

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

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

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: June 29, 2021

CALENDAR: 1:00 P.M. CHAPTER 13

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

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

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

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

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

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Modesto, California

June 29, 2021 at 1:00 p.m.

1. [20-90627](#)-B-13 SILVIA HERNANDEZ MOTION TO DISMISS CASE
[RDG](#)-4 Chinonye Ugorji 6-7-21 [[79](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). 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 will therefore be decided on the papers.

The court's decision is to conditionally grant the motion to dismiss case and **continue the matter to July 6, 2021, at 1:00 p.m.**

Payments to the Chapter 13 Trustee are not current under the plan proposed by the Debtor. As of June 7, 2021, plan payments under the plan are delinquent in the sum of \$9,753.06. The last payment was received on May 3, 2021. 11 U.S.C. § 1307(c)(4). Debtor's failure to perform is an unreasonable delay that is prejudicial to creditors, who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is conditionally granted and the case will be dismissed.

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 Friday, July 2, 2021, 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 6, 2021, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on July 6, 2021, at 1:00 p.m.

The court will enter a minute order.

June 29, 2021 at 1:00 p.m.

2. [21-90183](#)-B-13 SECO BROWN AND LINDA ORDER TO SHOW CAUSE - FAILURE
 WILLIAMS-BROWN TO PAY FEES
 Flor De Maria A. Tataje 5-10-21 [[24](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtors' failure to pay the \$32.00 fee for filing an Amended Verification and Master Address List on April 26, 2021. The court's docket reflects that the default was cured on May 10, 2021.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

The court will issue an order.

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). 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 will therefore be decided on the papers.

The court's decision is to conditionally grant the motion to dismiss case and **continue the matter to July 6, 2021, at 1:00 p.m.**

First, payments to the Chapter 13 Trustee are not current under the plan proposed by the Debtor. As of June 14, 2021, plan payments under the plan are delinquent in the sum of \$4,950.00. The last payment was received on June 1, 2021. 11 U.S.C. § 1307(c)(4). Debtors' failure to perform is an unreasonable delay that is prejudicial to creditors, who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

Second, the plan will take approximately 106 months to complete. This overextension is caused by the unsecured claim of the Internal Revenue Service, claim 7-5, filed on March 18, 2020, in the amount of \$384,501.41. Debtors failed to object to claim 7-5 or modify their plan as required by Local Bankr. R. 3007-1(d)(3) and (5). They have completed 24 months of their 36-month plan. The

Cause exists to dismiss this case. The motion is conditionally granted and the case will be dismissed.

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 Friday, July 2, 2021, 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 6, 2021, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on July 6, 2021, at 1:00 p.m.

The court will enter a minute order.

4. [19-90316](#)-B-13 TERESA AGUILAR
[BSH](#)-5 Brian S. Haddix
Thru #5

CONTINUED MOTION TO WAIVE
FINANCIAL MANAGEMENT COURSE
REQUIREMENT, WAIVE SECTION 1328
CERTIFICATE
REQUIREMENT, CONTINUE CASE
ADMINISTRATION, SUBSTITUTE
PARTY, AS TO DEBTOR
6-2-21 [[72](#)]

DEBTOR DISMISSED: 5/24/21

Final Ruling

This matter was continued from June 22, 2021, to provide additional time for the filing of a certificate of death to accompany the motion by 5:00 p.m. on Friday, June 25, 2021, and to allow any opposition or response to be filed by the same deadline. No opposition or response was filed, and the certificate of death was timely filed on June 22, 2021. Therefore, the court's ruling at dkt. 90 shall become the court's final decision and the continued hearing on June 29, 2021, at 1:00 p.m. is vacated.

The motion for omnibus relief upon death of debtor is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

5. [19-90316](#)-B-13 TERESA AGUILAR
[BSH](#)-8 Brian S. Haddix

CONTINUED MOTION TO VACATE
DISMISSAL OF CASE
6-2-21 [[81](#)]

DEBTOR DISMISSED: 5/24/21

Final Ruling

This matter was continued from June 22, 2021, to allow any opposition or response to be filed by 5:00 p.m. on June 25, 2021. No opposition or response was filed. Therefore, the court's ruling at dkt. 91 shall become the court's final decision and the continued hearing on June 29, 2021, at 1:00 p.m. is vacated.

The motion to vacate the order dismissing case is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.