

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable W. Richard Lee  
Hearing Date: Thursday, June 26, 2014  
Place: Department B – Courtroom #12  
Fresno, California

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

**9:00 A.M.**

1. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA CONTINUED STATUS CONFERENCE RE:  
CHAPTER 12 VOLUNTARY PETITION  
1-28-14 [[1](#)]  
  
RILEY WALTER/Atty. for dbt.  
RESPONSIVE PLEADING

**This matter will be continued to July 24, 2014, at 9:00 a.m., to be called with the rescheduled confirmation hearing. The court will prepare a minute order. No appearance is necessary.**

2. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA RESCHEDULED HEARING RE: MOTION  
WW-4 TO CONFIRM CHAPTER 12 PLAN  
ANTONIO PARREIRA/MV 4-3-14 [[71](#)]  
RILEY WALTER/Atty. for dbt.  
RESPONSIVE PLEADING

**By an order dated June 18, 2014, this matter has been rescheduled to July 24, 2014, at 9:00 a.m. No appearance is necessary.**

3. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA RESCHEDULED HEARING RE: MOTION  
WW-5 TO ASSUME LEASE OR EXECUTORY  
ANTONIO PARREIRA/MV CONTRACT  
4-14-14 [[105](#)]  
  
RILEY WALTER/Atty. for dbt.  
RESPONSIVE PLEADING

4. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA CONTINUED MOTION TO REJECT  
WW-7 LEASE OR EXECUTORY CONTRACT  
ANTONIO PARREIRA/MV 4-11-14 [[92](#)]  
RILEY WALTER/Atty. for dbt.  
WITHDRAWN

**The motion has been withdrawn. No appearance is necessary.**

5. [13-16954](#)-B-11 MADERA ROOFING, INC. CONTINUED STATUS CONFERENCE RE:  
VOLUNTARY PETITION  
10-25-13 [[1](#)]  
  
ERIC FROMME/Atty. for dbt.

6. [13-16954](#)-B-11 MADERA ROOFING, INC.  
PCH-1  
BEAZER HOMES HOLDINGS CORP./MV  
ERIC FROMME/Atty. for dbt.  
PHILLIP CHAN/Atty. for mv.

MOTION TO ABSTAIN  
5-27-14 [[315](#)]

The motion to abstain will be denied. The state court litigation is not before this court and the moving party has not filed a proof of claim which could even give this court jurisdiction over the state law claims.

The motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies under applicable nonbankruptcy law. The proposed order shall specifically describe the action to which the order relates. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

10:30 A.M.

1. [14-11131](#)-B-7 ANTHONY/IRENE SILVA CONTINUED STATUS CONFERENCE RE:  
[14-1043](#) COMPLAINT  
SILVA V. ASSET ACCEPTANCE, LLC 4-17-14 [[1](#)]  
TIMOTHY SPRINGER/Atty. for pl.
2. [14-10139](#)-B-7 JOHN/NICKOLINA TROYAN STATUS CONFERENCE RE: COMPLAINT  
[14-1047](#) 4-16-14 [[1](#)]  
STAILEY V. TROYAN ET AL  
ROSALIE STAILEY/Atty. for pl.  
NOTICE OF DISMISSAL

**This matter will be dropped from calendar without a disposition. The adversary proceeding has already been dismissed. No appearance is necessary.**

3. [14-12166](#)-B-7 ANGELA LANDIN STATUS CONFERENCE RE: COMPLAINT  
[14-1050](#) 4-30-14 [[1](#)]  
LANDIN V. NATIONWIDE WEST, LLC  
TIMOTHY SPRINGER/Atty. for pl.  
DEFAULT ENTERED

**This matter will be dropped from calendar without a disposition. The adversary proceeding has already been dismissed. No appearance is necessary.**

4. [13-14675](#)-B-7 JERRY KUTUMIAN CONTINUED STATUS CONFERENCE RE:  
[13-1112](#) AMENDED COMPLAINT  
CAMACHO ET AL V. KUTUMIAN 5-1-14 [[50](#)]  
MITCHELL GOLUB/Atty. for pl.
5. [13-14675](#)-B-7 JERRY KUTUMIAN MOTION TO DISMISS ADVERSARY  
[13-1112](#) KDG-4 PROCEEDING/NOTICE OF REMOVAL  
CAMACHO ET AL V. KUTUMIAN 5-16-14 [[58](#)]  
CONNIE PARKER/Atty. for mv.  
RESPONSIVE PLEADING
6. [12-10097](#)-B-7 ARMANDO TOPETE CONTINUED STATUS CONFERENCE RE:  
[14-1013](#) COMPLAINT  
SALVEN V. TOPETE ET AL 1-22-14 [[1](#)]  
THOMAS ARMSTRONG/Atty. for pl.  
RESPONSIVE PLEADING

**This matter will be dropped from calendar without a disposition. The adversary proceeding has already been dismissed. No appearance is necessary.**

**1:30 P.M.**

1. [14-12900](#)-B-13 MEILY YIP  
DRJ-2  
MEILY YIP/MV  
DAVID JENKINS/Atty. for dbt.  
  
MOTION TO EXTEND AUTOMATIC STAY  
6-9-14 [[9](#)]
2. [14-12008](#)-B-13 FAREED SAPHIEH  
GCL-1  
SEACOAST COMMERCE BANK/MV  
SCOTT LYONS/Atty. for dbt.  
GEORGE LAZAR/Atty. for mv.  
  
OBJECTION TO CONFIRMATION OF  
PLAN BY SEACOAST COMMERCE BANK  
6-2-14 [[23](#)]
3. [14-12008](#)-B-13 FAREED SAPHIEH  
GCL-2  
SEACOAST COMMERCE BANK/MV  
  
MOTION FOR ACCOUNTING OF USE OF  
CASH COLLATERAL AND/OR MOTION  
FOR REPLACEMENT LIEN , MOTION  
FOR PAYMENT TO CASH COLLATERAL  
ACCOUNT  
6-5-14 [[35](#)]  
  
SCOTT LYONS/Atty. for dbt.  
GEORGE LAZAR/Atty. for mv.
4. [14-11310](#)-B-13 MICHAEL GARDNER  
KK-1  
HSBC MORTGAGE CORPORATION/MV  
  
CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY HSBC  
MORTGAGE CORPORATION  
5-6-14 [[36](#)]  
  
PETER FEAR/Atty. for dbt.  
KATELYN KNAPP/Atty. for mv.  
RESPONSIVE PLEADING
5. [14-11310](#)-B-13 MICHAEL GARDNER  
PLF-1  
MICHAEL GARDNER/MV  
  
CONTINUED MOTION TO VALUE  
COLLATERAL OF AMERICREDIT  
FINANCIAL SERVICES, INC.  
4-30-14 [[20](#)]  
  
PETER FEAR/Atty. for dbt.  
RESPONSIVE PLEADING

6. [14-11518](#)-B-13 ROBERTO ROBLES  
SAH-1  
ROBERTO ROBLES/MV  
SUSAN HEMB/Atty. for dbt.  
OPPOSITION WITHDRAWN

CONTINUED MOTION TO VALUE  
COLLATERAL OF CITIFINANCIAL  
4-1-14 [[8](#)]

**This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules. The opposition has been withdrawn and the motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary. *This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.***

7. [14-10626](#)-B-13 ORVILLE/PATRICIA BISHOP  
SL-2  
ORVILLE BISHOP/MV  
SCOTT LYONS/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN  
5-15-14 [[26](#)]

8. [14-10129](#)-B-13 LESLIE WARDERS  
  
GARY HUSS/Atty. for dbt.  
FINAL INSTALLMENT PAID  
6/3/14

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
6-2-14 [[43](#)]

**The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.**

9. [13-17931](#)-B-13 MARY BRIXEY  
DRJ-2  
MARY BRIXEY/MV  
DAVID JENKINS/Atty. for dbt.

MOTION TO SELL  
6-1-14 [[28](#)]

10. [10-62332](#)-B-13 LARRY/PENNIE STOUT  
ACW-4

CONTINUED MOTION FOR  
COMPENSATION FOR ANDY C.  
WARSHAW, DEBTOR'S ATTORNEY(S).  
4-8-14 [[132](#)]

ANDY WARSHAW/Atty. for dbt.  
RESPONSIVE PLEADING

**This matter appears to have been renoticed and replaced by calendar docket no. 11 below and will be dropped from calendar. No appearance is necessary.**

11. [10-62332](#)-B-13 LARRY/PENNIE STOUT  
ACW-4

MOTION FOR COMPENSATION FOR  
ANDY C. WARSHAW, DEBTOR'S  
ATTORNEY(S).  
5-22-14 [[153](#)]

ANDY WARSHAW/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and the trustee's opposition has been withdrawn. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

12. [13-14032](#)-B-13 ALFREDO/GRACIE LAZO  
JRL-2  
ALFREDO LAZO/MV  
JERRY LOWE/Atty. for dbt.  
CASE DISMISSED

MOTION TO MODIFY PLAN  
4-24-14 [[34](#)]

**This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.**

13. [12-13538](#)-B-13 TYRONE PARKS AND LISA  
TJS-1 STAR-PARKS  
JPMORGAN CHASE BANK, N.A./MV  
GARY HUSS/Atty. for dbt.  
TIMOTHY SILVERMAN/Atty. for mv.  
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
5-20-14 [[57](#)]

**This motion for relief from the automatic stay will be denied as moot. The secured claim relating to this collateral is provided for in Class 4 of the debtors' confirmed chapter 13 plan. Upon confirmation of the chapter 13 plan, the automatic stay was modified for this claim to permit enforcement of the creditor's remedies with regard to the collateral in the event of a default under applicable law. so long as this case remains in chapter 13. No attorney's fees will be awarded in relation to this motion. No appearance is necessary.**

14. [14-12044](#)-B-13 GUADALUPE VIDAL  
MDE-1  
THE BANK OF NEW YORK MELLON/MV  
  
MARK ESTLE/Atty. for mv.  
CASE DISMISSED

OBJECTION TO CONFIRMATION OF  
PLAN BY THE BANK OF NEW YORK  
MELLON  
5-2-14 [[12](#)]

**This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.**

15. [14-11047](#)-B-13 JANITZY FLORES  
SL-2  
JANITZY FLORES/MV  
SCOTT LYONS/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN  
5-15-14 [[31](#)]

**The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and the trustee's opposition has been withdrawn. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.**

16. [14-11451](#)-B-13 JOSE ALCANTAR  
SL-2  
JOSE ALCANTAR/MV  
SCOTT LYONS/Atty. for dbt.

MOTION TO CONFIRM PLAN  
5-15-14 [[35](#)]

**The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.**

17. [10-64057](#)-B-13 GERALD/SHARON KAYSINGER  
DRJ-7  
GERALD KAYSINGER/MV  
DAVID JENKINS/Atty. for dbt.

MOTION TO MODIFY PLAN  
5-5-14 [[80](#)]

**The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.**



18. [12-14660](#)-B-13 JESUS/YSIDRA SANTOS  
PBB-1  
JESUS SANTOS/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO MODIFY PLAN  
5-9-14 [[32](#)]

**The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.**

19. [10-19162](#)-B-13 CAROL KURNOSOFF  
RLF-6  
CAROL KURNOSOFF/MV  
JEFF REICH/Atty. for dbt.

MOTION TO APPROVE LOAN  
MODIFICATION  
6-10-14 [[88](#)]

20. [08-17272](#)-B-13 AMBER SCHEXNAYDER  
[14-1049](#)  
SCHEXNAYDER V. MORTGAGE  
ELECTRONIC REGISTRATION  
GABRIEL WADDELL/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT  
4-24-14 [[1](#)]

21. [13-18074](#)-B-13 PATRICIA SANDOVAL  
RJR-1  
PATRICIA SANDOVAL/MV  
RANDY RISNER/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED MOTION TO CONFIRM  
PLAN  
5-5-14 [[39](#)]

22. [12-19275](#)-B-13 LAURA REIS  
PLF-3  
  
PETER FEAR/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED MOTION FOR  
COMPENSATION FOR PETER L. FEAR,  
DEBTOR'S ATTORNEY(S).  
5-12-14 [[53](#)]

23. [12-10377](#)-B-13 JAMES/KAREN RUSHING  
JMA-3  
JAMES RUSHING/MV

OBJECTION TO CLAIM OF VILLA SAN  
MARCOS COMMUNITY ASSOCIATION,  
INC., CLAIM NUMBER 14  
4-30-14 [[50](#)]

JOSEPH ARNOLD/Atty. for dbt.

**The objection will be overruled without prejudice. Based on the evidence presented, the claim appears to be for post-petition home owner association assessments and dues which may be secured by a lien against the property. However, in the prayer to the objection, the debtors ask the court to order the creditor to produce an accounting of the claim, they do not ask that the claim be disallowed for treatment under the chapter 13 plan. To the extent the debtors simply seek an accounting, they may utilize the discovery tools available in the Federal Rules of Bankruptcy Procedure. No appearance is necessary.**

24. [14-11380](#)-B-13 SERGIO CARDENAS AND SAYRA MOTION TO VALUE COLLATERAL OF  
TOG-1 CHITAY GREEN TREE SERVICING, LLC  
SERGIO CARDENAS/MV 5-17-14 [[20](#)]  
THOMAS GILLIS/Atty. for dbt.

**The motion will be denied without prejudice. No appearance is necessary. The named respondent in the motion is Green Tree Servicing, LLC. Based on the proof of claim, the holder of this mortgage lien appears to be U.S. Bank N.A. as Trustee for Home Equity Loan Trust 2007 HSA1.**

25. [14-11380](#)-B-13 SERGIO CARDENAS AND SAYRA MOTION TO VALUE COLLATERAL OF  
TOG-3 CHITAY WELLS FARGO BANK, N.A.  
SERGIO CARDENAS/MV 5-17-14 [[25](#)]  
THOMAS GILLIS/Atty. for dbt.

**The matter has been resolved by stipulation of the parties. Movant shall submit a proposed order. No appearance is necessary.**

26. [13-18094](#)-B-13 MAGDALENO/VIRGINIA CONTINUED MOTION TO DISMISS  
MHM-2 MARTINEZ CASE FOR UNREASONABLE DELAY  
MICHAEL MEYER/MV THAT IS PREJUDICIAL TO  
CREDITORS AND/OR MOTION TO  
DISMISS CASE  
5-8-14 [[60](#)]  
  
ERIC HANSON/Atty. for dbt.  
RESPONSIVE PLEADING

27. [14-11195](#)-B-13 FERNANDO VEGA AND MARTHA MOTION TO CONFIRM PLAN  
TOG-2 LERMA 5-15-14 [[25](#)]  
FERNANDO VEGA/MV  
THOMAS GILLIS/Atty. for dbt.

**The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.**

28. [11-16399](#)-B-13 MARIO/DOLORES ROCHA  
SL-4  
MARIO ROCHA/MV  
SCOTT LYONS/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN  
5-15-14 [[76](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and the trustee's opposition has been withdrawn. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

**2:00 P.M.**

1. [14-10005](#)-B-13 STEVEN/KATHERINE JANTZ      MOTION TO DISMISS CASE FOR  
MHM-1      FAILURE TO MAKE PLAN PAYMENTS  
MICHAEL MEYER/MV      5-30-14 [[80](#)]  
WILLIAM COLLIER/Atty. for dbt.

**The motion has been withdrawn. No appearance is necessary.**

2. [14-12008](#)-B-13 FAREED SAPHIEH      MOTION TO DISMISS CASE  
MHM-1      6-12-14 [[43](#)]  
MICHAEL MEYER/MV  
SCOTT LYONS/Atty. for dbt.

**This matter will be advanced and called with the related matters in the same case on the 1:30 p.m. calendar. No appearance is necessary at 2:00 p.m.**

3. [14-10317](#)-B-13 JAIME BORDERS      MOTION TO DISMISS CASE FOR  
MHM-2      UNREASONABLE DELAY THAT IS  
MICHAEL MEYER/MV      PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
6-4-14 [[25](#)]  
  
TIMOTHY SPRINGER/Atty. for dbt.

**The motion has been withdrawn. No appearance is necessary.**

4. [14-11518](#)-B-13 ROBERTO ROBLES      OBJECTION TO CONFIRMATION OF  
MHM-1      PLAN BY TRUSTEE MICHAEL H.  
MEYER  
6-3-14 [[34](#)]  
  
SUSAN HEMB/Atty. for dbt.

5. [14-10431](#)-B-13 ANTHONY/CHERI BEASLEY      MOTION TO DISMISS CASE FOR  
MHM-3      UNREASONABLE DELAY THAT IS  
MICHAEL MEYER/MV      PREJUDICIAL TO CREDITORS  
6-12-14 [[41](#)]  
  
GARY HUSS/Atty. for dbt.