

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

Honorable Christopher D. Jaime
Robert T. Matsui U.S. Courthouse
501 I Street, Sixth Floor
Sacramento, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: June 11, 2024

CALENDAR: 1:00 P.M. CHAPTER 13

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

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters and no appearance is necessary. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within seven (7) days of the final hearing on the matter.

is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

2. [20-21602](#)-B-13 JOSE/LETICIA GONZALEZ
[GSJ](#)-6 Grace S. Johnson

MOTION TO MODIFY PLAN
4-7-24 [[140](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). 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). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not permit the requested modification and not confirm the modified plan.

Creditor Lakeview Loan Servicing, LLC ("Creditor") objects to plan confirmation on grounds that the fifth modified plan does not provide for the correct monthly mortgage payment. Debtors' plan lists an ongoing mortgage payment to Creditor in Class 1 as \$2,321.43. However, based on Claim No 7-1, a Notice of Mortgage Payment Change was filed on August 23, 2023, reflecting a mortgage payment of \$2,478.24 effective October 1, 2023.

Based on Debtors' proposed monthly plan payment and their monthly net income from amended Schedule J filed April 7, 2024, Debtors do not appear to be able to increase their monthly plan payment to cover the mortgage payment difference of \$156.81.

Given the aforementioned, the modified plan does not comply with 11 U.S.C. §§ 1322 and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

3. [24-21113](#)-B-13 LAUREANO/ALONA TABAJEN OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Gregory J. Smith PLAN BY LILIAN G. TSANG
5-22-24 [[23](#)]

CONTINUED TO 7/02/24 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 6/26/24.

Final Ruling

No appearance at the June 11, 2024, hearing is required. The court will issue an
order.

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 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). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to confirm the first amended plan.

The Chapter 13 objects to plan confirmation on grounds that the plan is not feasible as proposed. Monthly plan payments to secured creditors plus the Trustee's compensation and expense total \$4,979.14 per month. Debtor's plan proposes only \$4,850.00 for months 1 through 3, and \$4,930.00 thereafter.

Debtor filed a response stating that he agrees to correct the monthly payment to \$4,979.14 for 60 months.

Given the above change, the amended plan complies with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

5. [23-21635](#)-B-13 DEBRA MAGHONEY
[PGM](#)-3 Peter G. Macaluso

MOTION TO MODIFY PLAN
5-2-24 [[57](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). 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 permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

6. [24-21266](#)-B-13 LANA CHURCHILL OBJECTION TO CONFIRMATION OF
[JCW](#)-1 Gregory J. Smith PLAN BY U.S. BANK NATIONAL
Thru #7 ASSOCIATION
5-22-24 [[33](#)]

CONTINUED TO 6/18/24 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD IN CONJUNCTION WITH DEBTOR'S MOTION TO VALUE COLLATERAL.

Final Ruling

No appearance at the June 11, 2024, hearing is required. The court will issue an order.

7. [24-21266](#)-B-13 LANA CHURCHILL OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Gregory J. Smith PLAN BY LILIAN G. TSANG
5-22-24 [[29](#)]

CONTINUED TO 6/18/24 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD IN CONJUNCTION WITH DEBTOR'S MOTION TO VALUE COLLATERAL.

Final Ruling

No appearance at the June 11, 2024, hearing is required. The court will issue an order.

8. [23-20088](#)-B-13 SON/SAU NGUYEN
[AVN](#)-3 Anh V. Nguyen

MOTION TO MODIFY PLAN
5-2-24 [[62](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). 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 permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtors have filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.