



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

**Chief Judge Fredrick E. Clement**  
Sacramento Federal Courthouse  
501 I Street, 7<sup>th</sup> Floor  
Courtroom 28, Department A  
Sacramento, California

**DAY: MONDAY**  
**DATE: JUNE 23, 2025**  
**CALENDAR: 10:30 A.M. CHAPTER 7 CASES**

---

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business** day prior to the hearing.

Information regarding how to sign up can be found on the **Court Appearances** page of our website at:

<https://www.caeb.uscourts.gov/Calendar/CourtAppearances>

Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by **ZoomGov** may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to the trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

**Unauthorized Recording is Prohibited:** Any recording of a court proceeding held by video or teleconference, including screen shots or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

## PRE-HEARING DISPOSITION INSTRUCTIONS

---

### RULINGS

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

**"No Ruling"** means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

**"Tentative Ruling"** means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

**"Final Ruling"** means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

### CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

### ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

---

1. [24-24120](#)-A-7     **IN RE: KRISTINA FLUETSCH**  
[KMT-4](#)

MOTION TO ABANDON  
6-2-2025    [\[210\]](#)

GABRIEL HERRERA/ATTY. FOR MV.  
DEBTOR DISCHARGED: 04/30/25

### **Final Ruling**

**Motion:** Authorize Trustee's Abandonment of Property of the Estate

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Conditionally granted only as to the Family Law claims and law practice described in the motion and hearing continued to July 7, 2025, at 10:30 a.m.

**Order:** Civil minute order as to the continuance; as to substance, order to be prepared by moving party pursuant to the instructions below

**Business Description:** Inventory, supplies, office furniture, and office equipment

**Value:** \$58,000-\$390,045.00 for the marital settlement and less than \$70,000 for the law practice as listed in the Trustee's Declaration, ECF No. 213

The motion has been set for hearing on less than 28-day 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 has therefore been decided on the papers.

The court's decision is to **conditionally grant the motion to abandon property of the estate and continue the matter to July 7, 2025, at 10:30 a.m.**

### **ABANDONMENT**

The chapter 7 trustee moves for an order authorizing her abandonment of the bankruptcy estate's interest in the divorce claims and law practice described in the motion, ECF No. 210.

The movant bears the burden of proof. *In re Pilz Compact Disc., Inc.*, 229 B.R. 630 (Bankr. E.D. Pa. 1999) (Chapter 7 trustee). "[B]urdensome to the estate" means "consumes the resources and drains the income of the estate." *In re Smith-Douglass, Inc.*, 856 F.2d 12, 16 (4th Cir. 1988). "[O]f inconsequential value and benefit to the estate" refers to assets not likely to be liquidated for the benefit of creditors. 11 U.S.C. § 704(a)(1); *Matter of Taxman Clothing Co.*, 49 F3d 310, 315 (7th Cir. 1995) (Chapter 7 trustee has no duty to liquidate assets where costs of doing so likely to exceed asset's value). Of inconsequential value and benefit to the estate includes assets that (1) have no equity

(including post-petition appreciation), *In re Viet Vu*, 245 B.R. 644 (9th Cir. BAP 2000); and (2) assets with equity, which has been wholly and properly exempted by the debtor. *In re Montanaro*, 307 B.R. 194 (Bankr. E.D. Cal. 2004).

#### **11 U.S.C. § 554(a)**

"After notice and a hearing, the trustee may abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." 11 U.S.C. § 554(a).

The trustee and the debtor have entered into a settlement agreement that was approved by the court on June 9, 2025, KMT-3. The agreement provides for the reduction of the Debtor's homestead exemption asserted against the real property to \$275,000.00 and the abandonment of the divorce claims and law practice. The trustee states that the divorce claims would be extremely burdensome to the estate given the cost of litigation and the dispute involved. Further, the benefit of the agreement outweighs the benefit of either the divorce claims or the law practice.

The assets described above are either burdensome to the estate or of inconsequential value to the estate. An order authorizing the trustee's abandonment of such assets is warranted. The order will authorize abandonment of only the assets that are described in the motion.

#### **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 Monday, June 23, 2025, 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 July 7, 2025, at 10:30 a.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on July 7, 2025, at 10:30 a.m.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that 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 July 7, 2025, at 10:30 a.m. will be vacated.

IT IS FURTHER ORDERED that if an opposition or response is timely filed and served, the court will hear the motion on July 7, 2025, at 10:30 a.m.

2. [24-24823](#)-A-7     **IN RE: PAUL/LAURA SMITH**  
[DWL-2](#)

MOTION TO RECONVERT CASE FROM CHAPTER 7 TO CHAPTER 13  
5-12-2025    [\[37\]](#)

PATRICIA WILSON/ATTY. FOR DBT.

**Final Ruling**

**Motion:** Conversion from Chapter 7 to Chapter 13

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

The debtors have filed a motion to reconvert their Chapter 7 case to a Chapter 13 case.

**DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

**Rule 60(b)**

Fed. R. Civ. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9024, authorizes this court to grant relief due to a "mistake, inadvertence, surprise, or excusable neglect." A motion under Rule 60(b) must be made within a "reasonable time"; which, for mistake under the rule, means a motion must be made within a year of the judgment or motion. See Fed. R. Civ. P. 60(c), *incorporated by* Fed. R. Bankr. P. 9024.

The debtor's motion to reconvert states that "due to errors in counsel's office, the plan was not timely confirmed and, in response a motion from the Chapter 13 Trustee's office, the Court converted the case". See Motion to Reconvert, 2:17-19, ECF No. 37. This court believes that this error causing the failure of plan confirmation qualifies as a mistake under Rule 60(b).

The case was converted from a Chapter 13 to a Chapter 7 on February 24, 2025. Order, ECF No. 20. This motion to reconvert was filed on May 15, 2025. Motion, ECF No. 37. Since approximately 3 months have passed since the order to convert, the filing of the motion to reconvert is reasonable under Rule 60(b). See Fed. R. Civ. P. 60(c), *incorporated* by Fed. R. Bankr. P. 9024.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Debtors' Motion to Reconvert has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted.

3. [25-22027](#)-A-7      **IN RE: JIM CLEM AND CLARA ALVAREZ**

MOTION FOR WAIVER OF THE CHAPTER 7 FILING FEE OR OTHER FEE  
4-28-2025    [\[7\]](#)

JIM CLEM/ATTY. FOR MV.

#### **Final Ruling**

**Motion:** Waiver of the Chapter 7 Filing Fee

**Disposition:** Continued to July 7, 2025, at 10:30 a.m.

**Order:** Civil minute order

The clerk's office has scheduled this hearing on the application for waiver of the Chapter 7 filing fee. This motion will be continued to July 7, 2025, at 10:30 a.m.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the motion is continued to July 7, 2025, at 10:30 a.m.

4. [16-25431](#)-A-7     **IN RE: C./CLAUDIA WRIGHT**  
[SLP-1](#)

MOTION TO AVOID LIEN OF HERITAGE SERVICE CORPORATION  
5-19-2025    [\[52\]](#)

STACIE POWER/ATTY. FOR DBT.  
DEBTORS DISCHARGED: 09/18/17

#### **Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Disposition:** Denied without prejudice

**Order:** Civil minute order

The court will deny the motion without prejudice on grounds of insufficient service of process on the responding party.

#### **SERVICE**

A motion to avoid a lien is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4003(d), 9014(b); see also *In re Villar*, 317 B.R. 88, 92 n.6 (B.A.P. 9th Cir. 2004). Under Rule 7004, service on corporations and other business entities must be made by mailing a copy of the motion "to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process." Fed. R. Bankr. P. 7004(b)(3).

Service of the motion was insufficient. Without a certificate of service, the court will not be able to determine whether the motion was mailed to the attention of an officer, managing or general agent, or other agent authorized to accept service. Because no certificate of service was filed, the court is unable to determine if service complies with Fed. R. Bankr. P. 7004(b)(3), 4003.

#### **VIOLATION OF LBR 9014-1(c)**

The docket control number given for this matter violates the court's Local Rules, LBR 9014-1(c), regarding proper use of docket control numbers. When using a docket control number, a party must use both letters (usually initials of the attorney for the movant) and a number. The numerical portion of the docket control number must be "the number that is one number higher than the number of motions previously filed by said attorney" in that particular case. LBR 9014-1(c)(3). Thus, a party may not use the same docket control number on separate matters filed in the same case.

The docket control number used in this motion was used in two previous motions by the debtor - both motions to avoid lien: one filed on January 27, 2025, ECF No. 34 and the other filed on April 7, 2025, ECF No. 46.



## **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's motion to avoid lien has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

5. [24-25544](#)-A-7     **IN RE: MARTIN ZERMENO**  
[AP-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
5-22-2025     [\[98\]](#)

MICHAEL HAYS/ATTY. FOR DBT.  
WENDY LOCKE/ATTY. FOR MV.  
U.S. BANK NATIONAL ASSOCIATION VS.

### **Final Ruling**

This Case was dismissed on June 10, 2025. The motion is dismissed as moot.

6. [25-22047](#)-A-7     **IN RE: SAUL CORTEZ AND TERESA GOMEZ**

MOTION FOR WAIVER OF THE CHAPTER 7 FILING FEE OR OTHER FEE  
4-29-2025     [\[7\]](#)

SAUL CORTEZ/ATTY. FOR MV.

### **Final Ruling**

**Motion:** Waiver of the Chapter 7 Filing Fee

**Disposition:** Continued to July 7, 2025, at 10:30 a.m.

**Order:** Civil minute order

The clerk's office has scheduled this hearing on the application for waiver of the Chapter 7 filing fee. This motion will be continued to July 7, 2025, at 10:30 a.m.

## **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the motion is continued to July 7, 2025, at 10:30 a.m.

7. [25-22061](#)-A-7     **IN RE: AMBER COOK**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT  
INFORMATION IN PACER  
5-19-2025    [\[14\]](#)

ASHLEY AMERIO/ATTY. FOR DBT.

**Final Ruling**

This matter has been resolved. Counsel has submitted a change of address, updated e-mail, and change of name for Attorney Ashley Majors, formerly known as Ashley Amerio. No further appearances are necessary.

8. [25-20364](#)-A-7     **IN RE: ERIC/AMBER PRIVETT**  
[MJP-1](#)

MOTION TO AVOID LIEN OF BALBOA CAPITAL CORPORATION  
5-19-2025    [\[16\]](#)

MICHAEL PRIMUS/ATTY. FOR DBT.  
DEBTORS DISCHARGED: 05/12/25

**Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

**Subject Property:** 2270 Morgan Avenue, Sacramento, California

**Judicial Lien Avoided:** \$120,167.66 (Balboa Capital Corporation)

**All Other Liens:**

- [First Deed of Trust] \$176,000.00

**Exemption:** \$250,00.00 (Schedules A/B, ECF No. 1)

**Value of Property:** \$413,000.00 (Schedules A/B. ECF No. 1)

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor seeks an order avoiding the judicial lien of creditor Balboa Capital Corporation under 11 U.S.C. § 522(f).

#### **LIEN AVOIDANCE**

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The responding party's judicial lien, all other liens, and the exemption amount together equals exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the responding party's judicial lien will be avoided entirely.

9. [25-20564](#)-A-7     **IN RE: DONALD/ANGELA TINSLEY**  
[TNT-1](#)

MOTION TO AVOID LIEN OF FINANCIAL PACIFIC INSURANCE COMPANY  
5-23-2025    [\[82\]](#)

DONALD TINSLEY/ATTY. FOR MV.

### **Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

**Subject:** 1517 Midway Drive, Woodland, California

**Judicial Lien Avoided:** \$76,862.00 (Financial Pacific Insurance Co.)

**All Other Liens:**

- \$13,568.26 (A. Teichert & Sons - Recorded August 14, 2014)
  - \$46,117.77 (Adler Tank Rentals - Recorded May 21, 2015)
  - \$108,968.26 (Domus Construction & Design - Recorded June 21, 2021)
- Deed of Trust - \$521,931.00 (U.S. Bank Trust N.A.)

**Exemption:** \$617,000.00, Amended Schedule C, ECF No. 29

**Value of Property:** \$1,025,000.00, Amended Schedule A, ECF No. 29

The creditor has filed an opposition stating that lien avoidance is not permissible due to the foreclosure sale that occurred on February 6, 2025. Opposition, ECF No. 109. The court held on June 9, 2025, that the foreclosure sale occurred during the automatic stay, and that relief and/or annulment from the automatic stay would not be granted. Order, ECF No. 113. As such, the subject property is property of the estate, and the lien-avoidance analysis continues as follows:

### **LIEN-AVOIDANCE STANDARDS**

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption

that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

#### **REVERSE-PRIORITY ANALYSIS**

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) Domus Construction and Design, (ii) Adler Tank Rentals, (iii) Financial Pacific Insurance Co., (iv) A. Teichert & Sons. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$617,000.00 exemption in the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$1,384,447.29. The value of the property is \$1,025,000.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the respondent's judicial lien will be avoided entirely.

10. [25-20564](#)-A-7     **IN RE: DONALD/ANGELA TINSLEY**  
[TNT-2](#)

MOTION TO AVOID LIEN OF ADLER TANK RENTALS, LLC  
5-23-2025     [\[72\]](#)

DONALD TINSLEY/ATTY. FOR MV.

### **Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

**Subject:** 1517 Midway Drive, Woodland, California

**Judicial Lien Avoided:** \$46,117.77 (Adler Tank Rentals)

#### **All Other Liens:**

- \$13,568.26 (A. Teichert & Sons - Recorded August 14, 2014)
- \$76,862.00 (Financial Pacific Ins. Co. - Recorded April 17, 2017)
- \$108,968.26 (Domus Construction & Design - Recorded June 21, 2021)
- Deed of Trust - \$521,931.00 (U.S. Bank Trust N.A.)

**Exemption:** \$617,000.00, Amended Schedule C, ECF No. 29

**Value of Property:** \$1,025,000.00, Amended Schedule A, ECF No. 29

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **LIEN-AVOIDANCE STANDARDS**

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all

other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

#### **REVERSE-PRIORITY ANALYSIS**

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C. § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) Domus Construction and Design, (ii) Adler Tank Rentals, (iii) Financial Pacific Insurance Co., (iv) A. Teichert & Sons. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$617,000.00 exemption in the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$1,384,447.29. The value of the property is \$1,025,000.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the respondent's judicial lien will be avoided entirely.

11. [25-20564](#)-A-7     **IN RE: DONALD/ANGELA TINSLEY**  
[TNT-3](#)

MOTION TO AVOID LIEN OF TEICHERT & SON, INC.  
5-23-2025    [\[67\]](#)

DONALD TINSLEY/ATTY. FOR MV

### **Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

**Subject:** 1517 Midway Drive, Woodland, California

**Judicial Lien Avoided:** \$13,568.26 (A. Teichert & Sons)

**All Other Liens:**

- \$46,117.77 (Adler Tank Rentals - Recorded May 21, 2015)
- \$76,862.00 (Financial Pacific Ins. Co. - Recorded April 17, 2017)
- \$108,968.26 (Domus Construction & Design - Recorded June 21, 2021)
- Deed of Trust - \$521,931.00 (U.S. Bank Trust N.A.)

**Exemption:** \$617,000.00, Amended Schedule C, ECF No. 29

**Value of Property:** \$1,025,000.00, Amended Schedule A, ECF No. 29

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **LIEN-AVOIDANCE STANDARDS**

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption



that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

#### **REVERSE-PRIORITY ANALYSIS**

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) Domus Construction and Design, (ii) Adler Tank Rentals, (iii) Financial Pacific Insurance Co., (iv) A. Teichert & Sons. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$617,000.00 exemption in the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$1,384,447.29. The value of the property is \$1,025,000.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the respondent's judicial lien will be avoided entirely.

12. [25-20564](#)-A-7     **IN RE: DONALD/ANGELA TINSLEY**  
[TNT-4](#)

MOTION TO AVOID LIEN OF DOMUS CONSTRUCTION & DESIGN, INC.  
5-23-2025    [\[77\]](#)

DONALD TINSLEY/ATTY. FOR MV.

### **Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

**Subject:** 1517 Midway Drive, Woodland, California

**Judicial Lien Avoided:** \$108,968.26 (Domus Construction & Design)

#### **All Other Liens:**

- \$13,568.26 (A. Teichert & Sons - Recorded August 14, 2014)
  - \$46,117.77 (Adler Tank Rentals - Recorded May 21, 2015)
  - \$76,862.00 (Financial Pacific Ins. Co. - Recorded April 17, 2017)
- Deed of Trust - \$521,931.00 (U.S. Bank Trust N.A.)

**Exemption:** \$617,000.00, Amended Schedule C, ECF No. 29

**Value of Property:** \$1,025,000.00, Amended Schedule A, ECF No. 29

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **LIEN-AVOIDANCE STANDARDS**

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all

other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

#### **REVERSE-PRIORITY ANALYSIS**

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) Domus Construction and Design, (ii) Adler Tank Rentals, (iii) Financial Pacific Insurance Co., (iv) A. Teichert & Sons. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$617,000.00 exemption in the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$1,384,447.29. The value of the property is \$1,025,000.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the respondent's judicial lien will be avoided entirely.

13. [25-21869](#)-A-7      **IN RE: ANDY WOOD AND LAURA MORRISON**

MOTION FOR WAIVER OF THE CHAPTER 7 FILING FEE OR OTHER FEE  
4-21-2025    [\[7\]](#)

ANDY WOOD/ATTY. FOR MV.

#### **Final Ruling**

**Motion:** Waiver of the Chapter 7 Filing Fee

**Disposition:** Continued to July 7, 2025, at 10:30 a.m.

**Order:** Civil minute order

The clerk's office has scheduled this hearing on the application for waiver of the Chapter 7 filing fee. This motion will be continued to July 7, 2025, at 10:30 a.m.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the motion is continued to July 7, 2025, at 10:30 a.m.

14. [25-22473](#)-A-7     **IN RE: TYLERJAMES MCCALL**  
[AMD-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
5-28-2025    [\[17\]](#)

ASHLEY DEGUZMAN/ATTY. FOR MV.  
MICHAEL TRAYNOR VS.

### **Final Ruling**

**Motion:** Motion to Shorten Time; Motion for Relief from the Automatic Stay

**Disposition:** Denied without prejudice

**Order:** Civil minute order

The court will deny the motion without prejudice on grounds of insufficient service of process.

A motion for relief from stay is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4001(a)(1), 9014(b). Under Rule 7004, service on an individual must be made by first class mail addressed to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession." Fed. R. Bankr. P. 7004(b)(1). A debtor in bankruptcy may be served before the case is dismissed or closed "at the address shown in the petition or to such other address as the debtor may designate in a filed writing." Fed. R. Bankr. P. 7004(b)(9).

Here, service of the motion was insufficient.

The court is unable to determine if the motion and supporting papers were served properly on the debtor or any other parties in interest. A certificate of service has not been filed with this motion as required. LBR 9014-1(e).

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Movant's motion for stay relief has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

15. [25-21980](#)-A-7      **IN RE: ELI RAMOS AND ROSIE SLOVER**

MOTION FOR WAIVER OF THE CHAPTER 7 FILING FEE OR OTHER FEE  
4-25-2025    [\[7\]](#)

ELI RAMOS/ATTY. FOR MV.  
DEBTORS DISMISSED: 05/13/25

**Final Ruling**

This case was dismissed on May 13, 2025. Accordingly, the motion will be removed from the calendar as moot. No appearances are required.

16. [25-22185](#)-A-7      **IN RE: ANGEL JESUS SILVA**  
[ALG-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
5-23-2025    [\[10\]](#)

BERT VEGA/ATTY. FOR DBT.  
ARNOLD GRAFF/ATTY. FOR MV.  
BRIAN STEWART WEISS, TRUSTEE OF THE BRIAN  
STEWART WEISS REVOCABLE TRUST VS.

**Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Conditionally granted only as to the relief from stay and hearing continued to July 7, 2025, at 10:30 a.m.

**Order:** Civil minute order

**Subject:** 337 Falcon Drive, Vallejo, California

The motion has been set for hearing on less than 28-day 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 has therefore been decided on the papers.

The court's decision is to **conditionally grant the motion for stay relief and continue the matter to July 7, 2025, at 10:30 a.m.**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

## **FACTS**

Movant obtained title to the subject property by way of a Trustee's Deed Upon Sale recorded on January 14, 2025. Prior to the foreclosure of the property, title was vested in Pablo E. Silva. He was the Borrower under a Deed of Trust dated June 8, 2022. When the borrower defaulted under the terms of the Deed of Trust, foreclosure proceedings commenced. On January 19, 2025, Movant served the borrower with a Notice to Quit as well as all other occupants of the property. Defendants remained in the property despite the notice to quit. Movant then filed a complaint for unlawful detainer against the borrower and all other occupants on February 20, 2025. After Movant's motion for summary judgment was heard and granted, a judgment for possession was entered in favor of movant against the borrower and all other occupants, including debtor. See Ex. 4, ECF No. 14. A writ of possession was subsequently issued in favor of movant and against the borrower and all other occupants. See Ex. 5, ECF No. 14. The debtor does not claim to hold any legal ownership in the property. Vol. Pet., Schedules A/B, ECF No. 1.

## **STAY RELIEF**

Section 362(d)(1) authorizes stay relief for cause shown. Cause includes the debtor's pre-petition loss of real property by way of foreclosure. In this case, the debtor's interest in the property was extinguished prior to the petition date by a foreclosure sale. The motion will be granted. The movant may take such actions as are authorized by applicable non-bankruptcy law, including prosecution of an unlawful detainer action (except for monetary damages) to obtain possession of the subject property. The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

## **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 Monday, June 23, 2025, 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 July 7, 2025, at 10:30 a.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on July 7, 2025, at 10:30 a.m.

## **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Movant's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that 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 July 7, 2025, at 10:30 a.m. will be vacated.

IT IS FURTHER ORDERED that if an opposition or response is timely filed and served, the court will hear the motion on July 7, 2025, at 10:30 a.m.

IT IS FURTHER ORDERED that the motion is conditionally granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 337 Falcon Drive, Vallejo, California, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may take such actions as are authorized by applicable non-bankruptcy law, including prosecution of an unlawful detainer action (except for monetary damages) to obtain possession of the subject property.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

17. [25-22096](#)-A-7     **IN RE: ELI CASTRO**  
[SKI-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
5-20-2025    [\[11\]](#)

PAULDEEP BAINS/ATTY. FOR DBT.  
SHERYL ITH/ATTY. FOR MV.  
TD BANK, N.A. VS.  
TRUSTEE NON-OPPOSITION

### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Subject:** 2018 Tesla Model S

**Value of Collateral:** \$28,700.00

**Aggregate of Liens:** \$36,271.41

**Cause:** delinquent installment payments 3 months/\$ 2,602.23

These minutes constitute the court's findings of fact and conclusions of law required by Fed. R. Civ. P. 52(a), *incorporated* by Fed. R. Bankr. P. 7052, 9014(c). The findings of fact are as set forth above; the conclusions of law are as set forth below.

### **DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **STAY RELIEF**

11 U.S.C. § 362(d)(1)

"[A]fter notice and a hearing," the court may terminate, annul, modify or condition the stay: (1) "for cause, including the lack of adequate protection"; or (2) "with respect to a stay of an act against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); *see also* Fed. R. Bankr. P. 4001(a)(1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g)(1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g.,



the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g) (2).

Subsection (d) (1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d) (1). The debtor bears the burden of proof. 11 U.S.C. § 362(g) (2). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1). "An undersecured creditor is entitled to adequate protection only for the decline in the [collateral's] value after the bankruptcy filing." See Kathleen P. March, Hon. Alan M. Ahart & Janet A. Shapiro, *California Practice Guide: Bankruptcy* ¶ 8:1065.1 (rev. 2019) (citing *United Sav. Ass'n v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 370-73 (1988)); see also *In re Weinstein*, 227 BR 284, 296 (9th Cir. BAP 1998) ("Adequate protection is provided to safeguard the creditor against depreciation in the value of its collateral during the reorganization process"); *In re Deico Electronics, Inc.*, 139 BR 945, 947 (9th Cir. BAP 1992) ("Adequate protection payments compensate undersecured creditors for the delay bankruptcy imposes upon the exercise of their state law remedies").

The debtor is obligated to make debt payments to the moving party pursuant to a loan contract that is secured by a security interest in the debtor's vehicle described above. The debtor has defaulted on such loan with the moving party, and postpetition payments are past due. Vehicles depreciate over time and with usage. As a consequence, the moving party's interest in the vehicle is not being adequately protected due to the debtor's ongoing postpetition default.

Cause exists to grant relief under § 362(d) (1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a) (3) will be waived. No other relief will be awarded.

#### 11 U.S.C. § 362(d) (2)

"[A]fter notice and a hearing," the court may terminate, annul, modify or condition the stay: (1) "for cause, including the lack of adequate protection"; or (2) "with respect to a stay of an act against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); see also Fed. R. Bankr. P. 4001(a) (1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g) (1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g., the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g) (2).

Section 362(d) (2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective reorganization. 11 U.S.C. § 362(d) (2). Chapter 7 is a mechanism

for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982).

In this case, the aggregate amount due on all liens exceeds the value of the collateral and the debtor has no equity in the property. As a consequence, the motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

T.D. Bank, N.A.'s motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 2018 Tesla Model S, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

18. [25-22462](#)-A-7     **IN RE: PATRICK TORREY**  
[LFC-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY , MOTION TO CONFIRM  
TERMINATION OR ABSENCE OF STAY  
6-6-2025    [\[16\]](#)

LUIS CHAVES/ATTY. FOR MV.  
TY INVESTMENT, LLC VS.

### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Conditionally granted only as to the relief from stay  
and hearing continued to July 7, 2025, at 10:30 a.m.

**Order:** Civil minute order

**Subject:** 4832 Don Julio Boulevard, Sacramento, California

The motion has been set for hearing on less than 28-day 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 has therefore been  
decided on the papers.

The court's decision is **to conditionally grant the motion for stay  
relief and continue the matter to July 7, 2025, at 10:30 a.m.**

Unopposed motions are subject to the rules of default. Fed. R. Civ.  
P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default  
of the responding party is entered. The court considers the record,  
accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v.*  
*Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **FACTS**

In 2022, the debtor borrowed \$120,000 from movant and executed a  
balloon note evidencing the debt. Declaration, 2:5-6. To secure  
repayment of the note, the debtor executed a deed of trust granting  
the movant a security interest in the subject property. After  
defaults in payment from the debtor, movant recorded a notice of  
default and then a notice of sale on October 9, 2024. Declaration,  
2:10-12. A judicial foreclosure sale occurred on November 7, 2024,  
where movant was the successful bidder and became owner pursuant to  
a valid trustee's deed which was issued the same day. *Id.*, 2:13-18.  
In January, a 3-day notice to quit was served on the debtor. *Id.*,  
2:19-21. When debtor did not vacate the property, movant filed a  
complaint for unlawful detainer. On April 23, 2025, the state court  
entered a judgement in the unlawful detainer action stating that  
after foreclosure the right of possession is terminated. Exhibit 4,

ECF No. 19. On June 4, 2025, the Sacramento County Sheriff sent a fax to the movant's attorney stating that they were unable to proceed with the lockout due to the debtor's bankruptcy. Exhibit 5, ECF No. 19.

### **STAY RELIEF**

Section 362(d)(1) authorizes stay relief for cause shown. Cause includes the debtor's pre-petition loss of real property by way of foreclosure. In this case, the debtor's interest in the property was extinguished prior to the petition date by a foreclosure sale. The motion will be granted. The movant may take such actions as are authorized by applicable non-bankruptcy law, including prosecution of an unlawful detainer action (except for monetary damages) to obtain possession of the subject property. The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

### **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 Monday, June 23, 2025, 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 July 7, 2025, at 10:30 a.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on July 7, 2025, at 10:30 a.m.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Movant's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that 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 July 7, 2025, at 10:30 a.m. will be vacated.

IT IS FURTHER ORDERED that if an opposition or response is timely filed and served, the court will hear the motion on July 7, 2025, at 10:30 a.m.

IT IS FURTHER ORDERED that the motion is conditionally granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 4832 Don Julio Boulevard, Sacramento, California, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may take such actions as are authorized by applicable non-bankruptcy law, including prosecution of an unlawful detainer action (except for monetary damages) to obtain possession of the subject property.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.