

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

June 24, 2014 at 9:31 a.m.

1. [13-34802](#)-B-13 DARRYL CARTER MOTION FOR RELIEF FROM
SNM-1 AUTOMATIC STAY
6-6-14 [[62](#)]
RONALD BARBER VS.

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

2. [10-35315](#)-B-13 MICHAEL DOUKAS MOTION FOR RELIEF FROM
JDH-3 AUTOMATIC STAY
5-9-14 [[66](#)]
CAMPUS COMMONS VILLAGE NO.
ONE VS.

Tentative Ruling: The motion is dismissed without prejudice.

The motion is moot. By order entered June 13, 2013 (Dkt. 61) (the "Order"), the court modified the automatic stay in this case as against the bankruptcy estate and the debtor pursuant to 11 U.S.C. § 362(d)(1) to permit the movant to enforce its rights under non-bankruptcy law against the real property located at 625 Commons Drive, Sacramento, California. The movant already has the relief it seeks by this motion.

The court acknowledges that on June 10, 2013, the day before the movant's prior motion for relief from the automatic stay under docket control number JDH-2, the movant filed a stipulation (the "Stipulation") between the movant and the debtor pursuant to which the movant agreed to "drop" the motion in exchange for a payment from the debtor and the debtor's promise to modify his chapter 13 plan. However, no order approving the Stipulation was ever entered on the docket, and the Stipulation is ineffective to vacate or render void the Order modifying the automatic stay.

The court will issue a minute order.

3. [14-25046](#)-B-13 WOODY/WENDY HESTER
SW-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
5-30-14 [[8](#)]

WELLS FARGO BANK, N.A. VS.

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. In this case, because the debtors' proposed plan (Dkt. 5) proposes to surrender the Collateral (as that term is defined herein), the court issues the following tentative ruling.

The motion is granted. The automatic stay is modified as against the debtors and the estate pursuant to 11 U.S.C. § 362(d)(1) in order to permit the movant to obtain possession of its collateral, a 2013 Kia Soul (VIN KNDJT2A52D7536916) (the "Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

The movant alleges without dispute that the debtors are one month in post-petition arrears under the terms of the obligation secured by the Collateral. The debtors propose to surrender the Collateral to the movant pursuant to the terms of their proposed initial chapter 13 plan. The foregoing constitutes cause for relief from the automatic stay.

The court will issue a minute order.