

**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 17, 2025

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.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

June 17, 2025 at 1:00 p.m.

1. [25-20003](#)-B-13 ADELAIDA RUIZ MOTION TO CONFIRM PLAN
[FAT](#)-3 Flor De Maria A. Tataje 4-30-25 [[37](#)]

MATTER CONTINUED TO 8/05/25 AT 1:00 P.M. BY ORDER ENTERED 6/05/25.

June 17, 2025 at 1:00 p.m.

2. [25-20006](#)-B-13 CATHRINE OCLASSEN
[BSH](#)-1 Brian S. Haddix

MOTION TO CONVERT CASE FROM
CHAPTER 13 TO CHAPTER 11
4-28-25 [[47](#)]

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 to convert case from chapter 13 to chapter 11.

This motion has been filed by Catherine Oclassen ("Debtor") to convert this case from one under chapter 13 to one under chapter 11 because she is ineligible to proceed under Chapter 13 with unsecured debts exceeding the limits set forth in 11 U.S.C. § 109(e). The chapter 13 petition was filed by Debtor's prior counsel and now new counsel has substituted into this case to represent Debtor. Upon review by new counsel, it was determined that Debtor is not eligible to proceed under chapter 13.

Pursuant to 11 U.S.C. § 1307(d), at any time before confirmation of a plan and after notice and a hearing, the court may convert a Chapter 13 case to a Chapter 11 case. Here, Debtor complies with the requirements of 11 U.S.C. § 109(d) since no plan has been confirmed. This case has not been previously converted under 11 U.S.C. §§ 706, 1112, or 1208. There being no opposition, the court will convert the case to chapter 11.

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

The court will issue an order.

3. [25-90109](#)-B-13 CHRISTINE AURAN
[MCT](#)-1 Melanie Tavare

MOTION TO CONFIRM PLAN
5-15-25 [[30](#)]

Final Ruling

The motion was not 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). Only 33-days' notice was provided. Therefore, the motion confirm plan is denied without prejudice.

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

The court will issue an order.

4. [25-90123](#)-B-13 VIOLETA SALCEDO MOTION TO CONFIRM PLAN
[FAT](#)-3 Flor De Maria A. Tataje 5-5-25 [[36](#)]
Thru #5

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)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

The amended plan filed March 27, 2025, complies with 11 U.S.C. §§ 1322 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. [25-90123](#)-B-13 VIOLETA SALCEDO CONTINUED MOTION TO DISMISS
[LGT](#)-1 Flor De Maria A. Tataje CASE
4-21-25 [[32](#)]

Final Ruling

The Chapter 13 Trustee filed a motion to withdraw its pending motion, and it is consistent with the Debtor's opposition filed to the motion. The motion is therefore dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rule of Bankruptcy Procedure 9014 and 7041. The case will proceed in this court.

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

The court will issue an order.

6. [25-21233](#)-B-13 MITZELA/JOSHUA PACHECO CONTINUED OBJECTION TO
[LGT](#)-1 Michael K. Moore CONFIRMATION OF PLAN BY LILIAN
G, TSANG
5-1-25 [[21](#)]

CONTINUED TO 7/22/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 7/17/25.

Final Ruling

No appearance at the June 17, 2025, hearing is required. The court will issue an
order.

7. [23-21257](#)-B-13 EMILIE BURTON
[RS-3](#) Richard L. Sturdevant

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FINANCIAL RELIEF
LAW CENTER, APC FOR RICHARD
STURDEVANT, DEBTORS ATTORNEY(S)
5-20-25 [[75](#)]

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 deny with prejudice the motion for additional fees for services performed in response to a motion for relief from automatic stay.

Request for Additional Fees and Costs

As part of confirmation of the Debtor's Chapter 13 plan, Richard Sturdevant ("Applicant") consented to compensation in accordance with Local Bankr. R. 2016-1(c). The court authorized payment of fees and costs totaling \$4,000.00, which was the maximum set fee amount under Local Bankruptcy Rule 2016-1(c) at the time of confirmation. Dkts. 10, 57. Applicant now seeks additional compensation in the amount of \$1,224.00 in fees and \$0.00 in costs.

Applicant provides a task billing analysis and supporting evidence of the services provided. Dkt. 75.

To obtain approval of additional compensation in a case where a "no-look" fee has been approved in connection with confirmation of the Chapter 13 plan, the applicant must show that the services for which the applicant seeks compensation are sufficiently greater than a "typical" Chapter 13 case so as to justify additional compensation under the Guidelines for Payment of Attorney's Fees in Chapter 13 Cases ("Guidelines"). *In re Pedersen*, 229 B.R. 445 (Bankr. E.D. Cal. 1999) (J. McManus). The Guidelines state that "counsel should not view the fee permitted by these Guidelines as a retainer that, once exhausted, automatically justifies a fee motion. . . . Only in instances where substantial and unanticipated post-confirmation work is necessary should counsel request additional compensation." Guidelines.

Applicant here does not address the foregoing standard. Applicant states that he was successful in opposing a motion for relief from automatic stay by Wilmington Trust, N.A. and that opposing this motion was not contemplated in the Rights and Responsibilities agreement. This is false. The agreement states on page 3, paragraph number 13, that Applicant will "represent the Debtor in response to other motions filed in the case including, but not limited to, motions for relief from stay." The only services not included in Applicant's agreement are "[r]epresentation of the debtors [sic] in any dischargeability actions [and] lien avoidances pursuant to 11 U.S.C. 522(f)(2)(A) and 11 U.S.C. 506(d)." Dkt. 13, p. 46. Accordingly, the motion for additional compensation is denied with prejudice.

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

The court will issue an order.

8. [25-21257](#)-B-13 MICHAEL MOSER
[PGM](#)-1 Peter G. Macaluso

MOTION FOR COMPENSATION FOR
PETER G. MACALUSO, DEBTORS
ATTORNEY(S)
5-19-25 [[25](#)]

DEBTOR DISMISSED: 04/07/25

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 in part the motion for compensation.

Fees and Costs Requested

Peter Macaluso ("Applicant") makes a request for the allowance of \$3,000.00 in fees and expenses. On March 19, 2025, Michael Moser ("Debtor") filed a Chapter 13 bankruptcy, and Applicant was the counsel of record. Prior to filing the bankruptcy, Applicant was paid \$3,000.00. The case was ultimately dismissed on April 7, 2025, for failure to timely file documents. Because no plan was filed and no election was made in the plan, Applicant was ordered to file a motion for allowance of compensation and reimbursement of expenses, 11 U.S.C. §§ 329, 330, Local Bankr. R. 2016-1(a)(1).

Here, Applicant states that he paid the filing fee of \$313.00 on behalf of Debtor and performed services totaling 9 hours at a rate of \$500.00 per hour, or \$4,500.00 total.

Applicant's hourly rate of \$500.00 is not reasonable. A reasonable hourly rate in this case is \$350.00. Applicant's hourly rate is reduced accordingly. At a \$350.00 hourly rate, Applicant's attorney's fees are \$3,150.00 (\$350.00 x 9 hours).

The time entry of 3 hours on March 19, 2025, is block-billed or "lumped." Block-billing prevents the court from making a reasonableness determination. *Welch v. Metro. Life Ins. Co.*, 480 F.3d 942, 948 (9th Cir. 2007). Courts in the Ninth Circuit have reduced up to 30% the hours that are block-billed. See e.g., *Lahiri v. Universal Music & Video Distrib. Corp.*, 606 F.3d 1216, 1222-23 (9th Cir. 2010). Three hours billed at \$350.00 per hour is \$1,050.00. A 30% reduction of \$1,050.00 is \$315.00 which reduces the attorney's fees to \$2,835.00 (\$3,150.00 - \$315.00).

Because this case was dismissed less than three weeks after it was filed for failure to timely file documents, some of which appear to have been in Applicant's possession inasmuch as Applicant billed for reviewing Debtor's § 521 documents and Schedules, the court will also impose a 10% "haircut" on the attorney's fees. *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008) ("[T]he district court can impose a small reduction, no greater than 10 percent – a 'haircut' – based on its exercise of discretion and without a more specific explanation."). The court can make this 10% reduction in addition to a 30% reduction of block billed time. *Lahiri*, 606 F.3d at 1223 (describing an across-the-board reduction of 10% to total fees to account for excessive work in addition to a 30% reduction of block billed time as a "reasoned exercise of discretion."). The additional 10% reduction reduces attorney's fees an additional \$315.00 to \$2,520.00 (\$2,835.00 - \$315.00).

Applicant is allowed \$2,520.00 in attorney's fees and \$313.00 in expense for the filing fee. Total approved and allowed compensation is \$2,833.00. Applicant shall return \$167.00 to Debtor and file proof of the same by June 24, 2025.

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

The court will issue an order.

9. [25-90167](#)-B-13 HAROLD EMMONS
[BSH](#)-3 Brian S. Haddix

MOTION TO CONFIRM PLAN
5-8-25 [[41](#)]

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. 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.

10. [25-21168](#)-B-13 JILL ARRINGTON
[LGT](#)-1 Kathleen H. Crist

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
5-2-25 [[15](#)]

Final Ruling

The *initial* Chapter 13 Plan filed March 16, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to June 24, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

The Chapter 13 Trustee ("Trustee") objected to confirmation on grounds that the Debtor did not appear at the meeting of creditors held April 30, 2025. The meeting was continued to May 14, 2025, and again to June 12, 2025. The Debtor appeared at the latest meeting of creditors and it was concluded. This resolves this objection to confirmation but other issues remain based on a supplemental objection filed by Trustee on June 16, 2025.

First, Form 122C-1 does not include rental income listed as \$4,180.00 on Debtor's Schedule I. Rental receipts and pay advices from all sources of income for the entire 6-month period pre-petition are needed. Without this information, it cannot be determined whether the plan provides that all of Debtor's projected disposable income to be received in the applicable commitment period will be applied to make payments to unsecured creditors under the plan. 11 U.S.C. § 1325(b).

Second, Debtor submitted copies of her 2024 federal and state income tax returns, which reflect a federal refund of \$9,179.00 and a state refund of \$3,663.00. Debtor testified that the refunds were received after the filing of her petition. Until Debtor files an amended Schedule B and C, it cannot be determined if the plan meets the liquidation test of 11 U.S.C. § 1325(a)(4).

Third, feasibility relies on the granting of a motion to value collateral for Foundation Finance. That matter has not yet been heard and is set for hearing on June 25, 2025.

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

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on June 20, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on June 24, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on June 24, 2025, at 1:00 p.m.

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

The court will issue an order.

11. [22-20972](#)-B-13 ALICIA TAYLOR
[WLG](#)-1 Nicholas Wajda

MOTION TO MODIFY PLAN
5-13-25 [[29](#)]

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.

12. [25-20485](#)-B-13 STEVEN KAMP
[SMK](#)-2 Pro Se

MOTION TO CONFIRM PLAN
5-6-25 [[50](#)]

CONTINUED TO 7/01/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 6/26/25.

Final Ruling

No appearance at the June 17, 2025, hearing is required. The court will issue an
order.

13. [23-21890](#)-B-13 ESTHER CHAVEZ MOTION TO CONFIRM PLAN
[JDH](#)-5 James D Hornbuckle 5-5-25 [[140](#)]

CONTINUED TO 7/01/25 AT 1:00 P.M. TO BE HEARD IN CONJUNCTION WITH THE MOTION TO VALUE
COLLATERAL OF DEUTSCHE BANK NATIONAL TRUST CO./SHELLPOINT SERVICING.

Final Ruling

No appearance at the June 17, 2025, hearing is required. The court will issue an
order.

14. [25-20594](#)-B-13 LUIS IBARRA
[HWW](#)-1 Hank W. Walth
Thru #17

MOTION TO AVOID LIEN OF BANK OF
AMERICA, N.A.
6-3-25 [[54](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

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 **conditionally grant the motion to avoid judicial lien and continue the matter to June 24, 2025, at 1:00 p.m.**

This is a request for an order avoiding the judicial lien of Bank of America, N.A. ("Creditor") against the Debtor's property commonly known as 1214 Dover Lane, Tracy, California ("Property").

A judgment was entered against Debtor in favor of Creditor in the amount of \$14,088.51. An abstract of judgment was recorded with San Joaquin County on September 12, 2017, which encumbers the Property.

Pursuant to the Debtor's Schedule A, the Property has an approximate value of \$731,000.00 as of the date of the petition. Debtor has claimed an exemption pursuant to Cal. Civ. Proc. Code § 704.730 in the amount of \$550,000.00 on Schedule C. A senior lien recorded against the Property totals \$543,371.52.

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the Debtor's exemption of the real property and its fixing is avoided subject to 11 U.S.C. § 349(b)(1)(B).

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, June 20, 2024, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on June 24, 2024, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on June 24, 2024, at 1:00 p.m.

15. [25-20594](#)-B-13 LUIS IBARRA
[HWW](#)-2 Hank W. Walth

MOTION TO AVOID LIEN OF MIDLAND
FUNDING LLC
6-3-25 [[58](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

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 conditionally grant the motion to avoid judicial lien and continue the matter to June 24, 2025, at 1:00 p.m.

This is a request for an order avoiding the judicial lien of Midland Funding LLC ("Creditor") against the Debtor's property commonly known as 1214 Dover Lane, Tracy, California ("Property").

A judgment was entered against Debtor in favor of Creditor in the amount of \$7,039.15. An abstract of judgment was recorded with San Joaquin County on January 11, 2018, which encumbers the Property.

Pursuant to the Debtor's Schedule A, the Property has an approximate value of \$731,000.00 as of the date of the petition. Debtor has claimed an exemption pursuant to Cal. Civ. Proc. Code § 704.730 in the amount of \$550,000.00 on Schedule C. A senior lien recorded against the Property totals \$543,371.52.

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the Debtor's exemption of the real property and its fixing is avoided subject to 11 U.S.C. § 349(b)(1)(B).

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, June 20, 2024, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on June 24, 2024, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on June 24, 2024, at 1:00 p.m.

16. [25-20594](#)-B-13 LUIS IBARRA
[HWW](#)-3 Hank W. Walth

MOTION TO AVOID LIEN OF SPV I,
LLC
6-3-25 [[62](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

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 **conditionally grant the motion to avoid judicial lien and continue the matter to June 24, 2025, at 1:00 p.m.**

This is a request for an order avoiding the judicial lien of SPV I, LLC ("Creditor") against the Debtor's property commonly known as 1214 Dover Lane, Tracy, California ("Property").

A judgment was entered against Debtor in favor of Creditor in the amount of \$10,736.21. An abstract of judgment was recorded with San Joaquin County on February 26, 2019, which encumbers the Property.

Pursuant to the Debtor's Schedule A, the Property has an approximate value of \$731,000.00 as of the date of the petition. Debtor has claimed an exemption pursuant to Cal. Civ. Proc. Code § 704.730 in the amount of \$550,000.00 on Schedule C. A senior lien recorded against the Property totals \$543,371.52.

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the Debtor's exemption of the real property and its fixing is avoided subject to 11 U.S.C. § 349(b)(1)(B).

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, June 20, 2024, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on June 24, 2024, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on June 24, 2024, at 1:00 p.m.

17. [25-20594](#)-B-13 LUIS IBARRA MOTION TO VALUE COLLATERAL OF
[HWW](#)-4 Hank W. Walth CAPITAL ONE AUTO FINANCE
6-3-25 [[66](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

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 **conditionally value the secured claim of Capital One Auto Finance at \$24,000.00 and continue the matter to June 24, 2025, at 1:00 p.m.**

Debtor moves to value the secured claim of Capital One Auto Finance ("Creditor"). Debtor is the owner of a 2018 Lexus NX 300 F Sport SUV 4-door ("Vehicle"). The Debtor seeks to value the Vehicle at a replacement value of \$24,000.00 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. 4-1 filed by Capital One Auto Finance, a division of Capital One, N.A., is the claim which may be the subject of the present motion.

Discussion

The lien on the Vehicle's title secures a purchase-money loan incurred on August 13, 2022, which is more than 910 days prior to filing of the petition, to secure a debt owed to Creditor with a balance of approximately \$37,608.44. Therefore, 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 \$24,000.00. 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 conditionally granted.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, June 20, 2024, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on June 24, 2024, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on June 24, 2024, at 1:00 p.m.

18. [25-21510](#)-B-13 FINA MARTINEZ
[LGT](#)-1 Pauldeep Bains

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
5-16-25 [[18](#)]

Final Ruling

This matter was continued from June 10, 2025. 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)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

The court's conditional ruling at dkt. 27 and the continued hearing on June 17, 2025, at 1:00 p.m. are vacated.

There being no other objection to confirmation, the plan filed March 31, 2025, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED 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.

19. [25-90256](#)-B-13 GREGORY/ELIZABETH CONTINUED OBJECTION TO
[LGT](#)-1 BROTHERTON CONFIRMATION OF PLAN BY LILIAN
Arasto Farsad G. TSANG
5-16-25 [[21](#)]

Final Ruling

This matter was continued from June 10, 2025, to be heard after the continued meeting of creditors set for June 12, 2025. However, on June 10, 2025, a first amended plan was filed. The confirmation hearing for the amended plan is scheduled for August 5, 2025.

Therefore, the court's conditional ruling at dkt. 38 and the continued hearing on June 17, 2025, at 1:00 p.m. are vacated. The objection to confirmation is overruled as moot.

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

The court will issue an order.

20. [25-90269](#)-B-13 ARTHUR/MARILU BOODE CONTINUED OBJECTION TO
[LGT](#)-1 Peter G. Macaluso CONFIRMATION OF PLAN BY LILIAN
G. TSANG
5-16-25 [[16](#)]
5-1-25 [[21](#)]

CONTINUED TO 7/8/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 7/2/25.

Final Ruling

No appearance at the June 17, 2025, hearing is required. The court will issue an
order.

21. [25-21675](#)-B-13 BRAD FORESTER
[LGT](#)-1 Peter G. Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
5-15-25 [[14](#)]

Final Ruling

This matter was continued from June 10, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, June 3, 2025. Debtor filed a reply stating that the objection should be sustained and the plan not be confirmed.

Therefore, the court's conditional ruling at dkt. 21, sustaining the objection, shall become the court's final decision. The continued hearing on June 17, 2025, at 1:00 p.m. is vacated.

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

The court will issue an order.

22. [25-20583](#)-B-13 RYAN/STEFFANIE NELSON
[FI-2](#) Fred A. Ihejirika

CONTINUED OBJECTION TO CLAIM OF
INTERNAL REVENUE SERVICE, CLAIM
NUMBER 4-1
5-5-25 [[37](#)]

Final Ruling

This matter was continued from June 10, 2025, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, June 13, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 47, sustaining the objection to claim, shall become the court's final decision. The continued hearing on June 17, 2025, at 1:00 p.m. is vacated.

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

The court will issue an order.

23. [25-21789](#)-B-13 DAVID/IMELDA VOLKMAN
Lars Fuller

CONTINUED ORDER TO SHOW CAUSE
FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
5-2-25 [[13](#)]

Final Ruling

This matter was continued from June 10, 2025, to provide Debtors' counsel additional time to correct the differing email addresses of Fuller Law Firm, P.C., as listed on PACER and on the petition.

The court's docket reflects that the email address admin@fullerlawfirm.net is consistent between PACER and the petition. The order to show cause for failure to update contact information in PACER is discharged and no sanctions are imposed.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes.

The court will issue an order.