

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Tuesday, July 2, 2019
Place: Department B – 510 19th Street
Bakersfield, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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. 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 14 days of the final hearing on the matter.

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

9:00 AM

1. [18-14004](#)-B-13 **IN RE: DAVID/GLORIA MARTINEZ**
[RSW-4](#)

MOTION TO MODIFY PLAN
5-16-2019 [\[55\]](#)

DAVID MARTINEZ/MV
ROBERT WILLIAMS

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

2. [19-11707](#)-B-13 **IN RE: SALVADOR TEJEDA**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER
6-17-2019 [\[18\]](#)

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to August 8, 2019 at 9:00 a.m.

ORDER: The court will issue an order.

The trustee has filed a detailed objection to the debtor's fully noticed motion to confirm a chapter 13 plan. Unless this case is voluntarily converted to chapter 7, dismissed, or the trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response not later than July 25, 2019. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. The trustee shall file and serve a reply, if any, by August 1, 2019.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than August 1, 2019. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

3. [19-11408](#)-B-13 **IN RE: DOUGLAS MCDANIEL**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER
5-23-2019 [\[18\]](#)

RICHARD GARBER

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Overruled as moot. The court sets October 2, 2019 as a bar date by which a chapter 13 plan must be confirmed or the case will be dismissed.

ORDER: The court will issue an order.

This objection is OVERRULED AS MOOT. Debtor filed an amended plan after this objection was filed. Doc. #74, RMG-3.

Pursuant to § 1324(b), the court will set October 2, 2019 as a bar date by which a chapter 13 plan must be confirmed or objections to claims must be filed or the case will be dismissed on the trustee's declaration.

4. [19-11408](#)-B-13 **IN RE: DOUGLAS MCDANIEL**
[MHM-2](#)

MOTION TO DISMISS CASE
5-23-2019 [\[21\]](#)

MICHAEL MEYER/MV
RICHARD GARBER
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion. Doc. #64.

5. [19-11408](#)-B-13 **IN RE: DOUGLAS MCDANIEL**
[MHM-3](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
6-4-2019 [\[40\]](#)

MICHAEL MEYER/MV
RICHARD GARBER
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection is OVERRULED AS MOOT. Debtor filed an amended schedule C on June 7, 2019. Doc. #43.

6. [19-11408](#)-B-13 **IN RE: DOUGLAS MCDANIEL**
[RMG-1](#)

MOTION TO CONFIRM PLAN
5-27-2019 [\[29\]](#)

DOUGLAS MCDANIEL/MV
RICHARD GARBER
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

ORDER: The court will prepare the motion.

Debtor filed another plan and motion to confirm plan. See doc. #74, RMG-3. Therefore this motion is deemed withdrawn.

7. [19-11408](#)-B-13 **IN RE: DOUGLAS MCDANIEL**
[RMG-2](#)

MOTION TO CONFIRM PLAN
6-11-2019 [\[47\]](#)

DOUGLAS MCDANIEL/MV
RICHARD GARBER
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

LBR 3015-1(d)(1) states that motions to confirm a plan before confirmation pursuant to 11 U.S.C. § 1323, the debtor shall file a serve the plan and motion to confirm it on at least 35 day's notice.

The certificate of service states that the motion and accompanying documents were served on June 12, 2019. Doc. #50. The motion and accompanying papers were filed on June 11, 2019. Doc. #47. The motion was set for hearing on July 2, 2019. Doc. #48. July 2, 2019 is 34 days after June 12, 2019, and therefore this hearing was set on less than 35 days' notice as required under LBR 3015-1(d)(1).

Because the hearing was set on less than 35 days' notice, the motion is not in compliance with the Local Rules of Practice and is DENIED WITHOUT PREJUDICE.

The court notes an amended plan has been filed. Doc. #74, RMG-3.

8. [18-10913](#)-B-13 **IN RE: WALTER/KATHRYN COVEY**
[MHM-4](#)

MOTION TO DISMISS CASE
5-22-2019 [\[120\]](#)

MICHAEL MEYER/MV
ROBERT WILLIAMS
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion.

9. [18-10913](#)-B-13 **IN RE: WALTER/KATHRYN COVEY**
[RSW-8](#)

MOTION TO MODIFY PLAN
5-20-2019 [\[112\]](#)

WALTER COVEY/MV
ROBERT WILLIAMS

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

10. [14-11522](#)-B-13 **IN RE: ANTHONY/JUNE COCKRELL**
[MHM-1](#)

MOTION TO DETERMINE FINAL CURE AND MORTGAGE PAYMENT RULE 3002.1
6-3-2019 [\[48\]](#)

MICHAEL MEYER/MV
ROBERT WILLIAMS

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

Federal Rule of Bankruptcy Procedure 3002.1(g) requires that within 21 days after service of the notice under subdivision (f) of this rule, the holder shall file and serve on the debtor, debtor's counsel, and the trustee a statement indicating (1) whether it agrees that the debtor has paid in full the amount required to cure the default on the claim, and (2) whether the debtor is otherwise current on all payments consistent with 11 U.S.C. § 1322(b)(5).

Fed. R. Bankr. P. 3002.1(h) states that on motion by the trustee filed within 21 days after service of the statement under subdivision (g) of this rule, the court shall, after notice and hearing, determine whether the debtor has cured the default and paid all required postpetition amounts.

The record shows that the debtors have cured the default on the loan with U.S. Bank National Association and are current on mortgage payments to the same through March 2019. Therefore, this motion is GRANTED.

11. [19-10826](#)-B-13 **IN RE: ERICK JOHNSON**
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL
H. MEYER
5-2-2019 [\[22\]](#)

PATRICK KAVANAGH

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Sustained.

ORDER: The minutes of the hearing will be the court's
findings and conclusions. The court will issue the
order.

This objection is SUSTAINED. By prior order of the court, debtor had
until June 18, 2019 to respond to the objection. Doc. #28. Or, in
lieu of a written response, debtor could have filed a modified plan
not later than June 25, 2019. Doc. #28. Debtor did neither.
Therefore the objection is SUSTAINED.

12. [19-11632](#)-B-13 **IN RE: GREGORY BATSCHE**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER
6-14-2019 [\[14\]](#)

ROBERT WILLIAMS

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to August 8, 2019 at 9:00 a.m.

ORDER: The court will issue an order.

The trustee has filed a detailed objection to the debtor's fully
noticed motion to confirm a chapter 13 plan. Unless this case is
voluntarily converted to chapter 7, dismissed, or the trustee's
opposition to confirmation is withdrawn, the debtor shall file and
serve a written response not later than July 25, 2019. The response
shall specifically address each issue raised in the opposition to
confirmation, state whether the issue is disputed or undisputed, and
include admissible evidence to support the debtor's position. The
trustee shall file and serve a reply, if any, by August 1, 2019.

If the debtor elects to withdraw this plan and file a modified plan
in lieu of filing a response, then a confirmable modified plan shall
be filed, served, and set for hearing, not later than August 1,
2019. If the debtor does not timely file a modified plan or a
written response, this motion will be denied on the grounds stated
in the opposition without a further hearing.

The court notes debtor's response. Doc. #18. Debtor states "more time is needed to research the issue raised by the Trustee." This ruling provides the time to do so.

13. [18-15133](#)-B-13 **IN RE: MICHAEL LONGMIRE**
[MHM-1](#)

CONTINUED MOTION TO DISMISS CASE
3-8-2019 [\[20\]](#)

MICHAEL MEYER/MV
YELENA GUREVICH
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion.

14. [18-15133](#)-B-13 **IN RE: MICHAEL LONGMIRE**
[YG-2](#)

MOTION TO CONFIRM PLAN
5-22-2019 [\[39\]](#)

MICHAEL LONGMIRE/MV
YELENA GUREVICH
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a

prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. The chapter 13 trustee withdrew his opposition on July 1, 2019.

15. [18-15133](#)-B-13 **IN RE: MICHAEL LONGMIRE**
[YG-3](#)

MOTION BY YELENA GUREVICH TO WITHDRAW AS ATTORNEY
6-4-2019 [\[50\]](#)

MICHAEL LONGMIRE/MV
YELENA GUREVICH

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

Pursuant to LBR 2017-1(e), and based upon movant's declaration, the court GRANTS this motion and Yelena Gurevich and Consumer Action Law Group of Panzarella and Associates, PC ("Law Firm") may withdraw as the attorney for debtor Michael Longmire ("Debtor") in their bankruptcy case.

Yelena Gurevich states "I have experienced a turbulent relationship with Debtor" and is "not able to execute the demands of Debtor and am not able to meet Debtor's expectations." Doc. #52.

Withdrawal as attorney is governed by the Rules of Professional Conduct of the State Bar of California, and the attorney shall

conform to the requirements of those rules. The authority and duty of the Law Firm as attorney for Debtor in the bankruptcy case shall continue until the court enters the order.

16. [19-10948](#)-B-13 **IN RE: AIMEE MOREHEAD**
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHEAL
H. MEYER
5-2-2019 [\[15\]](#)

ROBERT WILLIAMS

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection is OVERRULED AS MOOT. Debtor filed an amended plan.
Doc. #28.

17. [19-11857](#)-B-13 **IN RE: THERESE DOZIER**
[CAS-1](#)

AMENDED OBJECTION TO CONFIRMATION OF PLAN BY CAPITAL ONE AUTO
FINANCE
6-11-2019 [\[18\]](#)

CAPITAL ONE AUTO FINANCE/MV
NEIL SCHWARTZ
CHERYL SKIGIN/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Sustained.

ORDER: The minutes of the hearing will be the court's
findings and conclusions. The Moving Party
will submit a proposed order after hearing.

This objection was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and sustain the objection. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Creditor Capital One Auto Finance ("Creditor") objects to plan confirmation because the plan fails to pay the full replacement value of Creditor's collateral, a 2014 Toyota Venza Wagon, as required by 11 U.S.C. § 1325(a)(5)(B). Doc. #18, claim #3.

Sections 1.04 and 3.08(c) of the plan require separately served and filed motions to value collateral for claims classified in class 2. Doc. #4. Creditor's claim is in Class 2B. As of June 28, 2019, debtor has not filed any such motion.

Therefore, this objection is SUSTAINED.

18. [18-14560](#)-B-13 **IN RE: MATTHEW/ANGELA WANTA**
[MHM-3](#)

CONTINUED MOTION TO DISMISS CASE
5-9-2019 [\[76\]](#)

MICHAEL MEYER/MV
PATRICK KAVANAGH
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED: Movant withdrew the motion.

19. [18-14560](#)-B-13 **IN RE: MATTHEW/ANGELA WANTA**
[PK-3](#)

MOTION TO CONFIRM PLAN
5-15-2019 [\[80\]](#)

MATTHEW WANTA/MV
PATRICK KAVANAGH

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages).

Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

20. [19-11472](#)-B-13 **IN RE: IGNACIO DALUDDUNG**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER
6-14-2019 [\[32\]](#)

ARASTO FARSAAD

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to August 8, 2019 at 9:00 a.m.

ORDER: The court will issue an order.

The trustee has filed a detailed objection to the debtor's fully noticed motion to confirm a chapter 13 plan. Unless this case is voluntarily converted to chapter 7, dismissed, or the trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response not later than July 25, 2019. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. The trustee shall file and serve a reply, if any, by August 1, 2019.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than August 1, 2019. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

The court notes debtor's response, filed June 28, 2019. Doc. #41. The debtor requests additional time to "work on" obtaining agreements or filing a modified plan. The court's ruling grants that request.

21. [19-11472](#)-B-13 **IN RE: IGNACIO DALUDDUNG**
[RAS-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK TRUST NATIONAL
ASSOCIATION
6-18-2019 [\[38\]](#)

U.S. BANK NATIONAL ASSOCIATION/MV
ARASTO FARSAD
SEAN FERRY/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled without prejudice.

ORDER: The minutes of the hearing will be the court's
findings and conclusions. The court will issue
the order.

This objection is OVERRULED WITHOUT PREJUDICE. Constitutional due process requires that the movant make a *prima facie* showing that they are entitled to the relief sought. Here, the moving papers do not present "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" In re Tracht Gut, LLC, 503 B.R. 804, 811 (9th Cir. BAP, 2014), citing Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009), and Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

Creditor U.S. Bank National Association's ("Creditor") objection is that the plan does not account for the entire amount of the pre-petition arrearages that debtor owes to Creditor and that the plan does not promptly cure Creditor's pre-petition arrears as required by 11 U.S.C. § 1322(b)(5). Doc. #38, claim #7.

Section 3.02 of the plan provides that it is the proof of claim, not the plan itself, that determines the amount that will be repaid under the plan. Doc. #2. Creditor's proof of claim, filed June 14, 2019, states a claimed arrearage of \$2,035.39. This claim is classified in class 4 - paid directly by debtor. If confirmed, the plan terminates the automatic stay for Class 4 creditors. Plan section 3.11. The debtor may need to modify the plan to account for the arrearage. If they do not and the plan is confirmed, Creditor will have stay relief. If the plan is modified, then this objection may be moot.

Therefore, this objection is OVERRULED.

The court notes debtor's response, filed June 28, 2019. Doc. #41. The response does not impact this ruling. The objector will have stay relief if the Plan is confirmed. Either the debtor files and prosecutes a modified plan or not. Under either scenario, the objection is moot.

22. [19-12172](#)-B-13 **IN RE: ROSA CARDENAS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
6-6-2019 [\[12\]](#)

DISMISSED 6/10/19

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped as moot.

ORDER: The court will issue an order.

The case was dismissed on June 10, 2019. Doc. #21.

23. [19-11475](#)-B-13 **IN RE: HEZEKIAH SHERWOOD**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER
6-17-2019 [\[19\]](#)

JEFFREY MEISNER

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to August 8, 2019 at 9:00 a.m.

ORDER: The court will issue an order.

The trustee has filed a detailed objection to the debtor's fully noticed motion to confirm a chapter 13 plan. Unless this case is voluntarily converted to chapter 7, dismissed, or the trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response not later than July 25, 2019. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. The trustee shall file and serve a reply, if any, by August 1, 2019.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than August 1, 2019. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in the opposition without a further hearing.

24. [19-10790](#)-B-13 **IN RE: HORTENCIA SOLIS**
[MHM-2](#)

CONTINUED MOTION TO DISMISS CASE
5-3-2019 [\[18\]](#)

MICHAEL MEYER/MV
ROBERT WILLIAMS

NO RULING.

25. [19-11294](#)-B-13 **IN RE: MICHAEL/CECELIA BLANCO**
[MHM-2](#)

MOTION TO DISMISS CASE
5-24-2019 [\[21\]](#)

MICHAEL MEYER/MV
PHILLIP GILLET
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue the order.

The chapter 13 trustee ("Trustee") asks the court to dismiss this case on the following grounds:

1. Unreasonable delay by the debtor that is prejudicial to creditors under 11 U.S.C. § 1307(c) (1);
2. Debtor failed to provide
 - a. the "Authorization to Release Information" under Local Rule of Practice ("LBR") 3015-1(b) (6),
 - b. all pages of the most recent Federal Tax Return filed by the debtors (as required under 11 U.S.C. § 521(e) (2) (A) (B)) Tax returns shall be provided 7 days prior to 341 Meeting of Creditors or the court shall dismiss if not provided;
 - c. copies of all payment advices or other evidence of payment received within 60 days before the date of filing of the petition (required under 11 U.S.C. § 521(a) (1) (B) (iv); LBR 1007-1(c) (1); 11 U.S.C. § 521(i) (1) failure to file this document is an automatic dismissal on the 46th day]. **The 46th day was May 15, 2019.** The local rules have changed where debtors deposit the paystubs [Local Rule 1007-1(c) (1)] thereby eliminating the clerk having to automatically dismiss the case when the paystubs are not filed by the 45th day;
3. Failure to file complete and accurate Schedule H and Statement of Financial Affairs; and
4. Failure to file a feasible plan.

Debtor timely filed written opposition. Doc. #34. Trustee filed a reply. Doc. #36.

First, Debtor opposes because a simple mistake - a typo in the e-mail address for the trustee's office - prevented the documents from being timely submitted. Debtor's counsel's ("Counsel") office was unable to use Trustee's website to upload documents and opted instead to send the documents via email. However, the email address was entered incorrectly, and the documents never made it to Trustee's office. Counsel was out of town for the § 341 meeting, and Counsel was never notified that the information was not provided prior to the § 341 meeting, but Counsel did provide the "521 packet" on May 24, 2019. The Trustee apparently confirmed receipt of the packet. Doc. #34.

Second, debtor opposes dismissal because § 521(e)(2)(B) allows the court not to dismiss the case if it is shown the documents not being provided was beyond control of the debtor.

Section § 521(e)(2)(B) states that if the debtor fails to provide the federal tax returns seven days before the first § 341 meeting, the court is not required to dismiss the case if "the debtor demonstrates that the failure to so comply is due to circumstances beyond the control of the debtor."

The court finds however that the circumstances which led to the failure to provide the tax returns were not beyond the control of the debtor. Counsel's office had the documents and attempted to provide them to the Trustee's office. When the Trustee's website was not working, Counsel sent the documents via email. Counsel's office typed in the incorrect email address. None of this was beyond the control of the debtor, and therefore § 521(e)(2)(B) is not strictly applicable.

Only the debtor may prevent dismissal for failure to comply with these requirements. In re Norton, 347 B.R. 291, 301 (Bankr. E.D. Tenn. 2006). The burden of proof is on the debtor. The only proof is counsel's declaration. Counsel testifies his paralegal, Ms. Guerrero, sent the documents but mistyped the address. Ms. Guerrero apparently confirmed that with the Trustee. Doc. #36. The problem is counsel has no personal knowledge of what Ms. Guerrero did or did not accomplish. Ms. Guerrero did not testify in this motion. Also, even if personal knowledge was established - it was not - counsel's declaration does not prove what was sent to the Trustee's office and when. Were the complete returns provided? What about the other documents?

Third, debtor argues that because the LBR modified the procedure under the federal rules, and the automatic dismissal was not dealt with in the local rules, that somehow LBR 1007-1(c) trumps § 521(i)(1). LBR 1001-1(b) states that the LBR "shall be construed consistently with and subordinate to the Federal Rules of Bankruptcy Procedure" These requirements are implemented by Fed. R. Bankr. P. 4002(e)(3). If the LBR are subordinate to the Federal Rules of Bankruptcy Procedure, then they are surely subordinate to the Bankruptcy Code. Section 521(i)(1) states that the case shall be

automatically dismissed effective on the 46th day after the date of the filing of the petition. Though LBR 1007-1(c)(1) does not incorporate the automatic dismissal language, that does not mean that the automatic dismissal language in § 521(i)(1) is null. As discussed below, the Ninth Circuit has ruled on this issue.

The court is not persuaded in this case that any failure to file the information within 45 days of the petition date automatically results in dismissal. In the Ninth Circuit, the bankruptcy court has discretion to waive the § 521(a)(1) filing requirement even after the forty-five-day filing deadline set forth in § 521(a)(1) has passed. Wirum v. Warren (In re Warren), 568 F.3d 1113, 1117 (9th Cir. 2009). The court does not waive the requirement in this case, but dismissal of this case is not on the ground that it was "automatic."

Nevertheless, the case is dismissed on the other grounds.

As shown in Trustee's reply, Counsel was notified of Trustee's intent to enforce the § 521 requirements, as early as February 2019. Doc. #36. The statute is clear: unless the debtor's failure to comply is "due to circumstances beyond the control of the debtor," (which this court has found they were not), "the court shall dismiss the case." Debtor admits that the tax returns were not timely provided. Doc. #34. The lack of proof of what was beyond the control of the debtor is discussed above.

The court agrees with counsel that the dismissal of this case "burdens the debtor, the debtor's attorney, delays payments to creditors and causes unnecessary work on the trustee's office and this court in administering a second case." But the court is bound to the law, and the law is clear. There exist multiple grounds to dismiss the case, and the dismissal is appropriate.

Even if the court accepted the truth of what was sent to the trustee and when, the decision would not change. First, the Trustee sent notice of the deficiency early in the case and no documents were presented before the meeting of creditors. Second, reliance on substitute counsel's recitation of the events does not change the grounds for decision. All risk of misinformation is on Counsel. There is also the availability of the transcript of the § 341 proceeding and that was apparently not consulted.

Third, Counsel's declaration appears to condition the performance of the debtor's statutory duties on the case "continuing." Doc. #34. Counsel states the updated schedules or Plan amendments will be completed only if the "case continues." That is manifestly inconsistent with the debtor's statutory duties.

The motion is GRANTED. The case is dismissed.

26. [19-11294](#)-B-13 **IN RE: MICHAEL/CECELIA BLANCO**
[MHM-3](#)

MOTION TO DISGORGE FEES
5-30-2019 [\[28\]](#)

MICHAEL MEYER/MV
PHILLIP GILLET
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: This matter will proceed as a scheduling
conference.

ORDER: The minutes of the hearing will be the court's
findings and conclusions. The court will issue
the order.

The hearing on this motion will be called as scheduled and will
proceed as a scheduling conference.

This matter is now deemed to be a contested matter. Pursuant to
Federal Rule of Bankruptcy Procedure 9014(c), the federal rules of
discovery apply to contested matters. The parties shall be prepared
for the court to set an early evidentiary hearing.

Based on the record, the factual issues appear to include: whether
the fees debtor's counsel has received to date "exceed the
reasonable value" of the services rendered to debtors. The Trustee
asks the court to issue an order to show cause. The parties should
be prepared to discuss the propriety of issuing such an order in
this dismissed case (assuming the tentative ruling for matter number
25 above becomes final) and whether the value of the services can be
evaluated in a fee application hearing.

10:00 AM

1. [19-11813](#)-B-7 **IN RE: CARMEN MADERA**
[JHW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
5-16-2019 [\[13\]](#)

TD AUTO FINANCE LLC/MV
NEIL SCHWARTZ
JENNIFER WANG/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtor's and the trustee's defaults will be entered. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a 2013 Volkswagen Beetle. Doc. #18. The collateral has a value of \$1,825.00 and debtor owes \$12,321.19. Id.

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral is a depreciating asset.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

2. [11-60331](#)-B-7 **IN RE: COLIN/BRITTANY CARRINGTON**
[PLG-2](#)

MOTION TO AVOID LIEN OF FIA CARD SERVICES, N.A.
5-21-2019 [\[26\]](#)

COLIN CARRINGTON/MV
RABIN POURNAZARIAN

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014- 1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. In order to avoid a lien under 11 U.S.C. § 522(f)(1) the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (9th Cir. BAP 2003), quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), aff'd 24 F.3d 247 (9th Cir. 1994).

A judgment was entered against the debtor in favor of FIA Card Services, N.A. in the sum of \$16,468.47 on April 15, 2011. Doc. #29. The abstract of judgment was recorded with Kern County on April 29, 2011. Id. That lien attached to the debtor's interest in a residential real property in Tehachapi, CA. The motion will be granted pursuant to 11 U.S.C. § 522(f)(1)(A). The subject real property had an approximate value of \$136,000.00 as of the petition date. Doc. #24. The unavoidable liens totaled \$137,251.99 on that same date, consisting of a first deed of trust in favor of JP Morgan Chase Bank. Doc. #24, Schedule D. The debtor claimed an exemption

pursuant to Cal. Civ. Proc. Code § 703.140(b)(5) in the amount of \$9,946.48. Doc. #24, Schedule C.

Movant has established the four elements necessary to avoid a lien under § 522(f)(1). After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the debtor's exemption of the real property and its fixing will be avoided subject to 11 U.S.C. § 349(b)(1)(B).

3. [11-60331](#)-B-7 **IN RE: COLIN/BRITTANY CARRINGTON**
[PLG-3](#)

MOTION TO AVOID LIEN OF DISCOVER BANK
5-21-2019 [\[31\]](#)

COLIN CARRINGTON/MV
RABIN POURNAZARIAN

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014- 1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. In order to avoid a lien under 11 U.S.C. § 522(f)(1) the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (9th Cir. BAP 2003), quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), aff'd 24 F.3d 247 (9th Cir. 1994).

A judgment was entered against the debtor in favor of Discover Bank, Issuer of the Discover Card, in the sum of \$11,387.97 on April 29, 2011. Doc. #34. The abstract of judgment was recorded with Kern County on April 29, 2011. Id. That lien attached to the debtor's interest in a residential real property in Tehachapi, CA. The motion will be granted pursuant to 11 U.S.C. § 522(f)(1)(A). The subject real property had an approximate value of \$136,000.00 as of the petition date. Doc. #24. The unavoidable liens totaled \$137,251.99 on that same date, consisting of a first deed of trust in favor of JP Morgan Chase Bank. Doc. #24, Schedule D. The debtor claimed an exemption pursuant to Cal. Civ. Proc. Code § 703.140(b)(5) in the amount of \$9,946.48. Doc. #24, Schedule C.

Movant has established the four elements necessary to avoid a lien under § 522(f)(1). After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the debtor's exemption of the real property and its fixing will be avoided subject to 11 U.S.C. § 349(b)(1)(B).

4. [19-11832](#)-B-7 **IN RE: IRENE SOSA**
[JHW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
5-17-2019 [10](#)

TD AUTO FINANCE LLC/MV
VINCENT GORSKI
JENNIFER WANG/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtor's and the trustee's defaults will be entered. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. The collateral is a 2015 Ram 2500. Doc. #16. The collateral has a value of \$27,050.00 and debtor owes \$26,393.97. Id.

The waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be granted. The moving papers show the collateral has been surrendered and is in movant's possession.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

10:30 AM

1. [19-11554](#)-B-12 **IN RE: EVELYN RAQUEDAN**
[MHM-1](#)

MOTION FOR ORDER DIRECTING DEBTOR TO FILE MONTHLY OPERATING
AND TAX REPORTS
6-3-2019 [\[15\]](#)

MICHAEL MEYER/MV
PHILLIP GILLET

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

This motion is DENIED AS MOOT. The case is dismissed on the chapter
12 trustee's motion below, matter #2, MHM-2.

2. [19-11554](#)-B-12 **IN RE: EVELYN RAQUEDAN**
[MHM-2](#)

MOTION TO DISMISS CASE
6-3-2019 [\[20\]](#)

MICHAEL MEYER/MV
PHILLIP GILLET

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in
conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by
Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the
creditors, the debtor, the U.S. Trustee, or any other party in
interest to file written opposition at least 14 days prior to the
hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of
any opposition to the granting of the motion. Cf. Ghazali v. Moran,
46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not
materially alter the relief requested by the moving party, an actual
hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d
592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned
parties in interest are entered and the matter will be resolved
without oral argument. Upon default, factual allegations will be
taken as true (except those relating to amount of damages).
Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir.
1987). Constitutional due process requires that a plaintiff make a

prima facie showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. 11 U.S.C. § 1208(c) states that the court may dismiss a chapter 12 case on the request of a party in interest, and after a notice and a hearing. The chapter 12 trustee ("Trustee") asks the court here to dismiss the case under § 1208(c)(1) and (c)(9). Debtor did not file opposition to this motion.

This is debtor's second chapter 12 case. The first case was dismissed without debtor opposing dismissal. See case no. 18-14107. No plan was ever filed in that case. This second case was filed shortly after the first case was dismissed. In this case, debtor listed an asset, an account receivable from Conchita Andrade in the sum of \$64,000.00. Trustee believes that this asset was not disclosed in the first chapter 12 case and that the debtor is collecting this asset and using the funds for living and or farm expenses. Doc. #20. Although the trustee has requested information on the asset and the debtor's income and expenses, none have been provided. See doc. #22.

At the § 341 meeting, debtor and counsel for creditor Hugo Rivas appeared, but debtor's counsel did not appear. No documents were provided to Trustee at the § 341 meeting. Id. Debtor has failed to deliver requested documents to Trustee, and has not provided documents on expenses and income for over half a year. Id.

The court notes debtor's amended chapter 12 plan, filed June 28, 2019. Doc. #25. First, that is not a timely response to the dismissal motion. Second, there is no request to extend deadlines under 11 U.S.C. § 1224.

The court finds that cause exists to dismiss the case. Debtor has failed to provide requested documents to Trustee, documents on expenses and income, and has failed to set the filed plan for hearing. Therefore, the motion is GRANTED and the case shall be dismissed.

3. [18-14663](#)-B-11 **IN RE: 3MB, LLC**
[AG-2](#)

MOTION FOR ORDER APPROVING DISCLOSURE STATEMENT FILED BY CREDITOR
U.S. BANK NATIONAL ASSOCIATION, APPROVING PLAN SOLICITATION,
NOTICE, AND VOTING PROCEDURES, APPROVING FORMS OF NOTICE AND
BALLOTS, FOR ORDER ESTABLISHING PLAN CONFIRMATION DEADLINES AND
PROCEDURES
5-20-2019 [\[140\]](#)

U.S. BANK NATIONAL ASSOCIATION/MV
LEONARD WELSH
AMIR GAMLIEL/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

11:30 AM

1. [19-11323](#)-B-7 **IN RE: DEBRA HODGES**

REAFFIRMATION AGREEMENT WITH TOYOTA MOTOR CREDIT CORPORATION
6-13-2019 [\[17\]](#)

ROBERT WILLIAMS

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped.

NO ORDER REQUIRED.

Debtor's counsel shall notify the debtor that no appearance is necessary.

No hearing or order is required. The form of the Reaffirmation Agreement complies with 11 U.S.C. §§ 524(c) and (k), and it was signed by the debtor's attorney with the appropriate attestations. Pursuant to 11 U.S.C. § 524(d), the court need not approve the agreement.

2. [18-14091](#)-B-7 **IN RE: MANUEL/CARMEN GARCIA**
[RSW-2](#)

MOTION FOR APPROVAL OF REAFFIRMATION AGREEMENT
5-28-2019 [\[35\]](#)

MANUEL GARCIA/MV
ROBERT WILLIAMS

NO RULING.