts.gov/Calendar/CourtAppearances>

Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by **ZoomGov** may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to the trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including screen shots or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

PRE-HEARING DISPOSITION INSTRUCTIONS

RULINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling.

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [24-24120](#)-A-7 **IN RE: KRISTINA FLUETSCH**
[KMT-3](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH KRISTINA LYNN FLUETSCH
5-12-2025 [\[202\]](#)

GABRIEL HERRERA/ATTY. FOR MV.
DEBTOR DISCHARGED: 04/30/25
RESPONSIVE PLEADING

Final Ruling

Motion: Approve Compromise of Controversy

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

APPROVAL OF COMPROMISE

In determining whether to approve a compromise under Federal Rule of Bankruptcy Procedure 9019, the court determines whether the compromise was negotiated in good faith and whether the party proposing the compromise reasonably believes that the compromise is the best that can be negotiated under the facts. *In re A & C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1986). More than mere good faith negotiation of a compromise is required. The court must also find that the compromise is fair and equitable. *Id.* "Fair and equitable" involves a consideration of four factors: (i) the probability of success in the litigation; (ii) the difficulties to be encountered in collection; (iii) the complexity of the litigation, and expense, delay and inconvenience necessarily attendant to litigation; and (iv) the paramount interest of creditors and a proper deference to the creditors' expressed wishes, if any. *Id.* The party proposing the compromise bears the burden of persuading the court that the compromise is fair and equitable and should be approved. *Id.*

There probability of success in the litigation weighs in favor of the agreement. The probability of success is unknown, and the agreement would result in a net benefit to the estate due to the reduction of the amount claimed exempt under the homestead exemption. The factor regarding difficulties in collections is neutral. The complexity, expense, and inconvenience of the litigation weigh in favor of settlement. The litigation would be highly factual and complex, requiring significant work and expense, which would cause this factor to weigh in favor of settlement. Last,

it is in the best interest of the creditors to settle the agreement. The abandoned assets of the estate are burdensome and of inconsequential value in comparison to the agreement being reached.

The movant requests approval of a compromise. The compromise is reflected in the settlement agreement attached to the motion as an exhibit. Based on the motion and supporting papers, the court finds that the compromise presented for the court's approval is fair and equitable considering the relevant *A & C Properties* factors. The compromise or settlement will be approved.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Trustee's motion to approve a compromise has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The court hereby approves the compromise that is reflected in the settlement agreement attached to the motion as exhibit and filed at docket no. 205.

2. [25-21228](#)-A-7 **IN RE: MARIA GOMES**
[PFT-1](#)

TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO APPEAR AT SEC.
341(A) MEETING OF CREDITORS
4-22-2025 [\[16\]](#)

R. PRUYN/ATTY. FOR DBT.

Tentative Ruling

Motion: Dismiss Case and Extend Trustee's Deadlines

Notice: LBR 9014-1(f)(1); written opposition required or case dismissed without hearing

Disposition: Conditionally denied in part, granted in part

Order: Civil minute order

DISMISSAL

Chapter 7 debtors shall attend the § 341(a) meeting of creditors. 11 U.S.C. § 343. A continuing failure to attend this meeting may be cause for dismissal of the case. See 11 U.S.C. §§ 105(a), 343, 707(a); *In re Witkowski*, 523 B.R. 300, 307 n.8 (B.A.P. 1st Cir. 2014) ("Some courts have ruled that the failure to attend the § 341 meeting of creditors constitutes 'cause' for dismissal.").

In this case, the debtor has failed to appear at a scheduled meeting of creditors required by 11 U.S.C. § 341. Because the debtor's failure to attend this meeting has occurred once, the court will not dismiss the case on condition that the debtor attend the next creditors' meeting. But if the debtor does not appear at the continued meeting of creditors, the case will be dismissed on trustee's declaration without further notice or hearing.

EXTENSION OF DEADLINES

The court will grant the motion in part to the extent it asks for an extension of deadlines. The court extends the following deadlines to 60 days after the next continued date of the creditors' meeting: (1) the trustee and all creditors' deadline to object to discharge under § 727, see Fed. R. Bankr. P. 4004(a); and (2) the trustee and all creditors' deadline to bring a motion to dismiss under § 707(b) or (c) for abuse, other than presumed abuse, see Fed. R. Bankr. P. 1017(e). These deadlines are no longer set at 60 days after the first creditors' meeting.

CIVIL MINUTE ORDER

The court will issue a minute order that conforms substantially to the following form:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes of the hearing.

IT IS ORDERED that the Motion to Dismiss is denied on the condition that the debtor attend the next continued § 341(a) meeting of creditors scheduled for July 10, 2025, at 3:00 p.m. But if the debtor does not appear at this continued meeting, the case will be dismissed on trustee's declaration without further notice or hearing.

IT IS ALSO ORDERED that following deadlines shall be extended to 60 days after the next continued date of the creditors' meeting: (1) the trustee and all creditors' deadline to object to discharge under § 727, see Fed. R. Bankr. P. 4004(a); and (2) the trustee and all creditors' deadline to bring a motion to dismiss under § 707(b) or (c) for abuse, other than presumed abuse, see Fed. R. Bankr. P. 1017(e).

3. [25-21037](#)-A-7 **IN RE: ASHLEY REYES**
[DP AR-1](#)

MOTION TO REDEEM
5-4-2025 [\[14\]](#)

DAVID RITZINGER/ATTY. FOR DBT.

Final Ruling

Motion: Authorize Redemption of Tangible Personal Property

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Denied

Order: Civil Minute Order

Subject: 2018 Ford Explorer

The debtor has moved to redeem the subject property, which has a secured interest held by Westlake Portfolio Management, LLC. For the following reasons, this motion will be denied.

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Pursuant to § 722, an individual debtor in Chapter 7 may redeem tangible personal property from a lien on such property by paying the lienholder the amount of the allowed secured claim. 11 U.S.C. § 722. The tangible personal property must be "intended primarily for personal, family, or household use." *Id.*

Additionally, the property must have been exempted under § 522 or abandoned under § 554. *Id.* And the lien on the property must "secur[e] a "dischargeable consumer debt." *Id.*

In this instant matter, the property has not been exempted or abandoned under § 522 or § 554, respectively. See Voluntary Petition, ECF No. 1. These are prerequisites to redemption under section § 722. Thus, a prima facie case has not been made in this instant matter. For this reason, the motion will be denied.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's motion to redeem has been presented to the court. Having considered the motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the motion is denied.

4. [24-25544](#)-A-7 **IN RE: MARTIN ZERMENO**

CONTINUED ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
3-17-2025 [\[71\]](#)

MICHAEL HAYS/ATTY. FOR DBT.

Tentative Ruling

If the filing fee has not been paid in full by the time of the hearing, the case may be dismissed without further notice or hearing.

5. [24-25147](#)-A-7 **IN RE: EDWARD/MARLYN GARCIA**
[CK-2](#)

MOTION TO AVOID LIEN OF PORTFOLIO RECOVERY ASSOCIATES LLC
5-5-2025 [\[46\]](#)

CATHERINE KING/ATTY. FOR DBT.

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Disposition: Continued to July 28, 2025, at 10:30 a.m.

Order: Civil minute order

The court will continue the motion to July 28, 2025, at 10:30 a.m. to allow the debtor to properly serve the responding party. A motion to avoid a lien is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4003(d), 9014(b); *see also In re Villar*, 317 B.R. 88, 92 n.6 (B.A.P. 9th Cir. 2004). Under Rule 7004, service on corporations and other business entities must be made by mailing a copy of the motion "to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process." Fed. R. Bankr. P. 7004(b) (3).

Service of the motion was insufficient. The motion was not mailed to the attention of an officer, managing or general agent, or other agent authorized to accept service. Further, the address listed on the claim does not match the address service was sent to.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's motion to avoid lien has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is continued to July 28, 2025, at 10:30 a.m. to allow the debtor to properly serve the responding party. The movant must file and serve a notice of continued hearing along with the motion and all ancillary documents. The notice shall specify the continued hearing date and shall state that written opposition must be filed no later than July 14, 2025. A reply to any opposition may be filed and served no later than July 21, 2025. Movant shall file a certificate of service indicating compliance with this order.

6. [24-25147](#)-A-7 **IN RE: EDWARD/MARLYN GARCIA**
[CK-3](#)

MOTION TO AVOID LIEN OF CAVALRY PORTFOLIO SERVICES LLC
5-5-2025 [\[50\]](#)

CATHERINE KING/ATTY. FOR DBT.

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Disposition: Continued to July 28, 2025, at 10:30 a.m.

Order: Civil minute order

The court will continue the motion to July 28, 2025, at 10:30 a.m. to allow the debtor to properly serve the responding party. A motion to avoid a lien is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4003(d), 9014(b); see also *In re Villar*, 317 B.R. 88, 92 n.6 (B.A.P. 9th Cir. 2004). Under Rule 7004, service on corporations and other business entities must be made by mailing a copy of the motion "to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process." Fed. R. Bankr. P. 7004(b) (3).

Service of the motion was insufficient. The motion was not mailed to the attention of an officer, managing or general agent, or other agent authorized to accept service.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's motion to avoid lien has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is continued to July 28, 2025, at 10:30 a.m. to allow the debtor to properly serve the responding party. The movant must file and serve a notice of continued hearing along with the motion and all ancillary documents. The notice shall specify the continued hearing date and shall state that written opposition must be filed no later than July 14, 2025. A reply to any opposition may be filed and served no later than July 21, 2025. Movant shall file a certificate of service indicating compliance with this order.

7. [24-25147](#)-A-7 **IN RE: EDWARD/MARLYN GARCIA**
[CK-4](#)

MOTION TO AVOID LIEN OF CAPITAL ONE BANK NA
5-5-2025 [\[54\]](#)

CATHERINE KING/ATTY. FOR DBT.

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Continued to July 28, 2025, at 10:30 a.m.

Order: Civil Minute Order

Subject: 32703 Twin Pine Drive, Shingletown, California

Judicial Lien Avoided: Portfolio Recovery Associates, LLC; Cavalry Portfolio Services, LLC

All Other Liens:

- #1 \$5,692.32 Capital One Bank, N.A.
 - #2 \$6,181.00 Portfolio Recovery Associates
 - #3 \$4,993.82 Cavalry Portfolio Services, LLC
- **First Deed of Trust** - \$196,178.00 (Axia Financial LLC)
- **Second Deed of Trust** - \$76,709.82 (U.S. Department of Housing)
- Exemption:** \$196,178.00
- Value of Property:** \$400,000.00

CONTINUED HEARING

This matter is continued to July 28, 2025, at 10:30 a.m. The court does this to avoid inconsistent rulings between the other motions to avoid lien. Mot. Avoid Lien, ECF No. 46; Mot. Avoid Lien, ECF No. 50. If the other two motions are granted, the court will issue the following order granting the motion.

ON THE MERITS

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court

considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Lien-Avoidance Standards

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

Reverse-Priority Analysis

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C. § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) Portfolio Recovery Association, LLC, (ii) Cavalry Portfolio Services, LLC, (iii) Capital One Bank, N.A. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$196,178.00 exemption in the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$485,932.96. The value of the property is \$400,000.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the respondent's judicial lien will be avoided entirely.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the motion to avoid lien is continued to July 28, 2025, at 10:30 a.m.

IT IS FURTHER ORDERED that if the motion to avoid lien relating to Capital One Bank, N.A., is properly served and granted on the merits, then the court will grant this motion based on the reasons listed above.

It IS FURTHER ORDERED that absent leave of court, the record is closed.

8. [25-20747](#)-A-7 **IN RE: JACOB/ANDREA FORD**
[RAS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
4-29-2025 [\[47\]](#)

SEAN FERRY/ATTY. FOR MV.
SELENE FINANCE, LP VS.
DEBTORS DISMISSED: 05/07/25

Final Ruling

This Case was dismissed on May 7, 2025. The motion is dismissed as moot. No further appearances are necessary.

9. [22-21649](#)-A-7 **IN RE: MARY KATTENHORN**
[BLL-5](#)

CONTINUED MOTION FOR PROTECTIVE ORDER
4-25-2025 [\[189\]](#)

RICHARD HALL/ATTY. FOR DBT.
DEBTOR DISCHARGED: 10/11/22

No Ruling

10. [25-21051](#)-A-7 **IN RE: JIM VANG**
[JMV-1](#)

MOTION TO EMPLOY JERRY GOULD AS AUCTIONEER, AUTHORIZING SALE
OF PROPERTY AT PUBLIC AUCTION AND AUTHORIZING PAYMENT OF
AUCTIONEER FEES AND EXPENSES
5-12-2025 [\[14\]](#)

MUOI CHEA/ATTY. FOR DBT.
JEFFREY VETTER/ATTY. FOR MV.

No Ruling

11. [25-21359](#)-A-7 **IN RE: TAMIKA/TYRONE GLENN**
[UST-1](#)

MOTION TO DISMISS CASE
5-6-2025 [\[32\]](#)

JASON BLUMBERG/ATTY. FOR MV.

Final Ruling

Motion: Dismiss Chapter 7 Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

SECTION 707(a) DISMISSAL

Section 707(a) authorizes dismissal of a chapter 7 case for cause. See 11 U.S.C. § 707(a); *Hickman v. Hana (In re Hickman)*, 384 B.R. 832, 836 (B.A.P. 9th Cir. 2008) (holding that whether “cause” exists for dismissal under § 707(a) can be based on the totality of circumstances unless legal prejudice to creditors would result). This subsection provides examples of cause. “The grounds that § 707(a) lists as providing “cause” for dismissal are illustrative and not exhaustive.” *In re Padilla*, 222 F.3d 1184, 1191 (9th Cir. 2000) (citing 11 U.S.C. § 102(3)).

The U.S. Trustee requests dismissal on grounds that the debtor has failed to comply with the pre-petition credit counseling requirement imposed by 11 U.S.C. § 109(h). The trustee argues that the debtors have not satisfied the requirements for a 30-day waiver under 11 U.S.C. § 109(h)(3) because the debtors did not file a certificate

with their petition that described exigent circumstances as required by section 109(h). Second, the debtors did not obtain a 30-day temporary waiver of the credit counseling requirement by the court. Last, even if the waiver had been obtained, the debtors have still not filed credit counseling certificates more than 30 days after the petition date. For these reasons, grounds exist that permit the dismissal of this case.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The U.S. Trustee's motion to dismiss this case pursuant to § 707(a) has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. This bankruptcy case is hereby dismissed.

12. [25-20564](#)-A-7 **IN RE: DONALD/ANGELA TINSLEY**
[KMT-2](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH DONALD RAY TINSLEY, JR. AND ANGELA JUNE
TINSLEY
5-12-2025 [\[57\]](#)

GABRIEL HERRERA/ATTY. FOR MV.

Final Ruling

Motion: Approve Compromise of Controversy

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

APPROVAL OF COMPROMISE

In determining whether to approve a compromise under Federal Rule of Bankruptcy Procedure 9019, the court determines whether the compromise was negotiated in good faith and whether the party proposing the compromise reasonably believes that the compromise is the best that can be negotiated under the facts. *In re A & C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1986). More than mere good faith negotiation of a compromise is required. The court must also find that the compromise is fair and equitable. *Id.* "Fair and equitable" involves a consideration of four factors: (i) the probability of success in the litigation; (ii) the difficulties to be encountered in collection; (iii) the complexity of the litigation, and expense, delay and inconvenience necessarily attendant to litigation; and (iv) the paramount interest of creditors and a proper deference to the creditors' expressed wishes, if any. *Id.* The party proposing the compromise bears the burden of persuading the court that the compromise is fair and equitable and should be approved. *Id.*

The movant requests approval of a compromise. The compromise is reflected in the settlement agreement attached to the motion as an exhibit. Based on the motion and supporting papers, the court finds that the compromise presented for the court's approval is fair and equitable considering the relevant *A & C Properties* factors. The probability of success in litigation weighs in favor of compromise. The debtors are entitled to the homestead exemption; therefore, the agreement is beneficial to the estate. Litigation regarding the homestead exemption would be inconvenient because there is no basis in which the trustee would be able to access the homestead exemption. Last, this agreement is in the best interest of the creditors because it will allow a sure recovery on the estate's claims without unnecessary litigation. The compromise or settlement will be approved.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Trustee's motion to approve a compromise has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The court hereby approves the compromise that is reflected in the settlement agreement attached to the motion as exhibit and filed at docket no. 59.

13. [25-20564](#)-A-7 **IN RE: DONALD/ANGELA TINSLEY**
[SAD-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
3-25-2025 [\[15\]](#)

SHANNON DOYLE/ATTY. FOR MV.
U.S. BANK NATIONAL ASSOCIATION VS.
RESPONSIVE PLEADING

No Ruling

14. [24-21966](#)-A-7 **IN RE: VILLA MARCHE STOCKTON ACQUISITIONS,**
LP
[DNL-5](#)

MOTION TO SELL FREE AND CLEAR OF LIENS
5-12-2025 [\[71\]](#)

KYRA ANDRASSY/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

Tentative Ruling

Motion: Sale Free and Clear of Liens

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Order to be prepared by movant

Property: 1119 Rose Marie Lane, Stockton, California

Buyer: Sunny Saini and Anuradha Saini

Sale Price: \$3,650,000.00

Sale Type: Private sale subject to overbid opportunity

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

SALE FREE AND CLEAR UNDER § 363(f)

The sale will be free and clear of Sunwest Bank and Trustee Gianandrea's interest in the real property described above, and such interest shall attach to the proceeds of the sale with the same priority and validity as it had before the sale. 11 U.S.C. § 363(f). The court will not approve the sale free and clear of any other lien or interest not identified in this paragraph.

The order shall state that the sale is free and clear of only the interest identified and that such interest shall attach to the proceeds of the sale with the same priority and validity as it had before the sale. The order shall also include the following statement verbatim: "If the filing fee for the motion was deferred and if such fee remains unpaid at the time the order is submitted, then the trustee or debtor in possession shall pay the fee for filing this motion to the Clerk of the Bankruptcy Court from the sale proceeds immediately after closing."

BROKER COMPENSATION UNDER 11 U.S.C. 330(a)

Section 330(a) of Title 11 authorizes "reasonable compensation for actual, necessary services" rendered by a professional person employed under § 327 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3). The court finds that the compensation sought is reasonable and will approve the application. The order for compensation will be prepared by the moving party.

15. [24-21966](#)-A-7 **IN RE: VILLA MARCHE STOCKTON ACQUISITIONS,**
LP
[DNL-6](#)

MOTION TO APPROVE STIPULATION
5-12-2025 [\[76\]](#)

KYRA ANDRASSY/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

Final Ruling

Motion: Approve Compromise of Controversy

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Parties to Compromise: Trustee Farris; Trustee Gianandrea; Creditor Sunwest

Subject: 1119 Rosemarie Lane, Stockton, California

Summary of Material Terms: 1) Trustee Farris may list and sell 1119 Rosemarie Lane free and clear of all liens, encumbrances and claim of interested that have been asserted or could be asserted by Trustee Gianandrea and Sunwest; 2) Trustee Gianandrea shall be allowed a \$5.4 claim secured by 1119 Rosemarie Lane; 3) Sunwest shall be allowed a \$7.2 claim secured by 1119 Rosemarie Lane; 4) The allowed secured claims of Trustee Gianandrea and Sunwest shall be surcharged by: (1) all reasonably incurred selling costs of 1119 Rosemarie Lane (collectively "Costs"), to include real estate professional compensation, title insurance, escrow and seller tax; and (2) the sum of \$100,000 to Trustee Farris for the benefit of unsecured creditors ("Carve-Out"); 5) The proceeds that remain after

payment of The County, the Costs and Carve-Out ("Net Proceeds") shall be distributed as follows: (1) the first \$50,000.00 to Sunwest; (2) the next \$5.3 million to Trustee Gianandrea; (3) the next \$7.15 million, if any, to Sunwest; and (4) the balance, if any, to Trustee Farris for the benefit of unsecured creditors; 6) Trustee Gianandrea shall be allowed a general unsecured claim equal to the amount of its allowed secured claim less the \$100,000 Carve-Out and the aggregate of all portions of the Net Proceeds received; 7) Sunwest shall be allowed a general unsecured claim equal to the amount of its allowed secured claim less the aggregate of all portions of the Net Proceeds received.

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

APPROVAL OF COMPROMISE

In determining whether to approve a compromise under Federal Rule of Bankruptcy Procedure 9019, the court determines whether the compromise was negotiated in good faith and whether the party proposing the compromise reasonably believes that the compromise is the best that can be negotiated under the facts. *In re A & C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1986). More than mere good faith negotiation of a compromise is required. The court must also find that the compromise is fair and equitable. *Id.* "Fair and equitable" involves a consideration of four factors: (i) the probability of success in the litigation; (ii) the difficulties to be encountered in collection; (iii) the complexity of the litigation, and expense, delay and inconvenience necessarily attendant to litigation; and (iv) the paramount interest of creditors and a proper deference to the creditors' expressed wishes, if any. *Id.* The party proposing the compromise bears the burden of persuading the court that the compromise is fair and equitable and should be approved. *Id.*

The movant requests approval of a compromise. The compromise is reflected in the settlement agreement attached to the motion as an exhibit. Based on the motion and supporting papers, the court finds that the compromise presented for the court's approval is fair and equitable considering the relevant *A & C Properties* factors. The success of litigation is not likely for Trustee Farris, which is why this factor weighs in favor of settlement. Each lien would require additional individual litigation which would not likely result in the trustee succeeding on the merits. Thus, the factor regarding expense and inconvenience weighs in favor of settlement. Last, the stipulation is in the best interest of the creditors because it will produce a carve out of at least \$100,000.00 for unsecured creditors and provide Trustee Gianandrea and Sunwest satisfaction of their claims. The compromise or settlement will be approved.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Trustee's motion to approve a compromise has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The court hereby approves the compromise that is reflected in the settlement agreement attached to the motion as exhibit and filed at docket no. 79.

16. [25-21869](#)-A-7 **IN RE: ANDY WOOD AND LAURA MORRISON**
[TAB-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
5-13-2025 [\[26\]](#)

TODD BRISCO/ATTY. FOR MV.
BRIDGE WF CA CRYSTAL VIEW LP VS.

Tentative Ruling

Motion: Stay Relief

Notice: LBR 9014-1(f)(2); written opposition required

Disposition: Granted in part, denied in part

Order: Civil minute order

Subject: 12021 Bayport Street #2105, Garden Grove, California

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

STAY RELIEF

Section 362(d)(1)- Failure to Make Payments

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash

payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

"[U]nder section 362(d)(1), the stay must be terminated for 'cause.' Lack of adequate protection is but one example of "cause" for relief from stay." *In re Ellis*, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985). The panel in the *Ellis* case rejected the argument that under § 362(d)(1) "the stay can only be terminated if [the movant-creditors] show a lack of adequate protection." *Id.*

The debtor has missed 6 pre-petition rental payments totaling \$11,010.00 and 1 post-petition payment totaling \$2,182.00 due on the debt secured by the moving party's lien. This constitutes cause for stay relief. The court will grant the motion for relief under 11 U.S.C. § 362(d)(1).

Section 362(d)(4)

Section 362(d)(4) authorizes binding, in rem relief from stay "by a creditor whose claim is secured by an interest in such real property, if the court finds that the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved either—(A) transfer of all or part ownership of, or other interest in, such real property without the consent of the secured creditor or court approval; or (B) multiple bankruptcy filings affecting such real property." 11 U.S.C. § 362(d)(4) (emphasis added).

In this instant matter, the movant's claim is not secured by an interest in real property. Landlords do not have a secured interest in the property they are renting. Therefore, this relief is not available to the movant. Relief will not be granted under 11 U.S.C. 362(d)(4).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Bridge WF CA Crystal View LP's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted pursuant to 11 U.S.C. 362(d)(1) and (2). The motion is denied pursuant to 11 U.S.C. 362(d)(4). The automatic stay is vacated with respect to the property described in the motion, commonly known as 12021 Bayport Street #2105, Garden Grove, California, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing

may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

17. [22-22772](#)-A-7 **IN RE: YURIY SVITYASHCHUK**
[MS-1](#)

MOTION TO COMPEL ABANDONMENT
5-1-2025 [\[95\]](#)

MARK SHMORGON/ATTY. FOR DBT.
DEBTOR DISCHARGED: 09/23/24
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Compel Abandonment of Property of the Estate

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by moving party pursuant to the instructions below

Subject: 7749 Ravensworth Way, Antelope, California

Value: \$490,200.00

1st Trust Deed: \$30,643.75

Exemption: \$490,200.00

Non-Exempt Equity: -\$30,643.75

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Property of the estate may be abandoned under § 554 of the Bankruptcy Code if property of the estate is "burdensome to the estate or of inconsequential value and benefit to the estate." See 11 U.S.C. § 554(a)-(b). Upon request of a party in interest, the court may issue an order that the trustee abandon property of the estate if the statutory standards for abandonment are fulfilled.

The movant bears the burden of proof. *In re Pilz Compact Disc., Inc.*, 229 B.R. 630 (Bankr. E.D. Pa. 1999) (Chapter 7 trustee). "[B]urdensome to the estate" means "consumes the resources and drains the income of the estate." *In re Smith-Douglass, Inc.*, 856 F.2d 12, 16 (4th Cir. 1988). "[O]f inconsequential value and benefit to the estate" refers to assets not likely to be liquidated for the benefit of creditors. 11 U.S.C. § 704(a)(1); *Matter of*

Taxman Clothing Co., 49 F3d 310, 315 (7th Cir. 1995) (Chapter 7 trustee has no duty to liquidate assets where costs of doing so likely to exceed asset's value). Of inconsequential value and benefit to the estate includes assets that (1) have no equity (including post-petition appreciation), *In re Viet Vu*, 245 B.R. 644 (9th Cir. BAP 2000); and (2) assets with equity, which has been wholly and properly exempted by the debtor. *In re Montanaro*, 307 B.R. 194 (Bankr. E.D. Cal. 2004).

The real property described above is either burdensome to the estate or of inconsequential value to the estate. An order compelling abandonment is warranted.

18. [25-22476](#)-A-7 **IN RE: ANDREW PADGETT**
[TBG-1](#)

MOTION TO COMPEL ABANDONMENT
5-22-2025 [8]

STEPHAN BROWN/ATTY. FOR DBT.

Final Ruling

Motion: Compel Abandonment of Property of the Estate

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted only as to the business and such business assets described in the motion

Order: Prepared by moving party pursuant to the instructions below

Business Description: AP Plumbing, located at 911 Poppy Lane, Roseville, California

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Property of the estate may be abandoned under § 554 of the Bankruptcy Code if property of the estate is "burdensome to the estate or of inconsequential value and benefit to the estate." See 11 U.S.C. § 554(a)-(b); Fed. R. Bankr. P. 6007(b). Upon request of a party in interest, the court may issue an order that the trustee abandon property of the estate if the statutory standards for abandonment are fulfilled.

The movant bears the burden of proof. *In re Pilz Compact Disc., Inc.*, 229 B.R. 630 (Bankr. E.D. Pa. 1999) (Chapter 7 trustee). "[B]urdensome to the estate" means "consumes the resources and drains the income of the estate." *In re Smith-Douglass, Inc.*, 856 F.2d 12, 16 (4th Cir. 1988). "[O]f inconsequential value and

benefit to the estate" refers to assets not likely to be liquidated for the benefit of creditors. 11 U.S.C. § 704(a)(1); *Matter of Taxman Clothing Co.*, 49 F3d 310, 315 (7th Cir. 1995) (Chapter 7 trustee has no duty to liquidate assets where costs of doing so likely to exceed asset's value). Of inconsequential value and benefit to the estate includes assets that (1) have no equity (including post-petition appreciation), *In re Viet Vu*, 245 B.R. 644 (9th Cir. BAP 2000); and (2) assets with equity, which has been wholly and properly exempted by the debtor. *In re Montanaro*, 307 B.R. 194 (Bankr. E.D. Cal. 2004).

The business described above is either burdensome to the estate or of inconsequential value to the estate. According to the debtor, the business assets total a value of \$0.00 to the estate. The business is inconsequential to the value of the estate. The trustee has not opposed this motion. An order compelling abandonment of such business is warranted. The order will compel abandonment of only the business and its assets that are described in the motion.

19. [24-25385](#)-A-7 **IN RE: JOHN/JULIE CALLISON**
[PGM-2](#)

MOTION TO AVOID LIEN OF THOMAS J. IMPERATO, MD
5-1-2025 [\[38\]](#)

PETER MACALUSO/ATTY. FOR DBT.
DEBTORS DISCHARGED: 02/24/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Disposition: Denied without prejudice

Order: Civil minute order

In the instant case, it is unclear if Thomas J. Imperato, M.D. is an individual or an entity. Since it is common practice for medical entities to be named after a doctor with their professional title, the classification of the deed holder is ambiguous. Because there is ambiguity as to whether service is sufficient on the respondent, Fed. R. Bankr. P. 7004(b)(3), the court finds that the respondent has not sustained its burden of proof as to service.

The court will deny the motion without prejudice on grounds of insufficient service of process on the responding party. A motion to avoid a lien is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4003(d), 9014(b); see also *In re Villar*, 317 B.R. 88, 92 n.6 (B.A.P. 9th Cir. 2004). Under Rule 7004, service on corporations and other business entities must be made by mailing a copy of the motion "to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process." Fed. R. Bankr. P. 7004(b)(3).

Service of the motion was insufficient. The motion was not mailed to the attention of an officer, managing or general agent, or other agent authorized to accept service.

This matter was previously denied without prejudice in order for debtors to provide information clarifying whether Thomas J. Imperato, M.D., was an individual or a business entity, PGM-1. Supplemental information clarifying this fact has still not be filed or explained throughout the motion. For this reason, the motion will be denied without prejudice.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to avoid lien has been presented to the court. Because of the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

20. [24-25289](#)-A-7 **IN RE: MONA HEFLIN**
[HLR-2](#)

CONTINUED MOTION TO AVOID LIEN OF SIERRA CENTRAL CREDIT
UNION
3-27-2025 [\[53\]](#)

KRISTY HERNANDEZ/ATTY. FOR DBT.
DEBTOR DISCHARGED: 03/04/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Disposition: Denied without prejudice

Order: Civil minute order

The court will deny the motion to avoid lien without prejudice. This motion was continued from April 28, 2025, to allow the debtor to correct improper service on the motion, ECF No. 67.

A motion to avoid a lien is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4003(d), 9014(b); *see also In re Villar*, 317 B.R. 88, 92 n.6 (B.A.P. 9th Cir. 2004). Under Rule 7004, service on FDIC-insured institutions must "be made by certified mail addressed to an officer of the institution" unless one of the exceptions applies. Fed. R. Bankr. P. 7004(h).

Service of the motion was insufficient. Service of the motion was not made by certified mail. No showing has been made that the exceptions in Rule 7004(h) are applicable. See Fed. R. Bankr. P. 7004(h)(1)-(3). This motion was continued to allow the debtor to properly serve the creditor by certified mail. No certificates of service have been filed since the court hearing continuing the matter. Since there has been no evidence provided to show the defect in service has been remedied, the motion will be denied without prejudice.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to avoid lien has been presented to the court. Because of the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

21. [24-25289](#)-A-7 **IN RE: MONA HEFLIN**
[HLR-4](#)

CONTINUED MOTION TO AVOID LIEN OF TK CREDIT RECOVERY
3-26-2025 [\[47\]](#)

KRISTY HERNANDEZ/ATTY. FOR DBT.
DEBTOR DISCHARGED: 03/04/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Disposition: Denied without prejudice

Order: Civil minute order

The motion to avoid lien will be denied due to failure to properly serve Sierra Central Credit Union in a separate motion to avoid lien, HLR-2.

LIEN-AVOIDANCE STANDARDS

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the

property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

REVERSE-PRIORITY ANALYSIS

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C. § 522(f)(2)(B).

The court is unable to go in reverse order of priority due to improper service on creditor Sierra Central Credit Union. The court continued the matter, HLR-2, to allow correction of service, but no additional certificates of service have been filed since the hearing date. Since the reverse-priority analysis cannot commence without proper service to all creditors, this motion will be denied without prejudice.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to avoid lien has been presented to the court. Because of the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

22. [24-25289](#)-A-7 **IN RE: MONA HEFLIN**
[HLR-6](#)

CONTINUED MOTION TO AVOID LIEN OF PLACER CREDITORS BUREAU
3-27-2025 [\[58\]](#)

KRISTY HERNANDEZ/ATTY. FOR DBT.
DEBTOR DISCHARGED: 03/04/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Disposition: Denied without prejudice

Order: Civil minute order

The motion to avoid lien will be denied due to failure to properly serve Sierra Central Credit Union in a separate motion to avoid lien, HLR-2.

LIEN-AVOIDANCE STANDARDS

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

REVERSE-PRIORITY ANALYSIS

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C § 522(f)(2)(B).

The court is unable to go in reverse order of priority due to improper service on creditor Sierra Central Credit Union. The court continued the matter, HLR-2, to allow correction of service, but no additional certificates of service have been filed since the hearing date. Since the reverse-priority analysis cannot commence without proper service to all creditors, this motion will be denied without prejudice.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to avoid lien has been presented to the court. Because of the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

23. [25-21994](#)-A-7 **IN RE: HEE PARK**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
5-14-2025 [[15](#)]

YASHA RAHIMZADEH/ATTY. FOR DBT.

Final Ruling

The Order to Show Cause is discharged. No appearances are required. The court will issue a civil minute order.