

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

July 8, 2014 at 9:31 A.M.

1. [11-40505](#)-B-13 STEPHEN MATHIES MOTION FOR RELIEF FROM
NLG-1 AUTOMATIC STAY
5-30-14 [[28](#)]
NATIONSTAR MORTGAGE, LLC VS.

Tentative Ruling: The motion is dismissed as moot. The chapter 13 plan (the "Plan"), filed August 23, 2011, (Dkt. 5), confirmed by order entered October 17, 2011 (Dkt. 24), already provides relief from the automatic stay for this Class 4 claim regarding real property located at 9908 Country Oak Court, Elk Grove, California. The movant already has the relief it seeks by this motion.

The court will issue a minute order.

2. [14-25605](#)-B-13 DEBRA BARTON MOTION FOR RELIEF FROM
KH-100 AUTOMATIC STAY
6-4-14 [[13](#)]
M 2 SACRAMENTO 301, LP VS.
CASE DISMISSED 6/16/14

Tentative Ruling: The motion is dismissed as moot. The automatic stay terminated upon dismissal of the bankruptcy case on June 16, 2014. The movant already has the relief it seeks by this motion with respect to real property located at 3642 Kings Way, Apt. 3, Sacramento, California.

The court will issue a minute order.

3. [14-26209](#)-B-13 BLANCA VALERO MOTION FOR RELIEF FROM
LHL-1 AUTOMATIC STAY
6-18-14 [[10](#)]
THE BANK OF NEW YORK MELLON
VS.

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

4. [11-37833](#)-B-13 LAURENCE/ROBIN RUSSO
DHB-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
6-3-14 [[39](#)]

NATIONSTAR MORTGAGE, LLC VS.

Tentative Ruling: The motion is dismissed as moot. The chapter 13 plan (the "Plan"), filed August 23, 2011, (Dkt. 5), confirmed by order entered October 17, 2011 (Dkt. 24), already provides relief from the automatic stay for this Class 4 claim regarding real property located at 9908 Country Oak Court, Elk Grove, California. The movant already has the relief it seeks by this motion.

The court will issue a minute order.

5. [14-21846](#)-B-13 MARK/COLLEEN MARTIN
KO-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
6-24-14 [[51](#)]

FIRST NORTHERN BANK OF DIXON
VS.

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. In this instance, because the debtors' amended plan proposes to surrender the Property (as that term is defined herein) to the movant, the court issues the following tentative ruling.

The motion is granted in part. The automatic stay is modified as to the debtor and the estate pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 10 N. East Street #104, Woodland, California (APN 63-102-71) (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

The debtors' first amended plan, which the court has confirmed without oral argument elsewhere on this morning's calendars, proposes to treat the movant's claim as a class 3 claim satisfied by the surrender of the Property and does not propose to make any payment to the movant. The movant alleges without dispute that the debtors have failed to make four post-petition mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 13 case where the debtors propose to surrender it to the movant pursuant to the terms of their plan.

The court will issue a minute order.