



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

June 24, 2025 at 1:30 p.m.

Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (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 **Remote 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 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:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. 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.

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UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

June 24, 2025 at 1:30 p.m.

1. [25-20024](#)-C-13 RHOEL COLOMA AND MAUREEN CONTINUED MOTION TO CONFIRM
[CYB](#)-1 FLORES-COLOMA PLAN
Candace Brooks 4-24-25 [[43](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 48.

The Motion to Confirm is denied.

The debtors filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 45) filed on April 24, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 56) on May 19, 2025, opposing confirmation on the following grounds:

1. Plan payments extend beyond 5 years;
2. Plan fails to provide for equal monthly payments to secured claims; and
3. The plan is not feasible

Secured Creditor, Real Time Resolutions, Inc., filed an Opposition (Dkt. 53) on May 9, 2025, opposing confirmation on the following grounds:

1. The plan is not feasible;
2. The plan proposes only three lump sum payments of \$15,000.00 a year and then a refinance; and
3. Creditor is not adequately protected.

RESPONSE

Debtors filed responses to the Chapter 13 Trustee (Dkt. 61) on May 30, 2025, and Real Time Resolutions (Dkt. 58) on May 19, 2025 with the following responses:

1. Debtors propose increasing the plan payments by \$168 per month;

2. Debtors are proposing "Ensminger terms or Provisions" for secured creditors class 1 claim, and assert that on, or before, April 2027 they will refinance to pay creditor in full;

3. Debtors believe their plan is feasible because they have the ability to provide for all contractual payments and can make the annual lump sum payments.

DISCUSSION

The plan mathematically requires a higher payment than the amount proposed in the plan. Further, the annual lump sum amount is only speculative at this point because it relies on future income tax refunds, which may, or may not, actually occur.

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed and relies on speculative future tax refunds. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtors, Rhoel Coloma and Maureen Flores-Coloma, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

2. [25-21229](#)-C-13 VERNON DAVIS
[PLC](#)-3 Peter Cianchetta

CONTINUED MOTION TO VALUE
COLLATERAL OF CARMAX BUSINESS
SERVICES, LLC.
5-9-25 [[33](#)]

Thru #4

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 18 days' notice was provided. Dkt. 37.

The Motion to Value is ~~xxxxxx~~.

This hearing was continued to allow the Creditor an opportunity to inspect the vehicle.

The debtor filed this Motion seeking to value the portion of Carmax Business services LLC's ("Creditor") claim secured by the debtor's property commonly known as 2018 Mazda CX-5 (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$8,683.00. Declaration, Dkt. 35.

Creditor filed an opposition (dkt. 46) asserting that the replacement value of the property should be no less than \$12,000.00.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on April 25, 2021, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is ~~xxxxxxxxxx~~

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 40 days' notice was provided. Dkt. 42.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 41) filed on May 15, 2025.

The Chapter 13 Trustee filed a supplement to her Opposition (Dkt. 61) on June 18, 2025, opposing confirmation on the following grounds:

1. Debtor is unable to make all plan payments;
2. The plan fails to provide for a monthly dividend for attorney's fees.

Carmax Business Services, LLC ("Creditor") filed an opposition (Dkt. 51.) On May 29, 2025, opposing confirmation on the following grounds:

1. The plan fails to provide for adequate protection payments on Creditors purchase money security interest;
2. The plan relies on a Motion to Value Creditor's Collateral that has not been decided and that the parties disagree as to the value of the vehicle; and
3. The interest rate on Creditors debt is too low.

DISCUSSION

The debtor has not explained has supplied insufficient information relating to his income to assist the Chapter 13 Trustee in determining whether the debtor can make the plan payments. Debtor fails to provide a declaration from his family member(s) that are able and willing to lend money to debtor.

The plan proposes valuing the secured claim of Carmax. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

The plan proposes a monthly payment that is less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

Creditor opposes confirmation on the basis that the plan proposes paying its claim at 8.5 percent interest. Creditor argues that this interest

rate is outside the limits authorized by the Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). In *Till*, a plurality of the Court supported the "formula approach" for fixing post-petition interest rates. *Id.* Courts in this district have interpreted *Till* to require the use of the formula approach. See *In re Cachu*, 321 B.R. 716 (Bankr. E.D. Cal. 2005); see also *Bank of Montreal v. Official Comm. of Unsecured Creditors (In re American Homepatient, Inc.)*, 420 F.3d 559, 566 (6th Cir. 2005) (*Till* treated as a decision of the Court). Even before *Till*, the Ninth Circuit had a preference for the formula approach. See *Cachu*, 321 B.R. at 719 (citing *In re Fowler*, 903 F.2d 694 (9th Cir. 1990)).

The court agrees with the court in *Cachu* that the correct valuation of the interest rate is the prime rate in effect at the commencement of this case plus a risk adjustment. Because the creditor has only identified risk factors common to every bankruptcy case, the court fixes the interest rate as the prime rate in effect at the commencement of the case, 7.50%, plus a 1.25% risk adjustment, for a 8.75% interest rate.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Vernon Davis, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

4. [25-21229](#)-C-13 VERNON DAVIS
[SKI](#)-1 Peter Cianchetta

OBJECTION TO CONFIRMATION OF
PLAN BY CARMAX BUSINESS
SERVICES, LLC
4-30-25 [[25](#)]

Final Ruling: No appearance at the June 24, 2025 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 55 days' notice was provided. Dkt. 29.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is overruled as moot.

Creditor Carmax Business Services, LLC filed this Objection to Confirmation on April 30, 2025. Thereafter, the debtor filed an amended plan and corresponding Motion to Confirm, making this Objection moot. Dkts. 38, 41.

Therefore, the Objection is overruled.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Carmax Business Services, LLC, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is overruled as moot.

5. [23-24439](#)-C-13 SANDRA SANDERS
[LGT](#)-1 Tanisha Bostick

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
5-30-25 [[70](#)]

Final Ruling: No appearance at the June 24, 2025 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 25 days' notice was provided. Dkt. 72.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor's plan fails to utilize the Standardized form in the Eastern District of California;
2. The Meeting of Creditors has not concluded, and debtor has failed to provide ID, Social Security Number, Pay Advices and Income Tax Returns;

DISCUSSION

All chapter 13 debtors, as well as the trustee and holders of unsecured claims, when proposing a plan pursuant to 11 U.S.C. §§ 1321, 1323, and 1329(a), shall utilize Form EDC 3-080, the standard form Chapter 13 Plan. LBR 3015-1(a). Use of the local standardized form is mandatory.

Appearance at the Meeting of Creditors is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan before appearing and being questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required pay advices. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the

Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

6. [23-24439](#)-C-13 SANDRA SANDERS
[RAS](#)-1 Tanisha Bostick

OBJECTION TO CONFIRMATION OF
PLAN BY FEDERAL HOME LOAN
MORTGAGE CORPORATION
6-4-25 [[73](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 75.

The Objection to Confirmation of Plan is sustained.

Creditor Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Freddie Mac Seasoned Credit Risk Transfer Trust, Series 2019-2 ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to provide for Creditor's claim.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the claim as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Federal Home Loan Mortgage Corporation, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

7. [25-20869](#)-C-13 ANDREAS TZORTZIS
[FWP](#)-1 Zheng Liu

CONTINUE OBJECTION TO
CONFIRMATION OF PLAN BY DITKOF
PROPERTIES, LLC
4-24-25 [[56](#)]

Thru #8

No Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 33 days' notice was provided. Dkt. 58.

The Objection to Confirmation of Plan is xxxxxxxxxx

Creditor Ditkof Properties LLC filed this Objection to Confirmation on April 24, 2025. Thereafter, the debtor filed an amended plan. Dkt. 91. The debtor has failed to file a corresponding Motion to Confirm Plan, which would make the objection Moot.

Therefore, the Objection xxxxxxxxxx

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Ditkof Properties LLC , having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is xxxxxxxxxx

8. [25-20869](#)-C-13 ANDREAS TZORTZIS
[FWP](#)-2 Zheng Liu

MOTION TO CONVERT CASE FROM
CHAPTER 13 TO CHAPTER 7 AND/OR
MOTION TO DISMISS CASE
6-10-25 [[80](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 87.

The Motion to Convert or Dismiss is xxxxxxxxxx

Creditor Ditkoff Properties LLC ("Creditor") filed this Motion To Convert the case to one under chapter 7, or to dismiss the case. Creditor asserts that the debtor is ineligible under 11 U.S.C. § 109(e) to proceed under chapter 13 because his noncontingent liquidated unsecured debts exceed \$465,275 and his noncontingent liquidated secured debts exceed \$1,395,875 as of the petition date.

Creditor contends that its debt was incorrectly listed as an unliquidated debt on debtor's Schedule E/F, which if corrected would cause debtor's liquidated debt to be higher than the limits in the Code.

Additionally, Creditor asserts that debtor failed to list the secured debt of Wilmington Savings Fund Society, FSB, as Owner Trustee of the Residential Credit Opportunities Trust X-A in debtor's Schedule D. Creditor contends that this debt is also noncontingent and liquidated, and if included would exceed the limits for eligibility for chapter 13 in the Code.

Creditor argues that conversion, rather than dismissal, is in the best interests of creditors and the estate because it believes that debtor concealed properties that he has an ownership interest in, transferred properties before the filing of the petition without disclosing them on the Statement of Financial Affairs, and failed to schedule debt that is owed. Therefore, a chapter 7 trustee would be able to investigate debtor's financial affairs and purported properties that were not listed, and if necessary, bring actions to recover properties for the benefit of creditors and the estate.

Based on the foregoing, xxxxxxxxxxxxxxxx

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are
stated in the Civil Minutes for the hearing.

The Motion to Convert or Dismiss the
Chapter 13 case filed by the Creditor, Ditkoff
Properties LLC , having been presented to the

court, and upon review of the pleadings,
evidence, arguments of counsel, and good cause
appearing,

IT IS ORDERED that the Motion is **xxxxxx**

9. [25-20679](#)-C-13 CHANCHAI VUE
[PPR](#)-1 Peter Cianchetta
TRANSFORM CREDIT, INC. VS.

MOTION FOR RELIEF FROM
CO-DEBTOR STAY
5-29-25 [[34](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that only 26 days' notice was provided. Dkt. 39.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion for Relief from the Co-Debtor Stay is granted.

Transform Credit Inc. ("Movant") filed this Motion seeking relief from the co-debtor stay under 11 U.S.C. § 1301(a) against Kevin Lee.

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 1301(c) because the plan filed by the debtor proposes not to pay Movant's claim. 11 U.S.C. § 1301(c)(2).

DISCUSSION

Movant has provided sufficient grounds to grant relief from the co-debtor stay under 11 U.S.C. § 1301(a). Movant has established, pursuant to 11 U.S.C. § 1301(c), that the plan does not pay claim of Movant.

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having lien rights against the Property, 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.

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests, for no particular reason, that the court grant relief from the Rule as adopted by the United States Supreme Court. With no grounds for such relief specified, the court will not grant additional relief merely stated in the prayer.

Movant has not pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is not granted.

No other or additional relief is granted by the court.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by Transfrom Credit, Inc. ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS FURTHER ORDERED that the request to terminate the co-debtor stay of Kevin Lee of 11 U.S.C. § 1301(a) is granted to the same extent as provided in the forgoing paragraph granting relief from the automatic stay arising under 11 U.S.C. § 362(a).

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is not waived for cause.

No other or additional relief is granted.

10. [25-20682](#)-C-13 JOSE SALGADO
[KMG](#)-1 Peter Macaluso

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
4-7-25 [[24](#)]

KRISTINE WHITE, MATTHEW
WHITE, NAVOLUTIONS, INC. VS.

Thru #12

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 34.

The Motion for Relief from the Automatic Stay is xxxxxx.

Navolutions, Inc., Matthew White, and Kristine White ("Movants") filed this Motion seeking relief from the automatic stay as to the debtor's property commonly known as 4419 77th Street, Sacramento, CA (the "Property").

Movants argue cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the the loan was not paid off when due on September 1, 2024. Declaration, Dkt. 28.

Movants also argue cause exists pursuant to 11 U.S.C. § 362(d)(4) because the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved a transfer of an interest in the Property without consent of the secured creditor or court approval. Movants contend that the property was previously owned by HBA Enterprises when the loan was made and the deed of trust was issued. On May 2, 2024, HBA Enterprises signed a grant deed of the property to debtor, which was recorded on June 18, 2024. Additionally, Movants assert that the debtor's homestead exemption is limited to \$189,050 pursuant to 11 U.S.C. § 522(p).

DEBTOR'S OPPOSITION

Debtor filed an Opposition on April 22, 2025. Dkt. 35. Debtor asserts that cause does not exist for relief because: (1) the property is insured; (2) the debtor is current on plan payments; (3) equity exists in the property; and (4) a chapter 13 plan of reorganization is pending.

MOVANTS' REPLY

Movants filed a reply on April 28, 2025. Dkt. 38. Movants assert that Movants' deed of trust is valid, the debtor acknowledges that he voluntarily transferred the property to HBA Enterprises on May 28, 2021, and the claimed homestead exemption does not apply pursuant to 11 U.S.C. § 522(p).

DISCUSSION

This matter was continued to see if the debtor would be able to file

a confirmable plan. Since the prior hearing, the debtor has filed an amended plan (dkt. 57) on May 16, 2025. The motion to confirm the plan is set to be heard on June 24, 2025. Dkts. 53 & 54.

At the hearing **xxxxxxxxxx**

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by Navolutions, Inc., Matthew White, and Kristine White ("Movants") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the automatic stay provisions of 11 U.S.C. § 362(a) are **xxxxxxxxxx**

11. [25-20682](#)-C-13 JOSE SALGADO
[KMG](#)-2 Peter Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY
NAVOLUTIONS, INC., MATTHEW
WHITE AND KRISTINE WHITE AND/OR
OBJECTION TO HOMESTEAD
EXEMPTION
5-2-25 [[43](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 45.

The Objection to Confirmation of Plan is xxxxxxxxxxxx

Creditors, Navolutions, Inc., Matthew White, and Kristine White, ("Creditors") oppose confirmation of the Chapter 13 plan on the basis that:

1. The plan undervalues the amount of debt owed to Creditors; and
2. Debtor cannot claim a homestead exemption under 11 U.S.C. § 522(p)

The prior hearing on June 10, 2025 was continued after a discussion around the amount owed, the limitation of the homestead exemption under § 522(p), and the debtor's delinquency in plan payments.

DEBTOR'S OPPOSITION

At the prior hearing, debtor's counsel agreed that the plan could not be confirmed if the debtor was not current on plan payments.

Debtor filed an Opposition on June 17, 2025. Dkt. 76. Debtor asserts he has amended his Schedule C and is now claiming his exemptions under Cal. Code of Civ. P. § 703, and now claims all non-exempt equity in the subject property pursuant to C.C.C.P 703.140(b)(5).

DISCUSSION

At the hearing xxxxxxxxxxxx

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Navolutions, Inc., Matthew White, and Kristine White, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is ~~xxxxxxxxxx~~

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 59.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 57) filed on May 16, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 61) on May 21, 2025. The Trustee opposes because the plan does not properly classify the claim of Navolutions, the plan proposes to pay 0% to unsecured creditors when the liquidation test requires a 100% dividend, and the plan is not feasible.

The debtor filed a response (Dkt. 77) on June 17, 2025, conceding that the plan is not confirmable and that he would be filing a new plan and motion to confirm plan shortly.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for creditor's claim as the Trustee argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

The debtor has non-exempt assets. The plan provides for a 0% dividend to unsecured claims, which is less than the 100% dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Jose Salgado, having been presented to the court, and upon review

of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

13. [25-21394](#)-C-13 QUOC NGUYEN
[KLG](#)-1 Arete Kostopoulos

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF KOSTOPOULOS LAW
GROUP, PC FOR ARETE RITA
KOSTOPOULOS, DEBTORS
ATTORNEY(S)
6-3-25 [[30](#)]

DEBTOR DISMISSED: 04/25/25

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that only 21 days' notice was provided. Dkt. 35.

The Motion for Allowance of Professional Fees is xxxxxx.

Debtor's counsel filed this first and final request seeking approval of compensation for attorney services provided to Debtor, Quoc Hung Nguyen.

The movant requests fees in the amount of \$2,700.00. Movant represents that she was substituted into the case after the debtor filed the petition pro se, and was paid a retainer of \$2,700.00. As Movant and staff were preparing to file a plan it became apparent the debtor would be unable to timely provide all the documentation required to prepare schedules and a plan, and the case was dismissed.

Movant represents that debtor has filed a new case - Case No. 25-22057 - on April 29, 2025, which is pending before this court. Debtor has agreed to pay Movant \$12,000 in the new case, and the \$2,700 is being sought to be applied as the initial fee in Case No 25-22057.

DISCUSSION

At the hearing xxxxxxxxxx

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Allowance of Fees and Expenses filed by A Rita Kostopoulos ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Motion is xxxxxxxxxxxxxxxx