

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Michael S. McManus

Bankruptcy Judge

Sacramento, California

**July 6, 2015 at 10:00 a.m.**

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| 1. | 15-24727-A-11 RCK CONSERVATION CO-OP,<br>MLA-3 L.L.C. | MOTION TO<br>EXTEND AUTOMATIC STAY<br>6-16-15 [10] |
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**Final Ruling:** The court finds that a hearing will not be helpful to its consideration and resolution of this matter. Accordingly, it is removed from calendar for resolution without oral argument.

The motion will be denied as unnecessary.

The debtor seeks imposition of the automatic stay in this bankruptcy case pursuant to 11 U.S.C. § 362(c)(4)(B). However, that provision does not apply to this debtor. First, section 362(c)(4) applies only when the debtor has had "2 or more single or joint cases . . . pending within the previous year but were dismissed." 11 U.S.C. § 362(c)(4)(A)(i).

The debtor has had only one prior dismissed bankruptcy case, pending within the year before the filing of this case. And, while 11 U.S.C. § 362(c)(3) would apply when one prior case had been dismissed within one year of a second case, both section 362(c)(3) and section 362(c)(4) apply only to individual debtors. The debtor is not an individual. The debtor is a limited liability company.

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| 2. | 15-21491-A-11 BELLA PROPIEDAD, L.L.C.<br>WSS-3 | MOTION TO<br>DISMISS CASE<br>6-15-15 [65] |
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**Tentative Ruling:** Because less than 28 days' notice of the hearing was given by the debtor, this motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the creditors, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. Obviously, if there is opposition, the court may reconsider this tentative ruling.

The motion will be granted and the case will be dismissed.

The debtor moves for dismissal as it no longer has any creditors.

11 U.S.C. § 1112(b)(1) provides that "on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in

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the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate."

The debtor owned two properties as of the petition date, one in Carmichael, California and the other in Fair Oaks, California. The Carmichael property was foreclosed on by the one creditor secured by that property and the debtor's principal satisfied the debt secured by the Fair Oaks property, leaving the estate with no creditors. As such, the court will grant the motion and dismiss the case.