



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

June 29, 2023 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**.

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UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

June 29, 2023 at 1:30 p.m.

1. [23-20916](#)-C-13 TING CHENG AND MIAN KANG MOTION TO CONFIRM PLAN
[AF-1](#) Arasto Farsad 5-18-23 [[26](#)]

Final Ruling: No appearance at the June 29, 2023 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 72 days' notice was provided. Dkt. 30.

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 to Confirm is granted.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 29) filed on May 18. No opposition to the Motion has been filed.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is 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, Ting Cheng and Mian Mian Kang, 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 granted, the debtor's Amended Chapter 13 Plan (Dkt. 29) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for the debtors shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 trustee for approval as to form, and if so approved, the trustee will submit the proposed order to the court.

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 54 days' notice was provided. Dkt. 61.

The Motion to Modify Plan is denied.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 59) filed on April 6, 2023.

The Chapter 13 Trustee filed an Opposition (Dkt. 62) on May 9, 2023, opposing confirmation because the debtor is delinquent under the proposed plan.

Creditors, Ernest and Marcia Meinhardt, Trustees of the E and M Meinhardt Family Trust dated 5/3/1995; Edward J. Roberts, Trustee, Sunset Trust Dated October 4, 2000; Jane Dworkin; and David Dworkin, filed an Opposition (Dkt. 65) on May 15, 2023. Creditors oppose because the debtor is delinquent on post-petition and post-confirmation payments. Creditors also assert that debtor will be unable to make the increased plan payments because debtor was unable to make the original payments and now debtor's income is decreasing.

RESPONSE

Debtor responded to both oppositions (dkt. 69) on May 23, 2023. Debtor represents that she will be current on plan payments by May 25, 2023. Debtor further represents that Creditors' claim is properly classified and asserts that there is no legal basis for Creditors' objection to curing post-petition arrears in the plan the same as if they are prepetition arrears. Finally, debtor responds that the debtor's home is insured and she is current on property taxes.

DISCUSSION

The debtor is \$600.00 delinquent in plan payments. Declaration, Dkt. 63. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 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, 1325(a), and 1329. 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 Modify Plan filed by the debtor, Alesester Aline Coleman, 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.

3. [23-21154](#)-C-13 MARK WILLEFORD
[RDG](#)-1 Peter Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
5-22-23 [[15](#)]

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 38 days' notice was provided. Dkt. 18.

The Objection to Confirmation of Plan is overruled.

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

1. The 341 meeting of creditors has not been concluded;
2. Debtor has failed to file a credit counseling certificate;
3. Debtor has failed to file the Attachment to Schedule I that provides debtor's business income and expenses;
4. Debtor has failed to provide a copy of his full 2021 Federal Income Tax Return; and
5. The plan is not feasible.

DEBTOR'S OPPOSITION

The debtor filed an Opposition on June 13, 2023. Dkt. 23. Debtor represents that meeting of creditors concluded on June 1, 2023. Debtor further represents the credit counseling certificate was filed on May 25, 2023 and the debtor's and non-filing spouse's business income and expenses were filed on June 13, 2023. Debtor also contends that all income tax returns through 2022 have been provided. Finally, debtor agrees to change the monthly dividend for attorney fees.

DISCUSSION

A review of the docket shows that the meeting of creditors was concluded on June 1, 2023. The docket also shows the debtor filed the Certificate of Counseling on May 25, 2023 (dkt. 19) and the Attachment to Schedule I on June 13, 2023 (dkt. 23).

The debtor has conceded on the monthly dividend for attorney fees and agrees to change the language in section 3.05 of the plan.

No other grounds for objection remaining, it appears the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Objection is overruled, and the plan is 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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Russell Greer, 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, and the debtor's Chapter 13 Plan (Dkt. 3), is confirmed. Counsel for the debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

4. [23-20655](#)-C-13 JAMES FOX
[PGM](#)-1 Peter Macaluso

CONTINUED MOTION TO VALUE
COLLATERAL OF JPMORGAN CHASE
BANK, N.A.
4-19-23 [[18](#)]

Thru #5

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 41 days' notice was provided. Dkt. 22.

The Motion to Value is xxxxxx.

The debtor filed this Motion seeking to value the portion of J.P. Morgan Chase Bank, N.A.'s ("Creditor") claim secured by the debtor's property commonly known as 2019 Toyota Tacoma (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$16,000.00. Declaration, Dckt. 21.

Creditor filed an opposition (dkt. 33) on May 16, 2023 disputing the value of the vehicle. Although the debtor has declared that the vehicle is in need of repairs, creditor has provided evidence the value of the vehicle is \$33,025.00. See Proof of Claim No. 3-1.

Debtor responded (dkt. 37) on May 21, 2023 stating that the Creditor has not provided any admissible evidence of the value of the vehicle.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on April 18, 2019, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

At the prior hearing on May 30, 2023, the parties agreed, and the court expects, that the vehicle would be inspected as to the condition and value of the property.

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**

5. [23-20655](#)-C-13 JAMES FOX CONTINUED OBJECTION TO
[RDG](#)-1 Peter Macaluso CONFIRMATION OF PLAN BY RUSSELL
D. GREER
4-26-23 [[23](#)]

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 34 days' notice was provided. Dkt. 26.

The Objection to Confirmation of Plan is sustained.

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

1. Debtor has failed to amend his schedules even though he has obtained new employment;
2. Plan is not feasible; and
3. Plan relies on Motion to Value that has not been granted.

DEBTOR'S OPPOSITION

The debtor filed an Opposition on May 16, 2023. Dkt. 35. Debtor replied that he has filed amended Schedules I & J. Debtor further states that the IRS and FTB proof of claims were based upon estimated returns, but that the timely filed returns resulted in a much lower amount to the IRS and a refund from FTB. Finally, debtor believes the motion to value, which is set to be heard above, will be granted. Therefore, debtor request the plan be confirmed.

DISCUSSION

A review of the docket shows that amended Schedules I & J were filed on May 8, 2023. Dkt. 31.

Opposition to the Motion to Value above was filed and the motion has not been granted yet. Therefore, until the Motion is granted the plan is not feasible.

At the prior hearing it was represented that the proof of claims of the IRS and FTB would be amended. At the time of review, those proofs of claims still have not been amended.

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, Russell Greer, 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. [20-25358](#)-C-13 OSVALDO/PATRICIA CASTRO MOTION FOR COMPENSATION FOR
[PGM](#)-1 Peter Macaluso PETER G. MACALUSO, DEBTORS
ATTORNEY(S)
5-15-23 [[55](#)]

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 43 days' notice was provided. Dckt. 60.

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 Allowance of Professional Fees is granted.

Movant, Peter Macaluso, counsel for debtors, filed this request seeking approval of compensation for attorney services provided to Osvaldo and Patricia Castro. Movant represents that debtors prior counsel was disbarred on January 27, 2023 and Movant was substituted in as counsel on April 6, 2023.

Fees are requested for the remainder of the plan term in the amount of \$2,105.00. Debtors have 37 months remaining in their case and \$2,105.00 is remaining to be paid to debtors' former counsel. Movant is seeking an assignment of those fees for proper representation and to facilitate the completion of the plan.

Movant represents he has already reviewed the case, met with debtors, had lengthy email exchanges, and downloaded all relevant case documents. Movant further represents he has not received a retainer from debtors for the work he has performed.

APPLICABLE LAW

Reasonable Fees

A bankruptcy court determines whether requested fees are reasonable by examining the circumstances of the attorney's services, the manner in which services were performed, and the results of the services, by asking:

- A. Were the services authorized?
- B. Were the services necessary or beneficial to the administration of the estate at the time they were rendered?
- C. Are the services documented adequately?

- D. Are the required fees reasonable given the factors in 11 U.S.C. § 330(a)(3)?
- E. Did the attorney exercise reasonable billing judgment?

In re Garcia, 335 B.R. at 724 (citing *In re Mednet*, 251 B.R. at 108; *Leichty v. Neary (In re Strand)*, 375 F.3d 854, 860 (9th Cir. 2004)).

Lodestar Analysis

For bankruptcy cases in the Ninth Circuit, "the primary method" to determine whether a fee is reasonable is by using the lodestar analysis. *Marguiles Law Firm, APLC v. Placide (In re Placide)*, 459 B.R. 64, 73 (B.A.P. 9th Cir. 2011) (citing *Yermakov v. Fitzsimmons (In re Yermakov)*, 718 F.2d 1465, 1471 (9th Cir. 1983)). The lodestar analysis involves "multiplying the number of hours reasonably expended by a reasonable hourly rate." *Id.* (citing *In re Yermakov*, 718 F.2d at 1471). Both the Ninth Circuit and the Bankruptcy Appellate Panel have stated that departure from the lodestar analysis can be appropriate, however. See *id.* (citing *Unsecured Creditors' Comm. v. Puget Sound Plywood, Inc. (In re Puget Sound Plywood)*, 924 F.2d 955, 960, 961 (9th Cir. 1991) (holding that the lodestar analysis is not mandated in all cases, thus allowing a court to employ alternative approaches when appropriate); *Digesti & Peck v. Kitchen Factors, Inc. (In re Kitchen Factors, Inc.)*, 143 B.R. 560, 562 (B.A.P. 9th Cir. 1992) (stating that lodestar analysis is the primary method, but it is not the exclusive method)).

Reasonable Billing Judgment

Even if the court finds that the services billed by an attorney are "actual," meaning that the fee application reflects time entries properly charged for services, the attorney must demonstrate still that the work performed was necessary and reasonable. *In re Puget Sound Plywood*, 924 F.2d at 958. An attorney must exercise good billing judgment with regard to the services provided because the court's authorization to employ an attorney to work in a bankruptcy case does not give that attorney "free reign to run up a [professional fees and expenses] tab without considering the maximum probable recovery," as opposed to a possible recovery. *Id.*; see also *Brosio v. Deutsche Bank Nat'l Tr. Co. (In re Brosio)*, 505 B.R. 903, 913 n.7 (B.A.P. 9th Cir. 2014) ("Billing judgment is mandatory."). According to the Court of Appeals for the Ninth Circuit, prior to working on a legal matter, the attorney, or other professional as appropriate, is obligated to consider:

- (a) Is the burden of the probable cost of legal [or other professional] services disproportionately large in relation to the size of the estate and maximum probable recovery?
- (b) To what extent will the estate suffer if the services are not rendered?
- (c) To what extent may the estate benefit if the services are rendered and what is the likelihood of the disputed issues being resolved successfully?

In re Puget Sound Plywood, 924 F.2d at 958-59 (citing *In re Wildman*, 72 B.R.

DISCUSSION

A review of the application shows that Movant's services for the Estate are necessary and reasonable. Debtors are entitled to capable, competent representation and through no fault of their own, their previous attorney was disbarred. Movant is more than capable to handle debtors' Chapter 13 case. The alternative to granting this motion would require the debtors to have to pay additional attorney fees, which is not just.

The Estate has \$2,105.00 of unencumbered monies to be administered as of the filing of the application. The court finds the services are beneficial to Client and the Estate and are reasonable.

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 Peter Macaluso ("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 Movant is allowed the following fees and expenses as a professional of the Estate:

Movant, a professional employed by Osvaldo and Patricia Castro,

Fees in the amount of \$2,105.00

as the final allowance of fees and expenses pursuant to 11 U.S.C. § 330 as counsel for the debtors.

IT IS FURTHER ORDERED that the Chapter 13 Trustee is authorized to pay the fees and costs allowed by this Order from the available funds of the Estate in a manner consistent with the order of distribution in a Chapter 13 case.

7. [18-22662](#)-C-13 RAJINDAR SINGH
[RDG](#)-3 Peter Macaluso

CONTINUED MOTION TO RECONVERT
CASE FROM CHAPTER 13 TO CHAPTER
7
3-10-23 [[133](#)]

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. 136.

The Motion to reconvert case to Chapter 7 is ~~xxxxxxx~~

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for reconverting to Chapter 7 exists because the debtor has not made a payment to the Trustee since August 4, 2022.

The Motion also argues debtor is \$13,350 delinquent in plan payments, which is supported by declaration. Dkt. 135.

The motion was continued to allow the debtor additional time to get current in plan payments. Failure to maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

The debtor filed an opposition (dkt. 137) on March 21, 2023 requesting a continuance of the matter because debtor's counsel has not been able to assess the case and prepare a new plan.

The motion was continued to allow the debtor time to file a motion to modify plan and sell property.

A review of the docket shows that a new plan and a motion to confirm were filed on April 5, 2023. Dkts. 141 & 144.

At the hearing ~~xxxxxxx~~

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 reconvert the Chapter 13
case to Chapter 7 filed by the Chapter 13
Trustee, Russell Greer, 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 to
Reconvert the case to Chapter 7 from Chapter
13 is ~~xxxxxxxxx~~

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 78 days' notice was provided. Dkt. 66.

The Motion to Modify Plan is denied.

The debtors filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 65) filed on May 12, 2023.

The Chapter 13 Trustee filed an Opposition (Dkt. 70) on June 12, 2023, opposing confirmation on the following grounds:

1. The plan fails to suspend the delinquency in the amount of \$3,164.17; and
2. The plan is not feasible.

DISCUSSION

The debtor is \$3,164.17 delinquent in plan payments. Declaration, Dkt. 71. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan mathematically requires a payment of \$277.58 per month, which is greater than the proposed \$208.00 payment.

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed. 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, 1325(a), and 1329. 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 Modify Plan filed by the debtors, Steven and Maria Peterson, 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.

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 85 days' notice was provided. Dkt. 126.

The Motion to Modify Plan is denied.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 125) filed on May 5, 2023.

The Chapter 13 Trustee filed an Opposition (Dkt. 129) on June 12, 2023, opposing confirmation on the following grounds:

1. Plan fails to suspend the delinquency in the amount of \$25,325.00;
2. The plan provides for both a term of 60 and 62 months;
3. The plan requires a higher average monthly payment than proposed;
4. The plan does not fully provided for mortgage arrears; and
5. Debtor's motion fails to plead with particularity the reasons the debtor is delinquent in the amount of \$25,325.00.

DISCUSSION

The debtor is \$25,325.00 delinquent in plan payments. Declaration, Dkt. 130. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan may take 62 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

Notwithstanding whether the plan provides for the prepetition arrearage 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).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322, 1325(a), and 1329. 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 Modify Plan filed by the debtor, Katrina Nopel, 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.

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 56 days' notice was provided. Dkt. 70.

The Motion to Modify Plan is denied.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 69) filed on May 4, 2023.

The Chapter 13 Trustee filed an Opposition (Dkt. 72) on June 5, 2023, opposing confirmation on the following grounds:

1. The plan does not provide for the claim of the Franchise Tax Board (Proof of Claim No. 8-1).

RESPONSE

The debtor filed a response (dkt. 75) stating that she is not required to file a state income tax return and the numerous attempts to contact FTB have gone unanswered.

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 debtor is required to file a state income tax return, the debtor has not carried her burden to show the plan is adequately funded. 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, 1325(a), and 1329. 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 Modify Plan filed by the debtor, Valerie Ramirez, 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.

Final Ruling: No appearance at the June 29, 2023 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 57 days' notice was provided. Dkt. 55.

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 to Modify Plan is granted.

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

No opposition to the Motion has been filed.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is 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 Modify Plan filed by the debtor, Suzanne Erickson, 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 granted, the Modified Chapter 13 Plan (Dkt. 52) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for the debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the trustee will submit the proposed order to the court.