

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

Honorable Christopher D. Jaime  
1200 I Street, Suite 200  
Modesto, California

**PRE-HEARING DISPOSITIONS COVER SHEET**

**DAY: TUESDAY**

**DATE: June 18, 2024**

**CALENDAR: 1:00 P.M. CHAPTER 13**

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

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

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

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

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

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Christopher D. Jaime  
Bankruptcy Judge  
Modesto, California

**June 18, 2024 at 1:00 p.m.**

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1. [23-90612](#)-B-13 KEITH/CHRISTE HARA MOTION FOR RELIEF FROM  
[CAS](#)-1 Simran Singh Hundal AUTOMATIC STAY  
5-13-24 [[18](#)]  
FINANCIAL SERVICES VEHICLE  
TRUST 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 automatic stay.

Financial Services Vehicle "Movant") seeks relief from the automatic stay with respect to a leased vehicle identified as a 2021 BMW X3 xDrive30i Sport utility 4D (the "Vehicle"). The moving party has provided the Declaration of Christopher Dick to introduce into evidence the documents upon which it bases the claim and the obligation owed by debtor Keith Hara ("Debtor").

The Dick Declaration states that there are 4.981 pre-petition payments in default totaling \$3,432.36. Additionally, there are 5 post-petition payments in default totaling \$3,445.00. Debtor's last payment was made on September 15, 2023, and Movant repossessed the Vehicle pre-petition on December 1, 2023.

**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.

**June 18, 2024 at 1:00 p.m.**

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.

2. [24-90058](#)-B-13 BUNDY FRANCIS  
[TLA](#)-1 Thomas L. Amberg

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF AMBERG/HARVEY FOR  
THOMAS L. AMBERG, JR., DEBTORS  
ATTORNEY(S)  
5-13-24 [[27](#)]

### **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 compensation.

### **Fees and Costs Requested**

Thomas L. Amberg, Jr. ("Movant"), the attorney to Chapter 13 Debtor, makes an interim request for the allowance of \$3,412.50 in fees. The period for which the fees are requested is for January 26, 2024, through May 14, 2024. Movant received \$500.00 prior to the filing of the present case. Movant billed for work done prior to the filing of the case, and the retainer was applied to the pre-petition fees. Movant currently has \$0.00 held in trust. Accordingly, Movant requests that \$2,912.50 in legal fees and \$45.00 of expenses be paid through the plan.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

Here, Movant's services in the relevant period included: meeting with client and analyzing her situation, creating and reviewing the Debtor's schedules, proposing a Chapter 13 plan, attending Debtor's 341 meeting of creditors' hearing, confirming the plan, and reviewing claims filed in the Debtor's case. The court finds that the compensation sought is reasonable, actual, and necessary, and the court will approve the motion.

Movant is allowed, and the Trustee is authorized to pay, the following amounts as compensation to this professional in this case:

Fees	\$2,912.50
Costs and Expenses	\$ 45.00

The motion is ORDERED GRANTED for fees of \$2,912.50 and costs and expenses of \$45.00.

The court will issue an order.