

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

Honorable Fredrick E. Clement
Fresno Federal Courthouse
2500 Tulare Street, 5th Floor
Courtroom 11, Department A
Fresno, California

PRE-HEARING DISPOSITIONS

DAY: FRIDAY
DATE: JULY 22, 2016
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. [16-11603](#)-A-13 ARTEM/ANNA PETROSYAN
MHM-1
MICHAEL MEYER/MV
PETER BUNTING/Atty. for dbt.

MOTION TO DISMISS CASE
6-21-16 [[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 debtors have failed to provide credit counseling certificates. With exceptions not applicable here, an individual cannot be a debtor under Title 11 unless such individual has received credit counseling as prescribed by § 109(h)(1). Credit counseling certificates are required to be filed pursuant to § 521(b) and Fed. R. Bankr. P. 1007(b)(3).

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. [16-11309](#)-A-13 CARMEN HARGETT
MHM-2
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
ORDER #29 RESCHEDULING TO
7/28/16

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
6-10-16 [[19](#)]

Final Ruling

Pursuant to Order, ECF No. 29, this matter is rescheduled to July 28, 2016, at 9:00 a.m.

3. [16-11614](#)-A-13 RUBEN VERDUZCO
MHM-1
MICHAEL MEYER/MV
RICHARD STURDEVANT/Atty. for dbt.

MOTION TO DISMISS CASE
6-21-16 [[20](#)]

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. [11-14917](#)-A-13 LARRY/DIANA LOGUE
MHM-1
MICHAEL MEYER/MV

MOTION TO DETERMINE FINAL CURE
AND MORTGAGE PAYMENT RULE
3002.1
6-14-16 [[163](#)]

M. ENMARK/Atty. for dbt.

Final Ruling

Motion: Determination of Final Cure and Payment of Required Postpetition Amounts under Rule 3002.1(h)

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

Disposition: Granted

Order: Prepared by moving party

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).

Federal Rule of Bankruptcy Procedure 3002.1(h) provides that the debtor or trustee may file a motion to "determine whether the debtor has cured the default and paid all required postpetition amounts" due on a claim in a chapter 13 case that is "(1) secured by a security interest in the debtor's principal residence, and (2) provided for under § 1322(b)(5) of the Code in the debtor's plan." Fed. R. Bankr. P. 3002.1.

Rule 3002.1(f) and (g) describe procedures that must be followed before the motion may be filed. These procedures begin with the trustee's filing and serving "a notice stating that the debtor has paid in full the amount required to cure any default on the claim" and "inform[ing] the holder of its obligation to file and serve a response under subdivision (g)." Fed. R. Bankr. P. 3002.1(f). This notice is called the Notice of Final Cure. The debtor may file this notice if the trustee does not timely file it. *Id.*

The holder of the claim then has a limited time to file a response to this notice. See Fed. R. Bankr. P. 3002.1(g) (the holder must serve and file its response statement within 21 days after service of the Notice of Final Cure). The response statement permits the holder of the claim to agree or dispute whether the debtor has paid in full the amount required to cure the default on the claim and whether the debtor is otherwise current on all payments under § 1322(b)(5).

A motion for a determination of final cure and payment must be filed within 21 days after service of the claimholder's response statement

under subdivision (g) of Rule 3002.1. Fed. R. Bankr. P. 3002.1(h). If the movant complies with these procedures, then "the court shall, after notice and hearing, determine whether the debtor has cured the default and paid all required postpetition amounts." *Id.*

If, however, the holder of the claim fails to provide a response statement under subdivision (g) of Rule 3002.1, then the court may both (1) preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding in the case, or (2) award other appropriate relief. Fed. R. Bankr. P. 3002.1(i).

For the reasons stated in the motion and supporting papers, the court will grant the relief sought by the motion. It will also award the "other appropriate relief" described in Rule 3002.1(i)(2) by determining that the debtor has cured the default and paid all postpetition amounts due on the secured claim described in the motion as of the date indicated in the motion.

5. [16-11025](#)-A-13 TIM/CHERIE WILKINS
JHW-1
TD AUTO FINANCE LLC/MV

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY TD AUTO
FINANCE LLC
4-28-16 [[20](#)]

PETER FEAR/Atty. for dbt.
JENNIFER WANG/Atty. for mv.
PLAN WITHDRAWN

Final Ruling

The plan withdrawn, the matter is denied as moot.

6. [16-11025](#)-A-13 TIM/CHERIE WILKINS
JLP-1
DS PASO CROSSING LLC/MV

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DS PASO
CROSSING LLC
5-6-16 [[26](#)]

PETER FEAR/Atty. for dbt.
JENNIFER PRUSKI/Atty. for mv.
PLAN WITHDRAWN

Final Ruling

The plan withdrawn, the matter is denied as moot.

7. [14-11329](#)-A-13 ROY SALAZAR
RLF-2
ROY SALAZAR/MV
JEFF REICH/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN
5-25-16 [[62](#)]

No tentative ruling.

8. [16-10930](#)-A-13 ZERRICK MAYS
MHM-1
MICHAEL MEYER/MV
JOEL WINTER/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
6-21-16 [[19](#)]

Final Ruling

The motion withdrawn, the matter is dropped as moot.

9. [16-11540](#)-A-13 WILLIAM/CRYSTAL DRAKE
MHM-1

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
6-21-16 [[14](#)]

PETER BUNTING/Atty. for dbt.

No tentative ruling.

10. [15-13644](#)-A-13 ELIZABETH LEGASPI
VRP-1
ELIZABETH LEGASPI/MV

OBJECTION TO CLAIM OF CAVALRY
INVESTMENTS, LLC, CLAIM NUMBER
1
5-25-16 [[21](#)]

VARDUHI PETROSYAN/Atty. for dbt.

Final Ruling

Objection: Objection to Claim

Notice: LBR 3007-1(b)(1); written opposition required

Disposition: Sustained

Order: Prepared by objecting party

Unopposed objections are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c); LBR 9001-1(d), (n) (contested matters include objections). Written opposition to the sustaining of this objection was required not less than 14 days before the hearing on this objection. 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).

For the reasons stated in the objection, the court will sustain the objection. Cavalry Investments, LLC's claim does not account for payments made in the debtor's prior bankruptcy or bankruptcies. The balance of this claim as of the dismissal of the debtor's immediately preceding bankruptcy (originally filed in June 2012) was \$4699.57. The present bankruptcy case was filed less than one month after the debtor's immediately preceding case was dismissed. The claim filed in this case is increased to \$10,252.80. Interest accruing on the \$4699.57 balance of the claim as of the prior case's dismissal could not account for such a large increase over a period of less than one month (if so, an interest rate exceeding 1200% annually would be required). Cavalry Investments, LLC's claim, therefore, shall be allowed in the amount of \$4699.57 and disallowed as to the balance of

the claim.

11. [16-10845](#)-A-13 STEVEN JACQUES CONTINUED MOTION TO DISMISS
MHM-1 CASE
MICHAEL MEYER/MV 5-4-16 [[21](#)]

No tentative ruling.

12. [13-12246](#)-A-13 EVANGELITO VALDEZ MOTION TO MODIFY PLAN
JDR-2 6-17-16 [[40](#)]
EVANGELITO VALDEZ/MV
JEFFREY ROWE/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

13. [13-12246](#)-A-13 EVANGELITO VALDEZ MOTION TO SELL
JDR-3 6-17-16 [[48](#)]
EVANGELITO VALDEZ/MV
JEFFREY ROWE/Atty. for dbt.

No tentative ruling.

14. [16-10747](#)-A-13 CASEY/RUTH FRITZ MOTION TO CONFIRM PLAN
SL-1 6-7-16 [[27](#)]
CASEY FRITZ/MV
SCOTT LYONS/Atty. for dbt.

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 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)(1), 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, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) 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, and the court will approve confirmation of the plan.

15. [15-13348](#)-A-13 CYRUSS/KRISTEN LAMARSNA MOTION TO DISMISS CASE
MHM-2 5-24-16 [[84](#)]
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

16. [15-14062](#)-A-13 JOHN/NANCY ALVA MOTION TO DISMISS CASE
MHM-2 5-26-16 [[60](#)]
MICHAEL MEYER/MV
TIMOTHY SPRINGER/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).

For the reasons stated in the motion, cause exists under § 1307(c)(1) and (6) to dismiss the case. The debtor has failed to make all payments due under the confirmed plan. Payments are delinquent in the amount of \$3972.

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. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. This delinquency constitutes cause to dismiss this case. 11

U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

17. [15-12767](#)-A-13 CRYSTAL REED AND JASSEN MOTION FOR RELIEF FROM
KEH-1 CHUTE AUTOMATIC STAY
BALBOA THRIFT & LOAN/MV 6-3-16 [[61](#)]
BENNY BARCO/Atty. for dbt.
KEITH HERRON/Atty. for mv.
DISMISSED

Final Ruling

The case dismissed on July 5, 2016, the motion is denied as moot.

18. [16-10767](#)-A-13 GILBERT/MARY ONTIVEROS ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-17-16 [[30](#)]
SCOTT LYONS/Atty. for dbt.
FINAL INSTALLMENT PAYMENT
PAID \$77.00

Final Ruling

The fee paid, the order to show cause is discharged and the case will remain pending.

19. [16-10767](#)-A-13 GILBERT/MARY ONTIVEROS MOTION TO CONFIRM PLAN
SL-1 6-2-16 [[24](#)]
GILBERT ONTIVEROS/MV
SCOTT LYONS/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

20. [16-10269](#)-A-13 ROBERT/JENNIFER SALAS MOTION TO CONFIRM PLAN
SAH-2 5-18-16 [[39](#)]
ROBERT SALAS/MV
SUSAN HEMB/Atty. for dbt.
PLAN WITHDRAWN

Final Ruling

The plan withdrawn, the matter is dropped as moot.

21. [16-10269](#)-A-13 ROBERT/JENNIFER SALAS MOTION TO CONFIRM PLAN
SAH-3 5-25-16 [[47](#)]
ROBERT SALAS/MV
SUSAN HEMB/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

22. [16-10671](#)-A-13 CHRISTOPHER/YVONNE REED MOTION TO DISMISS CASE
MHM-1 6-9-16 [[12](#)]
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.

Final Ruling

The hearing is continued to August 10, 2016, at 9:00 a.m.

23. [16-11575](#)-A-13 LOUIS/LILLIE PANCOTTI OBJECTION TO CONFIRMATION OF
MHM-1 PLAN BY TRUSTEE MICHAEL H.
MEYER
6-21-16 [[19](#)]

GABRIEL WADDELL/Atty. for dbt.

No tentative ruling.

24. [16-11885](#)-A-12 ANTONIO/MARIA TEIXEIRA NOTICE OF INCOMPLETE FILING AND
NOTICE OF INTENT TO DISMISS
CASE
5-26-16 [[3](#)]

PETER FEAR/Atty. for dbt.

Final Ruling

The debtors have filed all required documents and the case will remain pending. The court will issue a civil minute order.

25. [15-14786](#)-A-13 MARY SMITH MOTION TO CONFIRM PLAN
DMG-7 6-6-16 [[91](#)]
MARY SMITH/MV
D. GARDNER/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

26. [12-14489](#)-A-13 BASILIO LEDEZMA
MHM-1
MICHAEL MEYER/MV

MOTION TO DETERMINE FINAL CURE
AND MORTGAGE PAYMENT RULE
3002.1
6-8-16 [[76](#)]

JERRY LOWE/Atty. for dbt.

Final Ruling

Motion: Determination of Final Cure and Payment of Required
Postpetition Amounts under Rule 3002.1(h)

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

Disposition: Granted

Order: Prepared by moving party

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).

Federal Rule of Bankruptcy Procedure 3002.1(h) provides that the debtor or trustee may file a motion to "determine whether the debtor has cured the default and paid all required postpetition amounts" due on a claim in a chapter 13 case that is "(1) secured by a security interest in the debtor's principal residence, and (2) provided for under § 1322(b)(5) of the Code in the debtor's plan." Fed. R. Bankr. P. 3002.1.

Rule 3002.1(f) and (g) describe procedures that must be followed before the motion may be filed. These procedures begin with the trustee's filing and serving "a notice stating that the debtor has paid in full the amount required to cure any default on the claim" and "inform[ing] the holder of its obligation to file and serve a response under subdivision (g)." Fed. R. Bankr. P. 3002.1(f). This notice is called the Notice of Final Cure. The debtor may file this notice if the trustee does not timely file it. *Id.*

The holder of the claim then has a limited time to file a response to this notice. See Fed. R. Bankr. P. 3002.1(g) (the holder must serve and file its response statement within 21 days after service of the Notice of Final Cure). The response statement permits the holder of the claim to agree or dispute whether the debtor has paid in full the amount required to cure the default on the claim and whether the debtor is otherwise current on all payments under § 1322(b)(5).

A motion for a determination of final cure and payment must be filed within 21 days after service of the claimholder's response statement under subdivision (g) of Rule 3002.1. Fed. R. Bankr. P. 3002.1(h). If the movant complies with these procedures, then "the court shall, after notice and hearing, determine whether the debtor has cured the default and paid all required postpetition amounts." *Id.*

If, however, the holder of the claim fails to provide a response statement under subdivision (g) of Rule 3002.1, then the court may both (1) preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary

proceeding in the case, or (2) award other appropriate relief. Fed. R. Bank. P. 3002.1(i).

For the reasons stated in the motion and supporting papers, the court will grant the relief sought by the motion. It will also award the "other appropriate relief" described in Rule 3002.1(i)(2) by determining that the debtor has cured the default and paid all postpetition amounts due on the secured claim described in the motion as of the date indicated in the motion.

27. [16-10090](#)-A-13 HENRY/IRMA ROMERO

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-17-16 [[38](#)]

PETER BUNTING/Atty. for dbt.
FEE PAID \$25.00

Final Ruling

The fee paid, the order to show cause is discharged.

28. [16-10790](#)-A-13 JOSE/MARIA CASILLAS
MHM-2

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
6-21-16 [[30](#)]

JANINE ESQUIVEL/Atty. for dbt.

No tentative ruling.

29. [16-10698](#)-A-13 MATTHEW/DEBORAH EVANS
MHM-1

MOTION TO DISMISS CASE
6-21-16 [[19](#)]

MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING
WITHDRAWN

Final Ruling

The motion withdrawn, the matter is dropped as moot.

30. [11-16634](#)-A-13 ARNOLD/LINDA MININGER
PLG-2
ARNOLD MININGER/MV

MOTION FOR SUBSTITUTION OF
PARTY AND/OR MOTION FOR WAIVER
OF THE CERTIFICATION
REQUIREMENTS FOR ENTRY OF
DISCHARGE IN A CHAPTER 13 CASE
FOR DEBTOR
7-7-16 [[41](#)]

D. HARELIK/Atty. for dbt.

Tentative Ruling

Motion: Waiver of Requirement to File § 1328 Certifications

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

Disposition: Granted

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).

The motion requests a waiver of the requirement to complete and file § 1328 certifications, including certifications concerning domestic support obligations, prior bankruptcy discharges, exemptions exceeding the amount stated in § 522(q)(1) and pending criminal or civil proceedings described in § 522(q)(1)(A) and (B). These certifications are generally required for debtors by § 1328(a) and Local Bankruptcy Rule 5009-1(b) and (c).

The debtor named in the motion has died. Rule 1016 is applicable to this case. Rule 1016 provides that when a debtor dies, "[i]f a reorganization, family farmer's debt adjustment, or individual's debt adjustment case is pending under chapter 11, chapter 12, or chapter 13, the case may be dismissed; or if further administration is possible and in the best interest of the parties, the case may proceed and be concluded in the same manner, so far as possible, as though the death or incompetency had not occurred."

The court will authorize further administration of this case as to the deceased debtor, and waive the requirement that the deceased debtor file certifications concerning compliance with § 1328, including Forms EDC 3-190 and EDC 3-191 required under LBR 5009-1.

Furthermore, the court will substitute Linda Ann Mininger in the place of the deceased debtor as the deceased debtor's representative or successor.

The operative provisions of the order shall state only the following: "It is ordered that the motion is granted as to the deceased debtor. Plan payments have been completed. The court waives the requirement that [deceased debtor's name] complete and file certifications concerning compliance with § 1328. And the court finds the continued administration of the estate is possible and in the best interests of the parties. The court substitutes Linda Ann Mininger in the place of the deceased debtor as the deceased debtor's representative or successor."