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 16, 2026
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 <u>no hearing on these matters and no appearance is necessary</u>. 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.

1.	23-22000-B-13 TLA-1	JEFFERSON/KRISTINE AGUIRRE Thomas L. Amberg	MOTION TO MODIFY PLAN 5-5-26 [77]

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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

2. 24-21908-B-13 SELENA CONTRERAS MOTION TO MODIFY PLAN
PLG-3 Steven A. Alpert 4-24-26 [60]

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.

The Debtor is delinquent in the amount of $2,710.00. The Debtor does not appear to be able to make plan payments proposed and has not carried the burden of showing that the plan complies with 11 U.S.C. § 1325(a)(6). However, the trustee has stated that a payment is pending that would cure the delinquency and cause debtor to be current. The trustee will appear at the hearing and update the court on if the debtor is current or if the delinquency remains.

As it stands currently, 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.	26-21310-B-13 LGT-1	MANSOOR/NAZREEN ALI Colby D. LaVelle	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 4-24-26 [22]

Final Ruling

CONTINUED TO 8/11/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 7/30/26.

The objection is ORDERED CONTINUED to August 11, 2026, at 1:00 p.m. for reasons stated in the minutes.

4. 26-21111-B-13 GC-1 TERRY/SAMANTHA RODRIGUE Julius J. Cherry MOTION TO CONFIRM PLAN 4-16-26 [18]

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 not confirm the first amended plan.

The Chapter 13 Trustee's disposable income objection has been withdrawn. That leaves only a dispute over the Debtors' attorney's fees and the Chapter 13 Trustee's fee.

The Trustee asserts the nonstandard provisions regarding the distribution of plan payments impermissibly states "Section 5.02(b) is amended such that administrative expenses approved by the plan will be paid before any other expenses enumerated in Section 5.02(a)." The Trustee states this provision can not be administered because attorney's fees cannot be paid prior to trustee's fees. The court agrees.

The court need not delve too deeply into the parties' dispute over what *Evans v. McAllister (In re Evans)* 69 F.4th 110 (9th Cir. 2023), means because the Debtors' attempt to re-arrange plan §§ 502(a) and (b) through § 7.4 rests on a faulty (and potentially sanctionable) premise. The Debtors assert that "[b]oth trustee's fees and debtor's attorney's fees qualify as administrative expenses under the Bankruptcy Code." Dkt. 29 at 3:2-3. The Debtors' attorney's fees are a § 503(b) administrative expense. *See* 11 U.S.C. § 503(b)(2) (incorporating § 330(a)(4)(B)). However, as *Evans* makes unmistakably clear, "[t]he Chapter 13 trustee's fee is not an administrative expense under Section 503(b)[.]" *Evans,* 69 F.4th at 1104 n.2. So, without any analysis or discussion, and without any attempt to characterize the Chapter 13 trustee's fee, the Debtors assert that an administrative expense for attorney's fees may be elevated in priority over (or paid in pari-parssu with) a fee that is not an administrative expense.

In reality, the Chapter 13 trustee's fee is a statutory fee. *See* 28 U.S.C. § 586(e)(2); *In re Johnson*, 650 B.R. 904, 910 (Bankr. N.D. Ill. 2023) (so stating), *aff'd, Marshall v. Johnson*, 100 F.4th 914 (7th Cir. 2024). So in reality, the Debtors' argument is that a § 503(b)(2) administrative expense for attorney's fees may be elevated in priority over (or put on equal footing with) a statutory fee. The Debtors cite no authority for this proposition and, besides, it makes no sense. Indeed, one wonders if the Debtors' attorney would be brave enough to argue that his attorney's fees, as an administrative expense, should be paid ahead of (or par with) all other statutory fees, the filing fee governed by 28 U.S.C. § 1930 included.

Also noteworthy is that a debtor's pre-confirmation chapter 13 plan payment includes the Chapter 13 trustee's fee which the Chapter 13 trustee "retains" pending confirmation. *Evans*, 69 F.4th at 1107. The retained fee is allocated for payment to the Chapter 13 trustee if a plan is confirmed. *Id.* Allocation of the fee as part of the pre-confirmation plan payment effectively gives the Chapter 13 trustee a priority interest in the pre-confirmation plan payment over all other creditors who acquire no interest in the same pre-confirmation plan payment unless and until (and only after) a plan is confirmed and the pre-confirmation payment is disbursed.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

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

The court will issue an order.

5. 25-22812-B-13 JCW-1 | PABLO PEREZ CRUZ AND RICARDO PAREDES Eric V. Wood | MOTION FOR RELIEF FROM AUTOMATIC STAY 5-18-26 [39]

ALLY BANK VS.

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). The debtors have filed non-opposition to the motion. 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 relief from stay.

Ally Bank ("Movant") seeks relief from the automatic stay with respect to an asset identified as a 2021 Nissan NV200 SV (the "Vehicle"). The moving party has provided the Declaration of Paul Tangen to introduce into evidence the documents upon which it bases the claim and the obligation owed by the Debtors.

The Tangen Declaration states that there are 8.455 post-petition payments in default totaling $3,840.76.

From the evidence provided to the court, and only for purposes of this motion, the debt secured by this asset is determined to be $11,409.63, as stated in the Tangen Declaration, while the value of the Vehicle is determined to be $5,601.00, as stated in Schedules A/B and D filed by Debtors. Debtor has filed non-opposition to the motion and the debtor has stated they intend to surrender the property. The vehicle was repossessed in March 2026.

Discussion

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay since the Debtors and the estate have not made post-petition payments. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

Additionally, once a movant under 11 U.S.C. § 362(d)(2) establishes that a debtor or estate has no equity, it is the burden of the debtor or trustee to establish that the collateral at issue is necessary to an effective reorganization. *United Savings Ass'n of Texas v. Timbers of Inwood Forest Associates. Ltd.*, 484 U.S. 365, 375-76 (1988); 11 U.S.C. § 362(g)(2). Based upon the evidence submitted, the court determines that there is no equity in the Vehicle for either the Debtors or the Estate. 11 U.S.C. § 362(d)(2). And no opposition or showing having been made by the Debtors or the Trustee, the court determines that the Vehicle is not necessary for any effective reorganization in this Chapter 13 case.

The court shall issue an order terminating and vacating the automatic stay to allow creditor, its agents, representatives and successors, and all other creditors having lien rights against the Vehicle, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

The debtor has filed non-opposition to the motion so long as the 14-day stay is not waived. As such, the 14-day stay of enforcement under Rule 4001(a)(3) is not waived.

No other or additional relief is granted by the court.

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

The court will issue an order.

6. 25-24016-B-13 VICTOR CAMPANA
CLB-1 Pauldeep Bains

MOTION FOR RELIEF FROM AUTOMATIC STAY
5-15-26 [26]

U.S. BANK NATIONAL ASSOCIATION VS.

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 relief from stay.

U.S. Bank Nation Association ("Movant") seeks relief from the automatic stay with respect to an asset identified as a 2018 Arctic 18 (the "Vehicle"). The moving party has provided the Declaration of Erica Choice to introduce into evidence the documents upon which it bases the claim and the obligation owed by the Debtor.

The Choice Declaration states that there are 8 post-petition payments in default totaling $4,376.24. From the evidence provided to the court, and only for purposes of this motion, the debt secured by this asset is determined to be $63,368.01, as stated in the Choice Declaration, while the value of the Vehicle is determined to be $44,505.00, as stated in the Declaration. The property was not listed in debtor's schedules. The debtor has not filed opposition and the trustee has filed non-opposition.

Discussion

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay since the Debtor and the estate have not made post-petition payments. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

Additionally, once a movant under 11 U.S.C. § 362(d)(2) establishes that a debtor or estate has no equity, it is the burden of the debtor or trustee to establish that the collateral at issue is necessary to an effective reorganization. *United Savings Ass'n of Texas v. Timbers of Inwood Forest Associates. Ltd.*, 484 U.S. 365, 375-76 (1988); 11 U.S.C. § 362(g)(2). Based upon the evidence submitted, the court determines that there is no equity in the Vehicle for either the Debtor or the Estate. 11 U.S.C. § 362(d)(2). And no opposition or showing having been made by the Debtor or the Trustee, the court determines that the Vehicle is not necessary for any effective reorganization in this Chapter 13 case.

The court shall issue an order terminating and vacating the automatic stay to allow creditor, its agents, representatives and successors, and all other creditors having lien rights against the Vehicle, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

There also being no objections from any party, the 14-day stay of enforcement under Rule 4001(a)(3) is waived.

No other or additional relief is granted by the court.

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

The court will issue an order.

7. 25-25718-B-13 JAZMIN VALDIVIESO MASSE MOTION TO MODIFY PLAN
MMM-1 Mohammad M. Mokarram 5-5-26 [17]

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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

8. 26-20020-B-13 FW-1 | MICHAEL KIFLIT, Peter G. Macaluso | MOTION FOR RELIEF FROM AUTOMATIC STAY 5-12-26 [94]

FREEDOM MORTGAGE CORPORATION
VS.

Final Ruling

The case having previously been dismissed, the motion is dismissed as moot.

The motion is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

9. 24-24823-B-13 DWL-5	PAUL/LAURA SMITH Patricia Wilson	MOTION TO VACATE DISMISSAL OF CASE 5-13-26 [83]

DEBTORS DISMISSED: 04/21/26

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). Opposition was filed. Oral argument is not necessary and will not assist in the decision-making process. *See* Local Bankr. R. 1001-1(f), 9014-1(h).

The court's decision is to deny the motion to vacate.

Debtors move to vacate the order dismissing this Chapter 13 case. The Chapter 13 case was dismissed on April 21, 2026, for failure to confirm a chapter 13 plan. The case was in month 13 and still there was no plan that had been confirmed. Additionally, as stated in the trustee's opposition to the motion, debtor had previously had their case converted to a chapter 7 matter due to lack of prosecution in their case. The case was then reconverted back to a chapter 13 matter where the trustee filed a motion to dismiss again for failure to prosecute. The court had given the debtors ample time and chances to file a motion to confirm and they failed to do so.

Relief under Rule 60(b)(1) will be denied because the standard for excusable neglect has not been satisfied. In particular, Debtors' motion fails to adequately address any of the *Pioneer-Briones* factors, *i.e.,* (1) the danger of prejudice to any non-moving party if the dismissal is vacated, (2) the length of delay and the potential impact of that delay on judicial proceedings, (3) the reason for the delay, including whether the delay was within the reasonable control of the movant, and (4) whether the Debtor's conduct was in good faith. *Pioneer Inv. Servs. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993); *Briones v. Riviera Hotel & Casino*, 116 F.3d 379, 381 (9th Cir. 1997). For that reason alone, Rule 60(b)(1) relief is not warranted. *See Bateman v. U.S. Postal Service*, 231 F.3d 1220, 1224 (9th Cir. 2000) ("The court would have been within its discretion [to deny relief] if it spelled out the equitable test and then concluded that [counsel] had failed to present any evidence relevant to the four factors.").

Nevertheless, the court has independently reviewed the *Pioneer-Briones* factors in the context of the Debtors' motion and the record before it. *See Lemoge v. U.S.*, 587 F.3d 1188, 1192 (9th Cir. 2009). Based on that review, the court is not persuaded that relief under Rule 60(b)(1) should be granted.

The motion fails to address the danger of prejudice to creditors if the dismissal order is vacated. When the case was dismissed the automatic stay terminated, which means nothing now precludes creditors from exercising their rights under applicable nonbankruptcy law. Vacating the dismissal does not necessarily reimpose the automatic stay. The Ninth Circuit is clear in that, once terminated, the automatic stay may only be reimposed through an adversary proceeding that requests injunctive relief under § 105(a). *In re Canter*, 299 F.3d 1150, 1155 n.1 (9th Cir. 2002); *see also Ramirez v. Whelan (In re Ramirez)*, 188 B.R. 413, 416 (9th Cir. BAP 1995) (Klein, J. concurring) ("In order to have a vacated stay 'reimposed,' one must ordinarily file an adversary proceeding seeking an injunction under 11 U.S.C. § 105."). Under some circumstances, other courts have held that the stay may be revived when the order that terminated it is vacated. *See State Bank of Southern Utah v. Gledhill (In re Gledhill)*, 76 F.3d 1070, 1079-1080 & n.8 (10th Cir. 1996). However, the Debtors have not demonstrated or explained how that is applicable, if at all, in this case. Consequently, the first *Pioneer* factor weighs against Rule 60(b)(1) relief.

The second factor, the length of the delay and the potential impact of the delay on the

Chapter 13 proceeds, also weighs heavily against Rule 60(b)(1) relief. This Chapter 13 case was initially filed on October 27, 2024. A motion to confirm has still not been filed, set, and served. If the court were to vacate the dismissal order, by the time of that confirmation hearing this case will have been pending for 20 months without a confirmed plan. After the debtor set and serve a motion to confirm, there is no guarantee that the plan would be confirmed. It could take at a minimum another 1-2 months before a plan has been confirmed which would effectively put the Debtor in a Chapter 13 case without a confirmed plan for close to two years. Given that the Bankruptcy Code contemplates confirmation in a relatively short period of time, *see* 11 U.S.C. § 1324(b), "parking" the Debtors in a Chapter 13 case for nearly two year without a confirmed plan is unreasonable delay prejudicial to creditors. *See* 11 U.S.C. § 1307(c)(1).

The court is also not convinced that the Debtors have offered a plausible explanation of the reason for the delay that resulted in the dismissal of this case. The court had given the debtor multiple continuances and chances to file a motion to confirm. The trustee even waited additional time to see if the debtor would file a request to extend the deadline after the courts conditional hearing stating the case would be dismissed on the trustee's declaration had passed. Accordingly, this third factor weighs against Rule 60(b) relief.

As to the fourth factor, the court does not see any bad faith associated with the Debtors' conduct. There appears to have been a lack of prosecution throughout the case which has resulted in the cases dismissal.

In sum, on balance and upon consideration of the totality of the circumstances, the *Pioneer-Briones* factors overwhelmingly weigh against relief from the dismissal order under Rule 60(b)(1). Therefore, the Debtors' request for relief under Rule 60(b)(1) will be denied.

Relief under Rule 60(b)(6) will also be denied. A court may grant relief under Rule 60(b)(6) for "any other reason that justifies relief." Fed. R. Civ. P. 60(b)(6); Fed. R. Bankr. P. 9024. Relief under Rule 60(b)(6) is limited to errors or actions beyond the party's control. *Latshaw v. Trainer Wortham & Co.*, 452 F.3d 1097, 1103 (9th Cir. 2006); *Cmty. Dental Serv. v. Tani*, 282 F.3d 1164, 1168 (9th Cir. 1996). The Debtors do not meet this standard insofar as the Debtors have not demonstrated how the failure to calendar the plan confirmation deadline was somehow outside their control or the control of their attorney.

CONCLUSION

For all the foregoing reasons, the Debtors' motion to vacate is denied without prejudice.

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

The court will issue an order

10.	25-23841-B-12 CAE-1	SILVERDALE FARMS, INC. David C. Johnston	CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION 7-25-25 [1]

Final Ruling

STATUS CONFERENCE CONTINUED TO 8/18/2026 at 1:00 PM at Sacramento Courtroom 32, Department B.

The status conference hearing is ORDERED CONTINUED to August 18, 2026, at 1:00 p.m.

The court will issue an order.

11. 25-24947-B-13 JUSTIN PHILLIPS MOTION TO CONFIRM PLAN
PLG-2 David C. Johnston 4-27-26 [45]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 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). 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 confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

12.	26-21250-B-13 LGT-1	MICHELLE RUELOS Natali A. Ron	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 4-28-26 [12]

Final Ruling

The Parties request one last continuance to July 7, 2026. If all plan payments are not current by June 30, 2026, the parties agree the plan should be denied confirmation without any further continuances.

The objection is ORDERED CONTINUED to July 7, 2026, at 1:00 p.m. No appearance on June 16, 2026, is required.

The court will issue an order.

13. 26-21152-B-13 ROSE LIZOLA MOTION TO CONFIRM PLAN
GC-1 Julius J. Cherry 4-20-26 [24]

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 not confirm the second amended plan.

The Chapter 13 Trustee's disposable income objection has been withdrawn. Nevertheless, two other issues remain unresolved and prevent confirmation.

First, The Trustee asserts the nonstandard provisions regarding the distribution of plan payments impermissibly states "Section 5.02(b) is amended such that administrative expenses approved by the plan will be paid before any other expenses enumerated in Section 5.02(a)." The Trustee states this provision can not be administered because attorney's fees cannot be paid prior to trustee's fees. The court agrees.

The court need not delve too deeply into the parties' dispute over what *Evans v. McAllister (In re Evans)* 69 F.4th 110 (9th Cir. 2023), means because the Debtor's attempt to re-arrange plan §§ 502(a) and (b) through § 7.4 rests on a faulty (and potentially sanctionable) premise. The Debtor asserts that "[b]oth trustee's fees and debtor's attorney's fees qualify as administrative expenses under the Bankruptcy Code." Dkt. 29 at 3:2-3. The Debtor's attorney's fees are a § 503(b) administrative expense. *See* 11 U.S.C. § 503(b)(2) (incorporating § 330(a)(4)(B)). However, as *Evans* makes unmistakably clear, "[t]he Chapter 13 trustee's fee is not an administrative expense under Section 503(b)[.]" *Evans,* 69 F.4th at 1104 n.2. So, without any analysis or discussion, and without any attempt to characterize the Chapter 13 trustee's fee, the Debtor asserts that an administrative expense for attorney's fees may be elevated in priority over (or paid in pari-parssu with) a fee that is not an administrative expense.

In reality, the Chapter 13 trustee's fee is a statutory fee. *See* 28 U.S.C. § 586(e)(2); *In re Johnson*, 650 B.R. 904, 910 (Bankr. N.D. Ill. 2023) (so stating), *aff'd, Marshall v. Johnson*, 100 F.4th 914 (7th Cir. 2024). So in reality, the Debtor's argument is that a § 503(b)(2) administrative expense for attorney's fees may be elevated in priority over (or put on equal footing with) a statutory fee. The Debtor cites no authority for this proposition and, besides, it makes no sense. Indeed, one wonders if the Debtor's attorney would be brave enough to argue that his attorney's fees, as an administrative expense, should be paid ahead of (or par with) all other statutory fees, the filing fee governed by 28 U.S.C. § 1930 included.

Also noteworthy is that a debtor's pre-confirmation chapter 13 plan payment includes the Chapter 13 trustee's fee which the Chapter 13 trustee "retains" pending confirmation. *Evans*, 69 F.4th at 1107. The retained fee is allocated for payment to the Chapter 13 trustee if a plan is confirmed. *Id.* Allocation of the fee as part of the pre-confirmation plan payment effectively gives the Chapter 13 trustee a priority interest in the pre-confirmation plan payment over all other creditors who acquire no interest in the same pre-confirmation plan payment unless and until (and only after) a plan is confirmed and the pre-confirmation payment is disbursed.

Second, the Debtor's declaration filed with her response to the Trustee's objection raises another confirmation issues that provides an alternative and independent basis on which the court may deny confirmation; namely, feasibility as required by 11 U.S.C.

§ 1325(a)(6). *See Warfield v. Nance (In re Nance)*, 156 F.4th 961, 969 (9th Cir. 2025) ("The court retains the independent power to identify and apply the proper construction of governing law, and is free to consider an issue antecedent to ... and ultimately dispositive of the dispute before it, even an issue the parties fail to identify and brief." (Cleaned up)); *see also United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 277 (2010) (court has independent obligation to ensure confirmation requirements satisfied). Although the Debtor was injured on her job as a hospice nurse, is currently on disability, and has limited opportunities for a second job, all of which adversely affect the Debtor's income, the Debtor states that she "believe[s]" she will be able to make her plan payments. Dkt. 40 at 1:23-24. The Debtor's "belief" that she can make required plan payments, particularly under the foregoing circumstances, is not evidence of the plan's feasibility. Or as the court put it in *In re Milstein*, 2014 WL 3511526, *3 (Bankr. D. Colo., July 15, 2014): "Regardless of how much the Debtor believes in the merits of [her] position, [s]he has not met h[er] burden to show that h[er] Plan is feasible under § 1325(a)(6). For that reason, Plan confirmation will be denied."

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

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

The court will issue an order.

14. 26-21355-B-13 NERY LIMON — MOTION FOR RELIEF FROM AUTOMATIC STAY
ARS-1 David C. Johnston — 5-11-26 [29]

MARYAM MAJIDI VS.

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. *See* Local Bankr. R. 1001-1(f), 9014-1(h). No appearance at the hearing is required.

The court's decision is to grant the motion for relief from the automatic stay.

Maryam Z. Majidi ("Movant") seeks relief from the automatic stay with respect to real property located at 3519 S. Mourfield Avenue, Stockton, California (the "Property"). Movant has provided the Declaration of Allen Schnibben to introduce into evidence the documents upon which it bases the claim and ownership of the Property which Movant apparently purchased at a county tax foreclosure sale. Exh. A, Dkt. 20. Movant seeks to proceed with an unlawful detainer action filed in state court. The complaint and answer filed in the unlawful detainer proceeding have been provided.

Opposition was due by June 2, 2026. *See* Local Bankr. R. 9014-1(f)(1)(B). None was filed. The evidentiary record closed on June 9, 2026. *See* Local Bankr. R. 9014-1(f)(2)(C). The defaults of all parties and parties in interest who did not oppose or respond are entered. *See* Fed. R. Civ. P. 55; Fed. R. Bankr. P. 7055.

Cause exists under 11 U.S.C. § 362(d)(1) to allow Movant to continue with its state court unlawful detainer action. *See LaPierre v. In re Advanced Medical Spa, Inc. (In re Advanced Medical Spa, Inc.)*, 2016 WL 6958130, *3-*4 (9th Cir. BAP Nov. 28, 2016) (citing *In re Curtis*, 40 B.R. 795 (Bankr. D. Utah 1984)). To the extent the Property was subject to pre-petition county tax foreclosure sale, the Debtor no longer has any interest in the Property and the Property is not property of the estate. So there is no connection between the Property and this bankruptcy case. The state court is also a more appropriate forum for-and with jurisdiction over-unlawful detainer proceedings which involve issues purely of state law. Given the absence of the Debtor's and the estate's interest in the Property, allowing Movant to continue with its unlawful detainer action will prejudice neither creditors nor the estate. But continuing to protect the Debtor with the automatic stay under those circumstances will prejudice Movant. It also is not lost on the court that trial in the state court unlawful detainer action was set to commence on March 14, 2026, and the Debtor filed the petition in this case on March 13, 2026. All of these factors support the existence of cause and support relief from the automatic stay under § 362(d)(1).

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

The court will issue an order.

15. 25-25960-B-13 MAY LOR MOTION TO VALUE COLLATERAL OF
WLG-4 Nicholas Wajda ONEMAIN FINANCIAL GROUP, LLC
Thru #16 5-8-26 [60]

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 value the secured claim of OneMain Financial at $17,875.00 with an interest rate of 9.25%.

Debtor moves to value the secured claim of OneMain Financial ("Creditor"). Debtor is the owner of a 2017 Honda Accord ("Vehicle"). Debtor seeks to value the Vehicle at a replacement value of $17,875.00 as of the petition filing date. As the owner, Debtor's opinion of value is evidence of the asset's value. *See* Fed. R. Evid. 701; *see also Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

Proof of Claim Filed

The court has reviewed the Claims Registry for this bankruptcy case. Claim No. 8 filed by OneMain Financial is the claim which may be the subject of the present motion. The creditor has not filed opposition as required.

Discussion

The lien on the Vehicle's title does not secure a purchase-money loan and instead was a lien against the Vehicle in exchange for a loan of $23,087.72. Because of this, the requirement that the loan be incurred more than 910 days prior to filing of the petition is not applicable. The Creditor's claim secured by a lien on the asset's title is under-collateralized. The Creditor's secured claim is determined to be in the amount of $17,875.00. *See* 11 U.S.C. § 506(a). The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is granted. The court will also determine that the interest rate of 9.25% is appropriate as the creditor did not object to confirmation or file opposition to the amended plan, both of which stated the interest rate as 9.25%.

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

The court will issue an order.

16. 25-25960-B-13 MAY LOR MOTION TO CONFIRM PLAN
WLG-5 Nicholas Wajda 5-12-26 [65]

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 Chapter 13 plan.

The trustee filed opposition to the motion to confirm. The trustee’s only concern was that the court had not granted the motion to value on Class 2 Creditor OneMain Financial. The court has granted the debtor’s motion, WLG-4, to value OneMain Financial’s collateral on this calendar. As such, the trustee’s opposition has been resolved.

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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

17.	26-20583-B-13 LGT-1	DAVID WOODS Arete Kostopoulos	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 3-16-26 [18]

DEBTOR DISMISSED: 05/27/26

Final Ruling

The case having previously been dismissed, the objection is dismissed as moot.

The objection is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

18. 24-23684-B-13 JESUS GARCIA-GURROLA MOTION TO MODIFY PLAN
JCK-1 Gregory J. Smith 5-6-26 [41]

Thru #19

DEBTOR DISMISSED:
04/16/2026; DISMISSAL VACATED

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.

First, the plan fails to state what the plan payments will be, it merely states "suspend any and all delinquent payments through February 2026. The trustee is unable to determine feasibility without plan payments clarified. The debtor has stated what payments should be in his response, but this is not an issue that can be resolved in the order confirming.

Second, the plan is delinquent as plan payments have not been made since February 2026. The debtor states the delinquency occurred while waiting for the motion to vacate to be granted. The debtor must cure any delinquencies before a plan can be confirmed.

Last, there are multiple motions under the same docket control number. This causes confusion to creditors and other interested parties. The next motion shall be filed under a new docket control number to prevent any confusion and so that the motion is not denied for procedural grounds.

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.

19. 24-23684-B-13 JESUS GARCIA-GURROLA CONTINUED MOTION TO MODIFY PLAN
JCK-1 Gregory J. Smith 4-17-26 [30]

Final Ruling

The motion is denied for the reasons stated in ruling #18, JCK-1, which has the same docket control number. No hearing is necessary.

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

The court will issue an order.

20.	26-21393-B-13 LGT-1	JAMES/RACHELLE CHRISTY R. Kenneth Bauer	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 4-27-26 [17]

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

21.	26-21199-B-13	WENDY JONES-TALLEY	MOTION TO CONFIRM PLAN
	PLC-1	Peter L. Cianchetta	5-5-26 [16]
	DEBTOR DISMISSED: 05/19/26		

Final Ruling

The case having previously been dismissed on May 19, 2026, the motion is dismissed as moot.

The motion is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

22. 26-21291-B-13 DONNETTE DESANTIS CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
LGT-1 Richard Jare 4-28-26 [17]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. *See* Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). No written reply has been filed to the objection.

Because the plan is not confirmable and the objection is not one that may be resolved in the confirmation order, further briefing is not necessary. *See* Local Bankr. R. 9014-1(f)(2)(C). The court has also determined that oral argument will not assist in the decision-making process or resolution of the objection. *See* Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers. No appearance at the hearing is necessary.

The court's decision is to sustain the objection and deny confirmation of the plan.

The court erred in the prior order by stating there was no objection to confirmation. There has been objections filed by the Trustee and no response has been filed by the debtor. As such, the objection will be sustained for the following reasons.

First, the debtor has failed to provide the trustee with proof or declaration regarding third party contributions as requested.

Second, the plan will take approximately 81.91 months to complete, which exceeds the maximum length of 60 months pursuant to 11 U.S.C. § 1322(d) and which results in a commitment period that exceeds the permissible limit imposed by 11 U.S.C. § 1325(b)(4).

Third, the Debtor is delinquent in the amount of $400.00. An additional payment of $500.00 will be due by the date of the hearing on this matter. The Debtor does not appear to be able to make plan payments proposed and has not carried the burden of showing that the plan complies with 11 U.S.C. § 1325(a)(6).

Last, the debtor's plan has failed to provide an estimated amount of attorney fees to be paid. As such, the trustee cannot determine feasibility of the plan.

The plan filed March 11, 2026, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

23.	26-21505-B-13 LGT-1	CYNTHIA/CHARLES EPROSON Natali A. Ron	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 5-8-26 [14]

Final Ruling

This matter was continued from June 9, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, June 12, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 25, sustaining the objection, shall become the court's final decision. The continued hearing on June 16, 2026, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes at dkt. 25.

The court will issue an order.

24.	26-21815-B-13 LGT-1	CAMERON/STEPHANIE ISAACSON Natali A. Ron	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 5-8-26 [21]

Final Ruling

This matter was continued from June 9, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, June 12, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 25, sustaining the objection, shall become the court's final decision. The continued hearing on June 16, 2026, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes at dkt. 25.

The court will issue an order.

25. 24-21017-B-13 AARON NENNER CONTINUED MOTION TO MODIFY PLAN
GEL-1 Gabriel E. Liberman 4-29-26 [28]

Final Ruling

This matter was continued from June 9, 2026, to allow the trustee to file a status report regarding whether there were still outstanding issues with the motion to modify. The trustee filed a status report stating that debtor's plan was not filed in good faith due to prior plan being 100% payment to unsecured creditors, the debtor was allowed to retain significant funds that otherwise would have gone to unsecured creditors because of their 100% payment plan, and the debtor's now modified plan proposes to pay less than 100% to unsecured creditors without explanation. For these reasons, the plan filed April 29, 2026, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

26.	26-21629-B-13 NLG-1	JOSE GONZALEZ MENDOZA AND JANISA BENAVIDES CORDOBAS Daniel King	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY NEWREZ LLC 5-11-26 [17]

Final Ruling

CONTINUED TO 7/14/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 7/02/26.

The objection is ORDERED CONTINUED to July 14, 2026, at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

27.	26-21652-B-13 LGT-1	JOSE HERNANDEZ Rhonda Walker	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 5-11-26 [21]

Final Ruling

CONTINUED TO 7/14/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 7/02/26.

The objection is ORDERED CONTINUED to July 14, 2026, at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

28.	26-21583-B-13 LGT-1	NICKOLAS DIAZ Natali A. Ron	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 5-11-26 [34]

Final Ruling

This matter was continued from June 9, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, June 12, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 37, sustaining the objection, shall become the court's final decision. The continued hearing on June 16, 2026, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes at dkt. 37.

The court will issue an order.