

**UNITED STATES BANKRUPTCY COURT  
Eastern District of California**

Honorable Christopher D. Jaime  
Robert T. Matsui U.S. Courthouse  
501 I Street, Sixth Floor  
Sacramento, California

**PRE-HEARING DISPOSITIONS COVER SHEET**

**DAY: TUESDAY**

**DATE: July 12, 2022**

**CALENDAR: 1:00 P.M. CHAPTER 13**

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 and no appearance is necessary. 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 seven (7) days of the final hearing on the matter.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime  
Bankruptcy Judge  
Sacramento, California

July 12, 2022 at 1:00 p.m.

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1. [20-25200](#)-B-13    DAVIE HUMPHREY    MOTION TO MODIFY PLAN  
[MEV](#)-4    Marc Voisenat    5-26-22 [[62](#)]

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to **continue the matter to July 19, 2022, at 1:00 p.m.**

The Chapter 13 Trustee objects to confirmation of the plan on grounds that the Debtor has failed to file supplemental Schedules I and/or Schedule J to support the increased plan payment of \$2,900.00 beginning May 2022.

Debtor filed amended Schedules I and J on July 5, 2022, showing that he is able to afford the increased plan payment due to the increased monthly financial contribution from his daughter. However, no declaration has been filed by the daughter stating her willingness and ability to make the increased monthly financial contribution for the duration of the plan.

Without a declaration from Debtor's daughter, the modified plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). However, rather than not confirm the modified plan, the court shall provide the Debtor until 5 p.m. on Friday, July 15, 2022, to file a declaration from his daughter. If the Debtor fails to file the declaration, the court will deny the motion to modify. If the declaration is filed, the motion will be heard on July 19, 2022, at 1:00 p.m.

The court will issue an order.

2. [22-20214](#)-B-13 ALBERT EGU  
[JLL](#)-1 Jennifer G. Lee

MOTION TO CONFIRM PLAN  
6-3-22 [[28](#)]

### **Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

The motion to confirm plan contains insufficient factual grounds and fails to plead with particularity the grounds upon which relief is sought. 11 U.S.C. § 1325(a)(1)-(9), Fed. R. Civ. P. 7(b). Debtor has filed a motion and declaration to accompany the first amended plan filed June 3, 2022, but does not explain how the amended one has changed from the plan filed February 28, 2022. There is no summary of prior events that have brought the Debtor to file and request confirmation of this amended plan.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

3. [22-20924](#)-B-13 MEAGAN MONAGHAN OBJECTION TO DEBTOR'S CLAIM OF  
[RDG](#)-2 Pro Se EXEMPTIONS  
**Thru #5** 6-1-22 [[20](#)]

**Final Ruling**

The objection has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1) and Federal Rule of Bankruptcy Procedure 4003(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to sustain the objection and the exemptions are disallowed in their entirety.

The Trustee objects to Debtor claiming her single family home as exempt on Schedule C since she fails to list any accompanying code section or specific law that allows the exemption. The court agrees. The Trustee's objection is sustained.

The objection is ORDERED SUSTAINED and the claimed exemptions DISALLOWED for reasons stated in the minutes.

The court will issue an order.

4. [22-20924](#)-B-13 MEAGAN MONAGHAN CONTINUED OBJECTION TO  
[DWE](#)-1 Pro Se CONFIRMATION OF PLAN BY FREEDOM  
MORTGAGE CORPORATION  
6-1-22 [[24](#)]

OBJECTION CONTINUED TO 8/09/2022 at 1:00 PM at Sacramento Courtroom 32, Department B TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 7/21/22.

**Final Ruling**

No appearance at the hearing is necessary. The court will issue an order.

5. [22-20924](#)-B-13 MEAGAN MONAGHAN CONTINUED OBJECTION TO  
[RDG](#)-1 Pro Se CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
6-1-22 [[16](#)]

OBJECTION CONTINUED TO 8/09/2022 at 1:00 PM at Sacramento Courtroom 32, Department B TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 7/21/22.

**Final Ruling**

No appearance at the hearing is necessary. The court will issue an order.