UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

June 29, 2026 at 11:00 a.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.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including “screen shots” or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued medica credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

1.	25-24906-C-13 TLA-1	MELVIN HENLEY Thomas L. Amberg	MOTION TO MODIFY PLAN 5-12-26 [23]

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 48 days' notice was provided. Dkt. 28.

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.

The Chapter 13 trustee filed a non-opposition on June 15, 2026. Dkt. 36.

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, Melvin Henry, 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. 27) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for 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.

2. 25-24906-C-13 TLA-1 | MELVIN HENLEY Thomas L. Amberg | OBJECTION TO CONFIRMATION OF PLAN BY ELIZON MASTER PARTICIPATION TRUST I AND U.S. BANK TRUST NATIONAL ASSOCIATION 6-8-26 [32]

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 21 days' notice was provided. Dkt. 35.

The Objection to Confirmation of Plan is overruled.

Creditor Elizon Master Participation Trust I, U.S. Bank Trust National Association ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The Plan does not fully 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.

A review of the plan indicates that Creditor's claim for arrears of $139,003.02, which is the amount of the arrears in Creditor's Proof of Claim 7-1, is provided for in Class 1. And, Creditor will be paid $3,500.00 per month between October 2025 through January 2027, with the remaining balance to be paid in full by the end of 2026. Additionally, Creditor's secured claim will receive adequate protection payments of $2,800 per month until the balloon payment is made before the end of 2026. Therefore, the claim is fully provided for in 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 Elizon Master Participation Trust I, U.S. Bank Trust National Association, 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.

3. 26-22411-C-13 MK-2 — MOHAMMAD KHAN, Pro Se — MOTION TO OBTAIN PERMISSION TO HIRE PROFESSIONALS ATTORNEYS AND EXPERTS 4-29-26 [9]

DEBTOR DISMISSED: 05/18/26

Final Ruling: No appearance at the June 29, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. A Proof of Service was not filed with the motion or notice.

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 Hire Professionals is denied as moot.

A review of the docket shows the case was dismissed on May 18, 2026. Therefore, this Motion is denied as moot.

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 Hire Professionals filed by the debtor, Mohammad Khan, 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 as moot.

4. 26-20612-C-13 ROBIN KIRBY MOTION TO CONFIRM PLAN
CRG-1 Carl R. Gustafson 5-20-26 [20]

Final Ruling: No appearance at the June 29, 2026 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 40 days' notice was provided. Dkt. 26.

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 debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 22) filed on May 20, 2026.

After initially filing opposition, the Chapter 13 trustee filed a non-opposition on June 22, 2026. Dkt. 30.

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 debtor, Robin Kirby, 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 Amended Chapter 13 Plan (Dkt. 22) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for 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.

5. 24-24026-C-13 GARY HOWE CONTINUED MOTION TO MODIFY PLAN
EJS-6 Eric Schwab 4-20-26 [106]

Thru #6

Final Ruling: No appearance at the June 29, 2026 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 50 days' notice was provided. Dkt. 111.

The Motion to Modify is denied.

The motion was previously continued because it was represented that the IRS would amend its Proof of Claim in the case. The debtor filed a declaration (Dkt. 120) that the IRS has amended its claim, but that debtor cannot afford to make the payments and concedes the motion should be denied.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 109) filed on April 20, 2026.

Trustee filed an Opposition (Dkt. 114) on May 27, 2026, opposing confirmation on the following grounds:

1. The IRS's unsecured claim prevents the 100% plan from working.

DISCUSSION

Because the IRS' unsecured claim is greater than scheduled, the plan is underfunded. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

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 Confirm filed by the debtor, Gary Howe, 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.

6. 24-24026-C-13 DPC-2 | GARY HOWE Eric Schwab | CONTINUED MOTION TO DISMISS CASE 2-26-26 [96]

Final Ruling: No appearance at the June 29, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 54 days' notice was provided. Dkt. 99.

The Motion to Dismiss is granted, and the case is dismissed.

Since the prior hearing, debtor has filed a declaration (Dkt. 120) conceding the motion and asserting the case should be dismissed.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is $18,666.00 delinquent in plan payments, which is supported by declaration. Dkt. 98.

Debtor filed an opposition (Dkt. 102) on April 7, 2026, asserting that debtor will file a modified plan after he sold his real property and paid off the secured claim.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

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 Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, 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 Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

7. 25-24327-C-13 VAMBA FREEMAN — MOTION TO APPROVE LOAN MODIFICATION
PGM-5 Peter G. Macaluso — 6-3-26 [152]

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. 156.

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 Approve Loan Modification is granted.

Debtor filed this Motion seeking authority to enter into a trial loan modification with Onity Mortgage.

Debtor seeks to make monthly payments of $2,941.13 beginning June 1, 2026 through August 1, 2026.

The court finds that the proposed trial loan modification, based on the unique facts and circumstances of this case, is reasonable. There being no opposition from any party in interest and the terms being reasonable, the Motion is granted.

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 Approve Loan Modification filed by Vamba Freeman 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 counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved submit the proposed order to the court.

8. 26-21829-C-13 PAUL/AMANDA STANDLEY MOTION TO CONFIRM PLAN
PLG-3 Steven A. Alpert 5-20-26 [32]

Final Ruling: No appearance at the June 29, 2026 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 40 days' notice was provided. Dkt. 37.

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. 36) filed on May 20, 2026.

Debtors and Secured Creditor filed a stipulation (dkt. 42) on June 5, 2026 that resolves the objection to confirmation. No other 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, Paul and Amanda Standley, 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. 36) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for 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.

9. 23-20530-C-13 VICTOR RAY MOTION TO MODIFY PLAN
MC-1 Muoi Chea 5-16-26 [32]

Final Ruling: No appearance at the June 29, 2026 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 44 days' notice was provided. Dkt. 37.

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 confirm the Amended Chapter 13 Plan (Dkt. 36) filed on May 16, 2026.

The Chapter 13 trustee filed a non-opposition on June 15, 2026. Dkt. 45.

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 Modify Plan filed by the debtor, Victor Lewis Ray, 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 Amended Chapter 13 Plan (Dkt. 36) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for 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.

10.	25-25531-C-13 BDK-2	DASHENA WILLIAMS Peter G. Macaluso	OBJECTION TO CONFIRMATION OF PLAN BY QUALITY FIRST HOME IMPROVEMENT, INC. 12-1-25 [46]

Thru #11

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The objection was continued from February 24, 2026 before being transferred from Dept. A.

The Objection to Confirmation of Plan is xxxxxxxxx

Creditor Quality First Home Improvement, Inc. ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan undervalues the secured portion of the claim; and

2. Reduces the interest rate from 10% to 4%.

DEBTOR'S OPPOSITION

Debtor filed an Opposition (Dkt. 55) asserting that debtor will pay the full amount of the claim. Additionally, debtor contends that the interest to be paid is determined by the Supreme Court's holding in Till, and that the proper interest rate is 8%. Finally, debtor asserts the plan is feasible and complies with §§ 1322 & 1325.

DISCUSSION

At the hearing xxxxxxxxxxx

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 Quality First Home Improvement, Inc., 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 xxxxxxxxx

11. 25-25531-C-13 RAS-1

DASHENA WILLIAMS
Peter G. Macaluso

OBJECTION TO CONFIRMATION OF PLAN BY TOWD POINT MORTGAGE TRUST 2022-3, U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION
12-1-25 [53]

No Tentative Ruling:

The Motion has been set on Local Rule 3007-1(b)(1) procedure which requires 44 days' notice. The Proof of Service shows that 55 days' notice was provided. Dkt. 75.

The Objection to Proof of Claim is xxxxxxx

Debtor objects to Proof of Claim No. 2 of Quality First Home Improvement, Inc. ("Creditor") in the amount of $161,541.77, which is said to be secured in the amount of $105,322.60 and unsecured in the amount of $56,219.17. Debtor asserts the lien originated in the amount of $34,000.00 and is secured and the balance, which consists of fees, costs, and interest, are unsecured.

TRUSTEE'S RESPONSE

Chapter 13 Trustee, David Cusick, filed a response (Dkt. 82) representing that a plan has not yet been confirmed, debtor is current in plan payments, Creditor's claim is listed as a Class 2A, and if the plan is confirmed the plan is funded to pay Creditor's claim.

OPPOSITION

Creditor filed opposition (Dkt. 84) asserting that its claim represents a contract debt that has been litigated and awarded and not the original mechanic's lien amount.

Creditor represent that debtor sought to avoid the lien in debtor's prior Chapter 7, which was denied because although the mechanic's lien was reduced to an abstract of judgment the lien remained a statutory lien that is not subject to § 522(f)(1)(A). Case No. 24-23040, dkt. 78.

Additionally, Creditor contends that this is just a collateral attack on the state court judgment because debtor unsuccessfully appealed the state court judgment and the judgment is now final.

RESPONSE

Debtor filed a response (dkt. 88) on March 17, 2026 standing by her previous assertions that the mechanic's lien is secured up to the original amount and the balance, which consists of fees, costs and interests, is unsecured.

DEBTOR'S SUPPLEMENTAL BRIEF

After the prior hearing, debtor filed a supplemental brief. Dkt. 97.

Debtor asserts the following in support of the objection:

(1) In the prior Chapter 7 it was determined that the lien is a statutory lien even though it has been reduced to a recorded abstract of judgment;

(2) The lien cannot be enlarged by attorney’s fees, litigation costs, and later arising obligations;

(3) Merger doctrine does not apply to statutory liens;

(4) The unsecured portion of the lien was discharged in the Chapter 7 case;

(5) The claim does not comply with FRBP 3001(c) because the writing attached to the claim does not support the amount claimed; and

(6) Alternatively, if the unsecured portion is accepted, it must be bifurcated.

CREDITOR’S SUPPLEMENTAL BRIEF

Creditor filed a supplemental brief after the prior hearing. Creditor asserts the following in opposition to the objection:

(1) Creditor’s claim is judgment based and cannot be relitigated, reallocated, or reduced by recharacterizing its components;

(2) Debtor incorrectly collapses the two distinct inquiries required under § 502 and § 506;

(3) The objection is a collateral attack on the final state court judgment;

(4) The mechanic’s lien and judgment exist independently;

(5) The prior Chapter 7 discharge only eliminates the debtor’s in personam liability, but does not extinguish the underlying debt;

(6) Debtor’s argument only focuses on personal enforceability against debtor and ignores enforceability against property of the estate;

(7) The state court judgment supports the claim;

(8) Debtor’s merger argument supports the existence of the claim; and

(9) Any limitation on the claim must be determined under § 506, not § 502.

DEBTOR’S SUR-REPLY

Debtor filed a sur-reply (dkt. 99) on May 7, 2026. Debtor asserts that § 502(b)(1) makes enforceability of the claim the controlling standard and under California law the judgment beyond the $34,000 is unenforceable. Debtor contends that Creditor’s asserted procedure reverses the statutory order for determining secured claims under § 502 and § 506. Debtor asserts that Creditor’s argument that this is a collateral attack on the judgment fails as a matter of law, and Creditor has not carried its burden demonstrating the validity of its claim.

DISCUSSION

Section 502(a) provides that a claim supported by a Proof of Claim is allowed unless a party in interest objects. Once an objection has been filed, the court may determine the amount of the claim after a noticed hearing. 11 U.S.C. § 502(b). The party objecting to a proof of claim has the burden of presenting substantial evidence to overcome the prima facie validity of a proof of claim, and the evidence must be of probative force equal to that of the creditor's proof of claim. Wright v. Holm (In re Holm), 931 F.2d 620, 623 (9th Cir. 1991); see also United Student Funds, Inc. v. Wylie (In re Wylie), 349 B.R. 204, 210 (9th Cir. BAP 2006). Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, and requires financial information and factual arguments. In re Austin, 583 B.R. 480, 483 (8th Cir. BAP 2018). Notwithstanding the prima facie validity of a proof of claim, the ultimate burden of persuasion is always on the claimant. In re Holm, 931 F.2d at p. 623.

Once a party has objected to a proof of claim, the creditor asserting the claim may not withdraw the claim except on order of the court. Fed. R. Bankr. P. 3006.

At the hearing xxxxxxxxxxx

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 Claim filed in this case by the debtor, Dashena Williams, 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 to Proof of Claim Number 2 of Quality First Home Improvement, Inc. is xxxxxxxx

12. 26-23232-C-13 DONNA ELBERT MOTION TO EXTEND AUTOMATIC STAY
PGM-1 Peter G. Macaluso 6-15-26 [9]

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. 13.

The Motion to Extend the Automatic Stay is granted.

Donna Elbert ("Debtor") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) extended beyond thirty days in this case. This is Debtor's second bankruptcy petition pending in the past year. Debtor's prior bankruptcy case was dismissed on May 8, 2026, after Debtor became delinquent in plan payments. Order, Bankr. E.D. Cal. No. 25-24239, Dkt. 71. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end as to Debtor thirty days after filing of the petition.

Here, Debtor states that the instant case was filed in good faith and explains that the previous case was dismissed because of the inability to fully work due to health issues with debtor's partner.

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond thirty days if the filing of the subsequent petition was filed in good faith. 11 U.S.C. § 362(c)(3)(B). As this court has noted in other cases, Congress expressly provides in 11 U.S.C. § 362(c)(3)(A) that the automatic stay **terminates as to Debtor**, and nothing more. In 11 U.S.C. § 362(c)(4), Congress expressly provides that the automatic stay **never goes into effect in the bankruptcy case** when the conditions of that section are met. Congress clearly knows the difference between a debtor, the bankruptcy estate (for which there are separate express provisions under 11 U.S.C. § 362(a) to protect property of the bankruptcy estate) and the bankruptcy case. While terminated as to Debtor, the plain language of 11 U.S.C. § 362(c)(3) is limited to the automatic stay as to only Debtor. The subsequently filed case is presumed to be filed in bad faith if one or more of Debtor's cases was pending within the year preceding filing of the instant case. *Id.* § 362(c)(3)(C)(i)(I). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); *see also* Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209–10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. *See, e.g.*, *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at *6 (Bankr. D. Haw. June 22, 2011) (citing *In re Elliott-Cook*, 357 B.R. 811, 815–16 (Bankr. N.D. Cal. 2006)). Courts consider many factors—including those used to determine good faith under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c)(3) are:

A. Why was the previous plan filed?

B. What has changed so that the present plan is likely to succeed?

In re Elliot-Cook, 357 B.R. at 814–15.

Debtor has sufficiently rebutted the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The Motion is granted, and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this 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 to Extend the Automatic Stay filed by Donna Elbert 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, and the automatic stay is extended pursuant to 11 U.S.C. § 362(c)(3)(B) for all purposes and parties, unless terminated by operation of law or further order of this court.

13. 26-20733-C-13 GAL-1 | GARY/CLEOFE ENDAYA Peter G. Macaluso | CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY REGIONAL ACCEPTANCE CORPORATION 4-14-26 [34]

Thru #14

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 42 days' notice was provided. Dkt. 38.

The Objection to Confirmation of Plan is xxxxxxx

Creditor Regional Acceptance Corporation ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan impermissibly crams down the value of Creditor's collateral.

Debtors filed a reply (dkt. 54) on May 19, 2026, asserting there is no underlying debt owed to Creditor because debtors received their discharge in their chapter 7 case on January 26, 2026. Case No. 25-25687.

DISCUSSION

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 Objection to the Chapter 13 Plan filed by Regional Acceptance 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 **xxxxxxxxxx**

14. 26-20733-C-13 GC-1 | GARY/CLEOFE ENDAYA Peter G. Macaluso | CONTINUED MOTION TO CONFIRM PLAN 4-6-26 [20]

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 50 days' notice was provided. Dkt. 25.

The Motion to Confirm is denied.

Since the prior hearing on May 26, 2026, Attorney Peter Macaluso substituted in as debtors' counsel and resolved Exeter Finance LLC's objection through stipulation. Dkts. 63 & 65.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 24) filed on April 6, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 48) on May 12, 2026, opposing confirmation on the following grounds:

1. Debtors are delinquent in plan payments;

2. Plan relies on a motion to value collateral that has yet to be filed;

3. The plan's nonstandard provisions are not clear as to Calvet's class 1 claim; and

4. The trustee notes the objection filed by Regional Acceptance above.

Exeter Finance LLC filed an Opposition (Dkt. 43) on May 8, 2026, opposing confirmation on the following grounds:

1. Plan does not provide for Exeter's claim.

Debtor's filed a reply (Dkt. 52) on May 19, 2026, asserting they will be current on plan payments by the hearing, and have now filed an amended Schedule J.

DISCUSSION

The debtor is $6,500.00 delinquent in plan payments. Declaration, Dkt. 49. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 11 U.S.C. § 1325(a)(6).

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

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, Gary and Cleofe Endaya, 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.

15. 26-20844-C-13 ANGELA LOPES — CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
DPC-2 James L. Keenan — 4-7-26 [20]

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 29 days' notice was provided. Dkt. 23.

The Objection to Confirmation of Plan is sustained.

Since the prior hearing, attorney Gerald Glazer has substituted is as counsel for the debtor. Dkt. 42.

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

1. Debtor did not appear at the Meeting of Creditors;

2. Debtor is delinquent in plan payments; and

3. Debtor has not filed all tax returns.

The Trustee filed a status update on June 1, 2026 (Dkt. 34) representing that the debtor did appear at the continued meeting of creditors, but is still delinquent in plan payments.

DISCUSSION

The debtor is $500 delinquent in plan payments. Declaration, Dkt. 22. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 11 U.S.C. § 1325(a)(6).

Debtor has filed a declaration under penalty of perjury that she is not required to file income tax returns. Dkt. 38. Therefore, this is no longer an outstanding issue.

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, David Cusick, 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.

16. 24-25453-C-13 SUSAN HANRAHAN MOTION TO MODIFY PLAN
EJS-3 Eric Schwab 5-22-26 [57]

Final Ruling: No appearance at the June 29, 2026 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 38 days' notice was provided. Dkt. 61.

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.

The Chapter 13 trustee filed a non-opposition on June 16, 2026. Dkt. 62.

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, Susan Hanrahan, 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. 60) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for 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.

17. 26-22175-C-13 KMM-1 | BRIAN/CYNTHIA BETTENCOURT Mikalah Liviakis | MOTION FOR RELIEF FROM AUTOMATIC STAY 5-29-26 [14]

GLOBAL LENDING SERVICES LLC
VS.

Final Ruling: No appearance at the June 29, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 31 days' notice was provided. Dkt. 19.

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 Automatic Stay is granted.

Global Lending Services LLC ("Movant") filed this Motion seeking relief from the automatic stay as to the debtors' 2022 Hyundai Kona (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtors are delinquent postpetition payments. Declaration, Dkt. 18. Movant also asserts it is in possession of the Property. *Id.*

TRUSTEE'S NON-OPPOSITION

Chapter 13 Trustee filed a Non-opposition on June 10, 2026. Dkt. 21. Trustee notes that debtor has classified the claim in Class 3 of debtor's plan.

DISCUSSION

A review of the records shows that the debtors' plan was confirmed on June 18, 2026, and as noted by the Trustee, the Confirmed Chapter 13 Plan provides for Movant's claim as a Class 3. Plan, Dkt. 23; Order, Dkt. 23. The Confirmed Plan states the following with respect the automatic stay and Class 3 claims:

> (**a) Upon confirmation of the plan, the automatic stay of 11 U.S.C. § 362(a) and the co-debtor stay of 11 U.S.C. § 1301(a) are (1) terminated to allow the holder of a Class 3 secured claim to exercise its rights against** its collateral; **(2) modified to allow the holder of a Class 4 secured claim to exercise its rights against its collateral and any nondebtor in the event of a default under applicable law or contract**; and (3) modified to allow the nondebtor party to

> an unexpired lease that is in default and rejected in section 4 of this plan to obtain possession of leased property, to dispose of it under applicable law, and to exercise its rights against any nondebtor.

Id.

Based on the plain language of the Plan, the automatic stay was already modified to allow Movant to enforce its rights with respect to the collateral. Therefore, the relief requested by the Motion is moot.

The court recognizes that creditors may need an order specifying the continuing effect and modification of an automatic say when state recording and filing law come into play, as well as for title insurance purposes.

The Ninth Circuit Court of Appeal has recognized the basic "discretion is the better part of valor" principle when it comes to the automatic stay. Seeking a separate order clearly specifying the scope of the relief granted in the Plan is not inappropriate.

The court grants the Motion, granting relief that under the terms of the confirmed Chapter 13 Plan, Dkt. 3, 23, in this bankruptcy case, "all bankruptcy stays are modified to allow [Movant, and its agents and successors, as] the holder of a Class 3 secured claim to exercise its rights against its collateral."

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 Global Lending Services LLC ("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 the relief is granted pursuant to the Motion, the court confirming that "all bankruptcy stays are modified to allow [Movant , and its agents and successors, as] the holder of a Class 3 claim to exercise its rights against its collateral." Confirmed Chapter 13 Plan, Dkt. 3; Order Confirming, Dkt. 23.

18. 26-21189-C-13 EAT-1 | KIESHA HAGGERTY Candace Y. Brooks | CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LAKEVIEW LOAN SERVICING, LLC 4-13-26 [20]

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 28 days' notice was provided. Dkt. 26.

The Objection to Confirmation of Plan is sustained.

Since the prior hearing, debtor filed a status report (dkt. 45) asserting that debtor believes the objection has been resolved and Creditor would be filing a withdrawal of the objection. A review of the docket does not show the objection has been withdrawn yet.

Creditor Lakeview Loan Servicing, LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not provide for Creditor's prepetition arrearages.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on April 27, 2026. Dkt. 32. Debtor disputes that she owes prepetition arrearages on 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 prepetition arrearage 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 Lakeview Loan Servicing, 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 sustained.

19. 23-24590-C-13 JON FENTON CONTINUED MOTION TO DISMISS
DPC-5 D. Randall Ensminger CASE
2-26-26 [170]

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 54 days' notice was provided. Dkt. 173.

The Motion to Dismiss is granted, and the case is dismissed.

The prior hearing was continued because debtor represented that he was going to make additional payments to ensure debtor would be current in plan payments. Debtor filed a declaration stating he had made some plan payments and intends to be caught up until the June 25 payment is due.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor is $8,536.00 delinquent in plan payments, which is supported by declaration. Dkt. 172.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

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 Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, 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 Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

20. 26-23334-C-13 ROBERT STOERMER

CONTINUED MOTION TO IMPOSE AUTOMATIC STAY
6-9-26 [9]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(3) notice which requires an order shortening time to provide notice of the motion. The OST was entered on June 15, 2026. Dkt. 16.

The Motion to Extend the Automatic Stay is denied.

At the prior hearing, debtor asserted that he had retained counsel to represent him in this case.

Robert Stoermer ("Debtor") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) imposed in this case. This is Debtor's third bankruptcy petition pending in the past year with the prior two cases having been dismissed. Debtor's prior bankruptcy cases (Nos. 26-20906 and 26-22721) were dismissed on April 27, 2026, and May 28, 2026, respectively. See Order, Bankr. E.D. Cal. No. 26-20906, Dkt. 33; Order, Bankr. E.D. Cal. No. 26-22721, Dkt. 17. Therefore, pursuant to 11 U.S.C. § 362(c)(4)(A)(I), the provisions of the automatic stay did not go into effect upon Debtor filing the instant case.

Here, Debtor states that the instant case was filed in good faith and explains that the previous cases were dismissed because he has been dealing with serious medical issues and recovery.

When the stay has not gone into effect pursuant to 11 U.S.C. § 362(c)(4), a party in interest may request within 30 days of filing that the stay take effect as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and a hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed. 11 U.S.C. § 362(c)(4)(B).

For purposes of subparagraph (B), a case is presumptively filed not in good faith as to all creditors if:

(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to provide adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; . . .

11 U.S.C. § 362(c)(4)(D).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); *see also* Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209–10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. *See*, *e.g.*, *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at *6 (Bankr. D. Haw. June 22, 2011) (*citing In re Elliott-Cook*, 357 B.R. 811, 815–16 (Bankr. N.D. Cal. 2006)). Courts consider many factors—including those used to determine good faith under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c)(3) are:

A. Why was the previous plan filed?

B. What has changed so that the present plan is likely to succeed?

In re Elliot-Cook, 357 B.R. at 814–15.

DISCUSSION

Debtor's prior cases were dismissed after Debtor did not timely file all documents. In Case No. 26-20906, debtor requested four (4) extensions of time to file missing documents. The court denied debtor's fourth request for an extension of time to file documents and indicated that future requests related to extend time to file documents will not be favorably considered unless debtor is represented by counsel that is admitted to practice in the Eastern District of California.

In Case No. 26-22721, debtor again unrepresented requested an extension to file documents, which was denied.

In the instant case, debtor again is unrepresented and has not filed any schedules, summaries, or forms, and continues to remain unrepresented by counsel.

Debtor has not sufficiently rebutted the presumption of bad faith under the facts of this case and the prior cases for the court to impose the automatic stay.

The Motion is denied, and the automatic stay is not imposed.

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 Impose the Automatic Stay filed by Robert Stoermer ("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 is denied, and the automatic stay is not imposed.