

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Bakersfield Federal Courthouse
510 19th Street, Second Floor
Bakersfield, California

PRE-HEARING DISPOSITIONS

DAY: WEDNESDAY
DATE: JULY 12, 2017
CALENDAR: 9:00 A.M. CHAPTERS 13 AND 12 CASES

GENERAL DESIGNATIONS

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

ORAL ARGUMENT

For matters that are called, the court may determine in its discretion whether the resolution of such matter requires oral argument. See *Morrow v. Topping*, 437 F.2d 1155, 1156-57 (9th Cir. 1971); accord LBR 9014-1(h). When the court has published a tentative ruling for a matter that is called, the court shall not accept oral argument from any attorney appearing on such matter who is unfamiliar with such tentative ruling or its grounds.

COURT'S ERRORS IN FINAL RULINGS

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 60(a), as incorporated by Federal Rules of Bankruptcy Procedure 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [17-10301](#)-A-13 LESLIE DANIELS
MHM-1
MICHAEL MEYER/MV
NEIL SCHWARTZ/Atty. for dbt.
MICHAEL MEYER/Atty. for mv.

MOTION TO DISMISS CASE
6-9-17 [[31](#)]

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CASE DISMISSAL

The debtor has failed to provide the trustee with required or requested documents. See 11 U.S.C. § 521(a)(3)-(4).

For the reasons stated in the motion, cause exists to dismiss the case. *Id.* § 1307(c)(1).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted for unreasonable delay by the debtor that is prejudicial to creditors. The court hereby dismisses this case.

2. [17-11701](#)-A-13 MANUEL MATINEZ AND SUSANA MOTION TO DISMISS CASE
MHM-1 MARTINEZ 6-9-17 [[20](#)]
MICHAEL MEYER/MV
VINCENT GORSKI/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

3. [17-11304](#)-A-13 DOUGLAS CLAYTON MOTION TO DISMISS CASE
MHM-1 6-8-17 [[15](#)]
MICHAEL MEYER/MV
NEIL SCHWARTZ/Atty. for dbt.

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CASE DISMISSAL

The debtor has failed to provide the trustee with required or requested documents. See 11 U.S.C. § 521(a)(3)-(4).

The debtor has failed to provide the trustee with required tax returns (for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed) no later than 7 days before the date first set for the first meeting of creditors. 11 U.S.C. § 521(e)(2)(A)-(B).

For the reasons stated in the motion, cause exists to dismiss the case. *Id.* § 1307(c)(1).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted for unreasonable delay by the debtor that is prejudicial to creditors. The court hereby dismisses this case.

4. [17-11304](#)-A-13 DOUGLAS CLAYTON
MHM-2
MICHAEL MEYER/MV
NEIL SCHWARTZ/Atty. for dbt.
- MOTION TO DISMISS CASE
6-12-17 [[19](#)]

Final Ruling

The case having been dismissed by a ruling on today's calendar, the matter is denied as moot.

5. [17-11205](#)-A-13 TOMMY/BRENDA PARKER
MHM-1
MICHAEL MEYER/MV
WILLIAM OLCOTT/Atty. for dbt.
RESPONSIVE PLEADING
- CONTINUED MOTION TO DISMISS
CASE
5-8-17 [[20](#)]

No tentative ruling.

6. [17-10207](#)-A-13 PEDRO/MICHELLE SARABIA
MHM-2
MICHAEL MEYER/MV
STEVEN ALPERT/Atty. for dbt.
- OBJECTION TO CONFIRMATION OF
PLAN BY MICHAEL H. MEYER
6-12-17 [[41](#)]

No tentative ruling.

7. [17-11307](#)-A-13 SATIN BRUFF
MHM-1
MICHAEL MEYER/MV
VINCENT GORSKI/Atty. for dbt.
RESPONSIVE PLEADING
- MOTION TO DISMISS CASE
6-8-17 [[18](#)]

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court

considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CASE DISMISSAL

The debtor has failed to provide the trustee with required or requested documents. See 11 U.S.C. § 521(a)(3)-(4).

For the reasons stated in the motion, cause exists to dismiss the case. *Id.* § 1307(c)(1).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted for unreasonable delay by the debtor that is prejudicial to creditors. The court hereby dismisses this case.

8. [17-10012](#)-A-13 MICHAEL SPRINGSTEAD
MHM-2
MICHAEL MEYER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING
- MOTION TO CONVERT CASE FROM
CHAPTER 13 TO CHAPTER 7 AND/OR
MOTION TO DISMISS CASE
6-14-17 [[57](#)]

No tentative ruling.

9. [16-12426](#)-A-13 PATSY ALLEN
PPR-1
CHAMPION MORTGAGE COMPANY
(NATIONSTAR MORTGAGE, LLC,
ROBERT WILLIAMS/Atty. for dbt.
BONNI MANTOVANI/Atty. for mv.
RESPONSIVE PLEADING
- CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
4-26-17 [[49](#)]

No tentative ruling.

10. [17-10034](#)-A-13 VIRGILIO/YOLANDA SERCENA CONTINUED MOTION TO DISMISS
MHM-1 CASE
MICHAEL MEYER/MV 4-26-17 [[38](#)]
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

11. [17-10034](#)-A-13 VIRGILIO/YOLANDA SERCENA CONTINUED MOTION TO VALUE
RSW-1 COLLATERAL OF CITY IN THE HILLS
VIRGILIO SERCENA/MV MASTER ASSOCIATION
4-12-17 [[22](#)]
ROBERT WILLIAMS/Atty. for dbt.

Tentative Ruling

Pursuant to the parties' mutual consent as described in their status reports, the matter is withdrawn. ECF No. 58 and 82.

12. [17-10034](#)-A-13 VIRGILIO/YOLANDA SERCENA CONTINUED MOTION TO VALUE
RSW-2 COLLATERAL OF LTCV HOMEOWNERS
VIRGILIO SERCENA/MV ASSOCIATION
4-12-17 [[27](#)]
ROBERT WILLIAMS/Atty. for dbt.

Tentative Ruling

Pursuant to the parties' mutual consent as described in their status reports, the matter is withdrawn. ECF No. 58 and 82.

13. [17-10034](#)-A-13 VIRGILIO/YOLANDA SERCENA CONTINUED MOTION TO AVOID LIEN
RSW-3 OF CITY IN THE HILLS
VIRGILIO SERCENA/MV MASTER/LTCV HOA
4-12-17 [[32](#)]
ROBERT WILLIAMS/Atty. for dbt.

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by moving party

The motion was noticed under the noticed procedure of LBR 9014-1(f)(1). The respondent has stated its non-opposition and consented on the record to the relief sought. ECF No. 82.

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been

entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The responding party's judicial lien, all other liens, and the exemption amount together exceed the property's value by an amount greater than or equal to the debt secured by the responding party's lien. As a result, the responding party's judicial lien will be avoided entirely.

14. [17-10034](#)-A-13 VIRGILIO/YOLANDA SERCENA MOTION TO CONFIRM PLAN
RSW-4 5-30-17 [[64](#)]
VIRGILIO SERCENA/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

15. [16-13343](#)-A-13 AIDE/JAMES BLANCO MOTION TO MODIFY PLAN
PK-4 6-5-17 [[82](#)]
AIDE BLANCO/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

16. [16-12851](#)-A-13 ALLEN/KATHERIN TOLBERT MOTION TO MODIFY PLAN
RSW-2 6-6-17 [[30](#)]
ALLEN TOLBERT/MV
ROBERT WILLIAMS/Atty. for dbt.

Final Ruling

Motion: Modify Chapter 13 Plan

Notice: LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by the trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written

opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(2), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden. The court will grant the motion and approve the modification of the plan.

17. [15-11654](#)-A-13 ELLIOT BADGER AND BRENDA MOTION TO MODIFY PLAN
RSW-5 VAQUERA 5-5-17 [[102](#)]
ELLIOT BADGER/MV
ROBERT WILLIAMS/Atty. for dbt.
RESPONSIVE PLEADING

Tentative Ruling

Motion: Modify Chapter 13 Plan

Notice: LBR 3015-1(d)(2), 9014-1(f)(1); written opposition filed by the trustee

Disposition: Disapproved

Order: Civil minute order

The motion requests modification of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1325, 1329; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(2). The Chapter 13 trustee opposes the motion, objecting to the modification.

PROPOSED MODIFICATION

Regarding the proposed modification, the trustee objects because the plan does not fund. The court takes judicial notice of the proposed modified plan and its terms, which appear on its docket. Fed. R. Evid. 201.

Class 1 references the additional provisions for the amount of the arrearage dividend. The additional provisions do not provide an arrearage dividend. The additional provisions only address when the payment on "real estate arrears shall resume."

As the proponent of a chapter 13 plan, the debtor has the burden of proof on all elements of plan confirmation. See *In re Hill*, 268 B.R. 548, 552 (B.A.P. 9th Cir. 2001) (citation omitted). Section 1322 sets forth both mandatory and discretionary provisions of a chapter 13 plan. See 11 U.S.C. § 1322(a) (mandatory provisions), (b) (discretionary provisions).

Section 1322(b) allows a plan to contain additional provisions "not inconsistent with" the Bankruptcy Code. *Id.* § 1322(b)(11). Ambiguous, unclear or vague additional provisions should not be approved because they fail to give sufficient notice to creditors

affected by the provisions of their treatment under the plan. See *County of Ventura Tax Collector v. Brawders (In re Brawders)*, 325 B.R. 405, 411 (B.A.P. 9th Cir. 2005) ("[A] plan should clearly state its intended effect on a given issue.").

In this case, the plan is incomplete, or at best, vague and ambiguous. The court will not approve the modification.

In proposing any future modification, the debtors should consider the trustee's objection that the plan's term exceeds 5 years.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

The debtor's motion for modification of the plan has been presented to the court. Having considered the motion together with papers filed in support and opposition to it, and having heard the arguments of counsel, if any, and good cause appearing,

IT IS ORDERED that the motion is disapproved.

18. [11-62772](#)-A-13 JOHN/BETH NEMETH
MHM-5

CONTINUED MOTION TO CONVERT
CASE FROM CHAPTER 13 TO CHAPTER
7
3-27-17 [[387](#)]

PHILLIP GILLET/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

19. [11-62772](#)-A-13 JOHN/BETH NEMETH
PWG-10
JOHN NEMETH/MV
PHILLIP GILLET/Atty. for dbt.

MOTION FOR STAY PENDING APPEAL
6-28-17 [[437](#)]

No tentative ruling.

20. [17-11274](#)-A-13 CLINT/JUDITH HARRISON
RSW-1
CLINT HARRISON/MV
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
CALIFORNIA FRANCHISE TAX BOARD
6-21-17 [[34](#)]

Tentative Ruling

Motion: Value Collateral [Real Property; Principal Residence]

Notice: LBR 9014-1(f) (2); no written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the respondent is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

VALUATION OF COLLATERAL

Chapter 13 debtors may strip off a wholly unsecured junior lien encumbering the debtor's principal residence. 11 U.S.C. §§ 506(a), 1322(b) (2); *In re Lam*, 211 B.R. 36, 40-42 (B.A.P. 9th Cir. 1997); *In re Zimmer*, 313 F.3d 1220, 1222-25 (9th Cir. 2002) (holding that the trial court erred in deciding that a wholly unsecured lien was within the scope of the antimodification clause of § 1322(b) (2) of the Bankruptcy Code). A motion to value the debtor's principal residence should be granted upon a threefold showing by the moving party. First, the moving party must proceed by noticed motion. Fed. R. Bankr. P. 3012. Second, the motion must be served on the holder of the secured claim. Fed. R. Bankr. P. 3012, 9014(a); LBR 3015-1(j). Third, the moving party must prove by admissible evidence that the debt secured by liens senior to the respondent's claim exceeds the value of the principal residence. 11 U.S.C. § 506(a); *Lam*, 211 B.R. at 40-42; *Zimmer*, 313 F.3d at 1222-25. "In the absence of contrary evidence, an owner's opinion of property value may be conclusive." *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

The debtor requests that the court value real property collateral. The collateral is the debtor's principal residence located at 12501 Crown Crest Drive, Bakersfield, CA.

The court values the collateral at \$532,402. The debt secured by liens senior to the respondent's lien exceeds the value of the collateral. Because the amount owed to senior lienholders exceeds the collateral's value, the respondent's claim is wholly unsecured and no portion will be allowed as a secured claim. See 11 U.S.C. § 506(a).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to value real property collateral has been

presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The real property collateral located at 12501 Crown Crest Drive, Bakersfield, CA, has a value of \$532,402. The collateral is encumbered by senior liens securing debt that exceeds the collateral's value. The respondent has a secured claim in the amount of \$0.00 and a general unsecured claim for the balance of the claim.

21. [17-11175](#)-A-13 MARCELO MANIBO
MHM-1
MICHAEL MEYER/MV
VINCENT GORSKI/Atty. for dbt.
WITHDRAWN

CONTINUED MOTION TO DISMISS
CASE
5-8-17 [[19](#)]

Final Ruling

The motion withdrawn, the matter is dropped as moot.

22. [17-11382](#)-A-13 GREGORY/SHELLEY SNELLA
MHM-1
MICHAEL MEYER/MV
NEIL SCHWARTZ/Atty. for dbt.

MOTION TO DISMISS CASE
6-9-17 [[13](#)]

Final Ruling

Motion: Dismiss Case

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CASE DISMISSAL

The debtor has failed to provide the trustee with required or requested documents. See 11 U.S.C. § 521(a)(3)-(4).

For the reasons stated in the motion, cause exists to dismiss the case. *Id.* § 1307(c)(1).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted for unreasonable delay by the debtor that is prejudicial to creditors. The court hereby dismisses this case.

23. [13-16685](#)-A-13 ROBERT/ORENE BARKER MOTION TO MODIFY PLAN
PK-4 5-5-17 [[102](#)]
ROBERT BARKER/MV
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

24. [17-10185](#)-A-13 WILLIAM RICHARDSON CONTINUED MOTION TO VALUE
PK-1 COLLATERAL OF WHEELS FINANCIAL
WILLIAM RICHARDSON/MV GROUP, LLC
4-11-17 [[28](#)]
PATRICK KAVANAGH/Atty. for dbt.
RESPONSIVE PLEADING

Final Ruling

Motion: Value Collateral [Personal Property; Motor Vehicle]

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

The debtor filed a motion to value the collateral of the respondent. The parties have agreed to the value of the collateral according to their joint status report. The court will issue the following ruling and civil minute order pursuant to the parties' status report.

VALUATION OF COLLATERAL

Chapter 13 debtors may value collateral by noticed motion. Fed. R. Bankr. P. 3012. Section 506(a) of the Bankruptcy Code provides, "An allowed claim of a creditor secured by a lien on property in which the estate has an interest . . . is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property" and is unsecured as to the remainder. 11 U.S.C. § 506(a). For personal property, value is defined as "replacement value" on the date of the petition. *Id.* § 506(a)(2). For "property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is

determined." *Id.* The costs of sale or marketing may not be deducted. *Id.*

A debtor's ability to value collateral consisting of a motor vehicle is limited by the terms of the hanging paragraph of § 1325(a). See 11 U.S.C. § 1325(a) (hanging paragraph). Under this statute, a lien secured by a motor vehicle cannot be stripped down to the collateral's value if: (i) the lien securing the claim is a purchase money security interest, (ii) the debt was incurred within the 910-day period preceding the date of the petition, and (iii) the motor vehicle was acquired for the debtor's personal use. 11 U.S.C. § 1325(a) (hanging paragraph).

In this case, the debtor seeks to value collateral consisting of a motor vehicle described as a 2007 Toyota Camry. The debt owed to the respondent is not secured by a purchase money security interest. See 11 U.S.C. § 1325(a) (hanging paragraph). The court values the vehicle at \$4889.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to value collateral consisting of a motor vehicle has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The personal property collateral described as a 2007 Toyota Camry has a value of \$4889. No senior liens on the collateral have been identified. The respondent has a secured claim in the amount of \$4889 equal to the value of the collateral that is unencumbered by senior liens. The respondent has a general unsecured claim for the balance of the claim.

25. [17-11708](#)-A-13 DAVID MOORE

CONTINUED ORDER TO SHOW CAUSE -
FAILURE TO PAY FEES
6-5-17 [[17](#)]

MARK ZIMMERMAN/Atty. for dbt.

Final Ruling

All past due filing fees have been paid. The order to show cause is discharged, and the case will remain pending. The court will issue a minute order.

26. [17-12366](#)-A-13 MIGUEL HUERTA MADRIGAL MOTION TO EXTEND AUTOMATIC STAY
PBB-1 AND OLGA NOVELA DE HUERTA 7-3-17 [[14](#)]
MIGUEL HUERTA MADRIGAL/MV
PETER BUNTING/Atty. for dbt.
OST 7/5/17

Tentative Ruling

Motion: Extend the Automatic Stay

Notice: LBR 9014-1(f) (2); no written opposition required

Disposition: Granted except as to any creditor without proper notice of this motion

Order: Prepared by moving party pursuant to the instructions below

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Upon request of a party in interest, the court may extend the automatic stay where the debtor has had one previous bankruptcy case that was pending within the 1-year period prior to the filing of the current bankruptcy case but was dismissed. See 11 U.S.C. § 362(c)(3)(B). Procedurally, the automatic stay may be extended only "after notice and a hearing *completed* before the expiration of the 30-day period" after the filing of the petition in the later case. *Id.* (emphasis added). To extend the stay, the court must find that the filing of the *later case* is in good faith as to the creditors to be stayed, and the extension of the stay may be made subject to conditions or limitations the court may impose. *Id.*

For the reasons stated in the motion and supporting papers, the court finds that the filing of the current case is in good faith as to the creditors to be stayed. The motion will be granted except as to any creditor without proper notice of this motion.