

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

June 16, 2015 at 10:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

- 2.** The court will not continue any short cause evidentiary hearings scheduled below.
- 3.** If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.
- 4.** If no disposition is set forth below, the matter will be heard as scheduled.

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| 1. | 14-90411-D-13 CJY-1 | FELIPE CHAVEZ | MOTION TO MODIFY PLAN 5-15-15 [21] |
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Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

2. 12-93216-D-13 DEANNA DUNN
SDM-3

MOTION TO REFINANCE
4-24-15 [52]

Final ruling:

This is the debtor's motion for approval of a mortgage loan refinance. The motion will be denied because, with only a few exceptions, the moving party failed to serve any of the creditors filing claims in this case at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g).

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

3. 15-90018-D-13 KEVIN MIXON

MOTION TO CONFIRM PLAN
5-7-15 [32]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving papers do not include a docket control number, as required by LBR 9014-1(c); (2) the moving party failed to serve Genesis Recovery Services, added to the debtor's Schedule F by amendment filed March 4, 2015; (3) the moving party failed to serve the Employment Development Department and the Franchise Tax Board at their addresses on the Roster of Governmental Agencies, as required by LBR 2002-1(b); and (4) the moving party gave only 40 days' notice of the hearing rather than 42 days', as required by LBR 3015-1(d)(1) and applicable rules.

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

4. 12-90928-D-13 KATHRYN BYERS
RICHARD PALOMA VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
5-12-15 [35]

Final ruling:

This is a motion for relief from stay to allow the movant to proceed with pending state court litigation. The moving party initially filed this motion on May 12, 2015, however, the motion and notice suffered from several defects. The notice of hearing which was served on May 12, 2015 failed to include the information regarding opposing the motion as required by LBR 9014-1(d)(4).

On June 3, 2015 the moving party filed amended documents which attempted to address this notice defect. Although the amended notice of hearing indicates that any opposition should be filed 14 days prior to the hearing AND that the party filing opposition should appear in court, the service of the amended notice only gives potential respondents 13-day's notice which does not meet the notice requirements set forth in LBR 9014-1(f). As a result of this notice defect, the motion will be denied by minute order. No appearance is necessary.

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| 5. | 15-90229-D-13 | STANLEY/KAREN SALBECK | OBJECTION TO DEBTORS' CLAIM OF |
| | RDG-3 | | EXEMPTIONS |
| | | | 5-1-15 [22] |

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| 6. | 15-90436-D-13 | JUSTINE TUDOR | AMENDED MOTION TO VALUE |
| | JCK-1 | | COLLATERAL OF CARMAX AUTO |
| | | | FINANCE |
| | | | 5-7-15 [13] |

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

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| 7. | 14-91337-D-13 | LUIS/SONIA DELGADO | MOTION TO CONFIRM PLAN |
| | CSL-5 | | 4-21-15 [62] |

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

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| 8. | 11-92744-D-13 | JOSE/CORA PEREZ | CONTINUED MOTION TO MODIFY PLAN |
| | BSH-5 | | 3-11-15 [115] |

9. 13-90544-D-13 JOSEPH/RAEHEL BAIROS MOTION TO MODIFY PLAN
CJY-4 5-5-15 [65]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

10. 15-90147-D-13 PHINAS HATTON OBJECTION TO CONFIRMATION OF
BHT-1 PLAN BY VENTURES TRUST
2013-I-H-R
5-14-15 [26]

11. 11-90052-D-13 EUGENE/CHERYL GUZMAN MOTION TO MODIFY PLAN
CJY-1 5-5-15 [23]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

12. 15-90156-D-13 CLAUDIA BELL MOTION TO CONFIRM PLAN
LBG-1 4-27-15 [23]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

13. 15-90259-D-13 PAULA MACHT
WSS-1

OBJECTION TO CONFIRMATION OF
PLAN BY BLACK FOREST PROPERTY
INVESTORS, LLC
5-8-15 [17]

14. 10-93160-D-13 EVODIO/SILVIA ESPARZA
DCJ-3

MOTION TO MODIFY PLAN
5-5-15 [62]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

15. 14-91662-D-13 RAUL/ANA VELA
SDM-5

MOTION TO CONFIRM PLAN
5-6-15 [72]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied because the moving parties failed to serve several of the creditors that have filed claims in this case at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g).

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

16. 09-94165-D-13 MARTIN/CECILIA CAMPOS
CJY-1

MOTION TO VALUE COLLATERAL OF
GREEN TREE SERVICING, LLC
5-21-15 [52]

17. 15-90167-D-13 BERNADETTE QUILLES
CJY-3

MOTION TO CONFIRM PLAN
5-5-15 [42]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

18. 13-91271-D-13 GEORGE ESPOSITO
CJY-1

MOTION TO MODIFY PLAN
4-30-15 [30]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

19. 12-92273-D-13 DEBBIE DEAN
DEF-11

MOTION TO MODIFY PLAN
4-21-15 [151]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

20. 10-93580-D-13 MICHAEL/PATRICIA JONES
ADJ-2

MOTION TO MODIFY PLAN
5-5-15 [76]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

21. 10-93580-D-13 MICHAEL/PATRICIA JONES OBJECTION TO CLAIM OF STATE
ADJ-3 BOARD OF EQUALIZATION, CLAIM
NUMBER 29
5-5-15 [83]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

22. 15-90281-D-13 JOSEPH CALDERON OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
5-15-15 [16]

23. 15-90292-D-13 VICTOR MENDOZA AND MARIA OBJECTION TO CONFIRMATION OF
RDG-2 ARREGUIN PLAN BY RUSSELL D. GREER
5-15-15 [20]

Final ruling:

This case was dismissed on May 19, 2015. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

24. 15-90293-D-13 ROBERT/JOOLET ALVAGI OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
5-15-15 [14]

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| 25. | 15-90397-D-13 REA-1 | DANIEL MITCHELL | AMENDED MOTION TO CONFIRM TERMINATION OR ABSENCE OF STAY 5-22-15 [27] |
| 26. | 10-92309-D-13 CJY-4 | KEVIN/JANET GARVIN | MOTION TO VALUE COLLATERAL OF NATIONSTAR MORTGAGE, LLC 6-2-15 [128] |
| 27. | 15-90229-D-13 RDG-2 | STANLEY/KAREN SALBECK | CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 5-1-15 [19] |
| 28. | 15-90229-D-13 DCJ-1 | STANLEY/KAREN SALBECK | MOTION TO VALUE COLLATERAL OF HSBC MORTGAGE SERVICES, INC. 6-2-15 [37] |

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| 29. | 12-90841-D-13 JDP-1 | CARITINA SOLORIO | MOTION TO VALUE COLLATERAL OF STEVE AND THEODORE BURRIS AND PENNY LANE 6-1-15 [29] |
| 30. | 09-93556-D-13 JDP-1 | LAWRENCE/BRANDY PINEDA | MOTION TO VALUE COLLATERAL OF BANK OF AMERICA, N.A. 5-28-15 [77] |
| 31. | 10-91259-D-13 JDP-1 | SCOTT/TREASA GUPTILL | MOTION TO VALUE COLLATERAL OF CITIBANK, N.A. 5-28-15 [49] |
| 32. | 11-91075-D-13 DCJ-2 | SARAH MARTIN | CONTINUED MOTION TO MODIFY PLAN 3-15-15 [66] |

33. 10-91412-D-13 MANUEL/SOYLA OLIVAS
EJS-1

MOTION TO SELL O.S.T.
6-8-15 [48]