



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

Chief Judge Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: MONDAY
DATE: JULY 28, 2025
CALENDAR: 10:30 A.M. CHAPTER 7 CASES

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business** day prior to the hearing.

Information regarding how to sign up can be found on the **Court Appearances** page of our website at:

<https://www.caeb.uscourts.gov/Calendar/CourtAppearances>

Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by **ZoomGov** may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to the trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including screen shots or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

PRE-HEARING DISPOSITION INSTRUCTIONS

RULINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling.

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [25-22614](#)-A-7 **IN RE: JANET HAMPTON**

AMENDED ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
6-17-2025 [\[21\]](#)

BONNIE BAKER/ATTY. FOR DBT.
RESPONSIVE ENTRY, 6/16/2025

Final Ruling

The Order to Show Cause is discharged. No appearances are required.
The court will issue a civil minute order.

2. [25-21716](#)-A-7 **IN RE: ANGELIQUE KEYS**
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
6-11-2025 [\[17\]](#)

KIRSTEN MARTINEZ/ATTY. FOR MV.
SYSTEMS & SERVICES TECHNOLOGIES, INC. VS.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Stay Relief

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

Disposition: Granted

Order: Civil minute order

Subject: 2017 Keystone Impact

Cause: delinquent installment payments 25 months/\$ 18,523.68

These minutes constitute the court's findings of fact and
conclusions of law required by Fed. R. Civ. P. 52(a), *incorporated*
by Fed. R. Bankr. P. 7052, 9014(c). The findings of fact are as set
forth above; the conclusions of law are as set forth below.

DEFAULT OF RESPONDENT

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).

STAY RELIEF

Section 362(d)(1)

"[A]fter notice and a hearing," the court may terminate, annul, modify or condition the stay: (1) "for cause, including the lack of adequate protection"; or (2) "with respect to a stay of an act against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); see also Fed. R. Bankr. P. 4001(a)(1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g)(1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g., the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g)(2).

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). The debtor bears the burden of proof. 11 U.S.C. § 362(g)(2). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1). "An undersecured creditor is entitled to adequate protection only for the decline in the [collateral's] value after the bankruptcy filing." See Kathleen P. March, Hon. Alan M. Ahart & Janet A. Shapiro, *California Practice Guide: Bankruptcy* ¶ 8:1065.1 (rev. 2019) (citing *United Sav. Ass'n v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 370-73 (1988)); see also *In re Weinstein*, 227 BR 284, 296 (9th Cir. BAP 1998) ("Adequate protection is provided to safeguard the creditor against depreciation in the value of its collateral during the reorganization process"); *In re Deico Electronics, Inc.*, 139 BR 945, 947 (9th Cir. BAP 1992) ("Adequate protection payments compensate undersecured creditors for the delay bankruptcy imposes upon the exercise of their state law remedies").

The debtor is obligated to make debt payments to the moving party pursuant to a loan contract that is secured by a security interest in the debtor's vehicle described above. The debtor has defaulted on such loan with the moving party, and post-petition payments are past due. Vehicles depreciate over time and with usage. As a consequence, the moving party's interest in the vehicle is not being adequately protected due to the debtor's ongoing post-petition default.

Cause exists to grant relief under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

Section 362(d)(2)

"[A]fter notice and a hearing," the court may terminate, annul, modify or condition the stay: (1) "for cause, including the lack of

adequate protection"; or (2) "with respect to a stay of an act against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); see also Fed. R. Bankr. P. 4001(a)(1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g)(1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g., the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g)(2). Section 362(d)(2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective reorganization. 11 U.S.C. § 362(d)(2). Chapter 7 is a mechanism for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982). In this case, the aggregate amount due all liens exceeds the value of the collateral and the debtor has no equity in the property. As a consequence, the motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

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.

System & Services Technologies, Inc.'s motion for relief from the automatic stay 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 automatic stay is vacated with respect to the property described in the motion, commonly known as a 2017 Keystone Impact, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

3. [25-23416](#)-A-7 **IN RE: SERGIU/CATALINA VANGHELI**
[MS-1](#)

MOTION TO COMPEL ABANDONMENT
7-8-2025 [\[8\]](#)

MARK SHMORGON/ATTY. FOR DBT.

Tentative Ruling

Motion: Compel Abandonment of Property of the Estate

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

Disposition: Granted only as to the business name; denied as to any business assets

Order: Prepared by moving party pursuant to the instructions below

Business Description: DBA: Sergiu Vangheli (Sole Proprietorship) valued at \$0.00, Schedule A/B, ECF No. 1, absent any assets that may be part of the business.

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 movant bears the burden of proof. *In re Pilz Compact Disc., Inc.*, 229 B.R. 630 (Bankr. E.D. Pa. 1999) (Chapter 7 trustee). "[B]urdensome to the estate" means "consumes the resources and drains the income of the estate." *In re Smith-Douglass, Inc.*, 856 F.2d 12, 16 (4th Cir. 1988). "[O]f inconsequential value and benefit to the estate" refers to assets not likely to be liquidated for the benefit of creditors. 11 U.S.C. § 704(a)(1); *Matter of Taxman Clothing Co.*, 49 F3d 310, 315 (7th Cir. 1995) (Chapter 7 trustee has no duty to liquidate assets where costs of doing so likely to exceed asset's value). Of inconsequential value and benefit to the estate includes assets that (1) have no equity (including post-petition appreciation), *In re Viet Vu*, 245 B.R. 644 (9th Cir. BAP 2000); and (2) assets with equity, which has been wholly and properly exempted by the debtor. *In re Montanaro*, 307 B.R. 194 (Bankr. E.D. Cal. 2004).

Property of the estate may be abandoned under § 554 of the Bankruptcy Code if property of the estate is "burdensome to the estate or of inconsequential value and benefit to the estate." See 11 U.S.C. § 554(a)-(b); Fed. R. Bankr. P. 6007(b). Upon request of a party in interest, the court may issue an order that the trustee abandon property of the estate if the statutory standards for abandonment are fulfilled.

The business described above is either burdensome to the estate or of inconsequential value to the estate. The debtor has stated that the value of the business is \$0.00. Declaration, ECF No. 10; see also, Voluntary Petition, ECF No. 1. The business consists of the debtor's labor dispatching truck services. *Id.* All the proceeds of

this work are utilized for the debtor's household expenses. *Id.* An order compelling abandonment of such business is warranted.

COMPLIANCE WITH RULE 9013

Federal Rule of Bankruptcy Procedure 9013 requires a written motion to "set forth the relief or order sought" and to "state with particularity the grounds" for that request. Under this rule, a motion lacking proper grounds for relief (or lacking a statement of the relief sought) does not comply with this rule by including them in the declaration, exhibits or other papers in support.

The motion does not clearly state what, if any, assets are included in the debtor's sole proprietorship. It is unclear if any of the electronics or checking accounts are utilized within the sole proprietorship. See Schedule A/B, ECF No. 1. While the court may assume there is more to this business than name alone, the lack of specificity within the motion prevents the court from allowing abandonment of any additional assets. For that reason, the order will compel abandonment of only the business in name and not any assets that may be part of the business.

4. [24-21527](#)-A-7 **IN RE: ANTHONY/JENNIFER ALVAREZ**
[KMT-3](#)

MOTION FOR COMPENSATION FOR GABRIEL P. HERRERA, TRUSTEES
ATTORNEY(S)
6-17-2025 [\[44\]](#)

STEVEN ALPERT/ATTY. FOR DBT.
DEBTORS DISCHARGED: 07/18/24

Final Ruling

Application: Allowance of First and Final Compensation and Expense Reimbursement

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

Required Service: Fed. R. Civ. P. 5, Fed. R. Bankr. P. 7005

Disposition: Approved

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 application was required not less than 14 days before the hearing on the application. 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).

COMPENSATION AND EXPENSES

In this Chapter 7 case, the Chapter 7 trustee has applied for an allowance of final compensation and reimbursement of expenses for

trustee's counsel, Kronick, Moskovitz, Tiedmann & Girard. The applicant requests that the court allow compensation in the amount of \$2,150.00. The motion itemizes costs and requests reimbursement of costs in the amount of \$99.49. The court will apportion the award and approve \$2,050.51 as compensation and reimbursement of expenses in the amount of \$99.49.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

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.

Trustee's application for counsel's allowance of final compensation and reimbursement of expenses 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 application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$2,050.51 and reimbursement of expenses in the amount of \$99.49.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

5. [24-21931](#)-A-7 **IN RE: JOSE CRUZ QUINTANA**
[RLL-9](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF REYNOLDS LAW,
LLP FOR ANTHONY ASEBEDO, TRUSTEES ATTORNEY(S)
6-16-2025 [\[159\]](#)

PETER MACALUSO/ATTY. FOR DBT.
ANTHONY ASEBEDO/ATTY. FOR MV.

No Ruling

6. [24-25147](#)-A-7 **IN RE: EDWARD/MARLYN GARCIA**
[BHS-1](#)

MOTION TO EMPLOY BARRY H. SPITZER AS ATTORNEY(S)
6-24-2025 [\[79\]](#)

CATHERINE KING/ATTY. FOR DBT.
GEOFFREY RICHARDS/ATTY. FOR MV.
DEBTORS DISCHARGED: 06/18/25

Final Ruling

Application: Approval of Employment

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

Disposition: Approved

Order: Prepared by applicant

Unopposed applications 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 court may approve a trustee's employment of "a professional person under section 327 or 1103 of [Title 11] . . . on any reasonable terms and conditions of employment, including on a retainer, on an hourly basis, on a fixed or percentage fee basis, or on a contingent fee basis." 11 U.S.C. §328(a). Employment under §328(a) must also meet the requirements of §327 by the express terms of §328(a). Section 327(a) authorizes employment of only professional persons who "do not hold or represent an interest adverse to the estate, and that are disinterested persons." 11 U.S.C. § 327(a); see also *id.* § 101(14) (defining "disinterested person").

From the factual information provided in the motion and supporting papers, the court will approve the employment. The court further authorizes payment of the amount specified in the application, \$1,650.00, without further hearing or order.

7. [24-25147](#)-A-7 **IN RE: EDWARD/MARLYN GARCIA**
[BHS-2](#)

MOTION TO EMPLOY CAROL SMITH'S ASSET SALES. LLC AS
AUCTIONEER, AUTHORIZING SALE OF PROPERTY AT PUBLIC AUCTION
AND AUTHORIZING PAYMENT OF AUCTIONEER FEES AND EXPENSES
6-24-2025 [\[84\]](#)

CATHERINE KING/ATTY. FOR DBT.
GEOFFREY RICHARDS/ATTY. FOR MV.
DEBTORS DISCHARGED: 06/18/25

Final Ruling

Motion: Sell Property and Employ and Compensate Auctioneer

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

Disposition: Granted

Order: Prepared by moving party

Property: 6110 Roland Drive, Lucerne, California; 6137 Badger Road,
Lucerne, California; 6147 Badger Road, Lucerne, California.

Sale Type: Public auction

Unopposed motions are subject to the rules of default. Fed. R. Civ.
P. 55(c), *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).

SECTION 363(b) SALE

Section 363(b)(1) of Title 11 authorizes sales of property of the
estate "other than in the ordinary course of business." 11 U.S.C. §
363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir.
1983) (requiring business justification). The moving party is the
Chapter 7 trustee and liquidation of property of the estate is a
proper purpose. See 11 U.S.C. § 704(a)(1). As a result, the court
will grant the motion. The stay of the order provided by Federal
Rule of Bankruptcy Procedure 6004(h) will be waived.

SECTION 328(a) EMPLOYMENT AND COMPENSATION

The Chapter 7 trustee may employ an auctioneer that does not hold or
represent an interest adverse to the estate and that is
disinterested. 11 U.S.C. §§ 101(14), 327(a). The auctioneer
satisfies the requirements of § 327(a), and the court will approve
the auctioneer's employment.

Federal Rule of Bankruptcy Procedure 6005, moreover, requires the
court to "fix the amount or rate of compensation" whenever the court
authorizes the employment of an auctioneer. Section 328(a)
authorizes employment of a professional on any reasonable terms and
conditions of employment. Such reasonable terms include a fixed or

percentage fee basis. The court finds that the compensation sought is reasonable and will approve the application.

8. [24-25147](#)-A-7 **IN RE: EDWARD/MARLYN GARCIA**
[CK-2](#)

CONTINUED MOTION TO AVOID LIEN OF PORTFOLIO RECOVERY
ASSOCIATES LLC
5-5-2025 [\[46\]](#)

CATHERINE KING/ATTY. FOR DBT.
DEBTORS DISCHARGED: 06/18/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

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

Disposition: Granted

Order: Prepared by moving party

Subject: 32703 Twin Pine Drive, Shingletown, California

Judicial Lien Avoided: Portfolio Recovery Associates, LLC

All Other Liens:

- #1 \$5,692.32 Capital One Bank, N.A.
 - #2 \$6,181.00 Portfolio Recovery Associates
 - #3 \$4,993.82 Cavalry Portfolio Services, LLC
- **First Deed of Trust** - \$196,178.00 (Axia Financial LLC)
- **Second Deed of Trust** - \$76,709.82 (U.S. Department of Housing)
- Exemption:** \$196,178.00
- Value of Property:** \$400,000.00

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).

LIEN-AVOIDANCE STANDARDS

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).

REVERSE-PRIORITY ANALYSIS

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C. § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) Portfolio Recovery Association, LLC, (ii) Cavalry Portfolio Services, LLC, (iii) Capital One Bank, N.A. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$196,178.00 exemption in the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$480,938.32. The value of the property is \$400,000.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the respondent's judicial lien will be avoided entirely.

9. [24-25147](#)-A-7 **IN RE: EDWARD/MARLYN GARCIA**
[CK-3](#)

CONTINUED MOTION TO AVOID LIEN OF CAVALRY PORTFOLIO SERVICES
LLC
5-5-2025 [\[50\]](#)

CATHERINE KING/ATTY. FOR DBT.
DEBTORS DISCHARGED: 06/18/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

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

Disposition: Granted

Order: Prepared by moving party

Subject: 32703 Twin Pine Drive, Shingletown, California

Judicial Lien Avoided: Cavalry Portfolio Services, LLC

All Other Liens:

- #1 \$5,692.32 Capital One Bank, N.A.
- #2 \$6,181.00 Portfolio Recovery Associates
- #3 \$4,993.82 Cavalry Portfolio Services, LLC

- **First Deed of Trust** - \$196,178.00 (Axia Financial LLC)

- **Second Deed of Trust** - \$76,709.82 (U.S. Department of Housing)

Exemption: \$196,178.00

Value of Property: \$400,000.00

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).

LIEN-AVOIDANCE STANDARDS

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).

REVERSE-PRIORITY ANALYSIS

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C. § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) Portfolio Recovery Association, LLC, (ii) Cavalry Portfolio Services, LLC, (iii) Capital One Bank, N.A. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$196,178.00 exemption in the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$485,932.32. The value of the property is \$400,000.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the respondent's judicial lien will be avoided entirely.

10. [24-25147](#)-A-7 **IN RE: EDWARD/MARLYN GARCIA**
[CK-4](#)

CONTINUED MOTION TO AVOID LIEN OF CAPITAL ONE BANK NA
5-5-2025 [\[54\]](#)

CATHERINE KING/ATTY. FOR DBT.
DEBTORS DISCHARGED: 06/18/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

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

Disposition: Granted

Order: Prepared by moving party

Subject: 32703 Twin Pine Drive, Shingletown, California

Judicial Lien Avoided: Capital One Bank, N.A.

All Other Liens:

- #1 \$5,692.32 Capital One Bank, N.A.
- #2 \$6,181.00 Portfolio Recovery Associates
- #3 \$4,993.82 Cavalry Portfolio Services, LLC

- **First Deed of Trust** - \$196,178.00 (Axia Financial LLC)

- **Second Deed of Trust** - \$76,709.82 (U.S. Department of Housing)

Exemption: \$196,178.00

Value of Property: \$400,000.00

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).

LIEN-AVOIDANCE STANDARDS

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).

REVERSE-PRIORITY ANALYSIS

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C. § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) Portfolio Recovery Association, LLC, (ii) Cavalry Portfolio Services, LLC, (iii) Capital One Bank, N.A. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$196,178.00 exemption in the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$474,758.14. The value of the property is \$400,000.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the respondent's judicial lien will be avoided entirely.

11. [22-21649](#)-A-7 **IN RE: MARY KATTENHORN**
[WF-9](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH ETHAN J. BIRNBERG
6-26-2025 [\[203\]](#)

RICHARD HALL/ATTY. FOR DBT.
JASON ELDRED/ATTY. FOR MV.
DEBTOR DISCHARGED: 10/11/22

Final Ruling

Motion: Approve Compromise of Controversy

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

Disposition: Granted

Order: Civil minute order

Parties to Compromise: Trustee Nikki Farris and Trustee Ethan Birnberg

Subject: Allocation of proceeds held in the trust account of Strasser Law Corporation regarding the Kattenhorn's Family Law Case

Summary of Material Terms: The sale proceeds shall be distributed equally in the amount of \$46,192.61 among both bankruptcy estates. Addendum 1 disclaims any interest Mr. Kattenhorn's estate may have in the Cuckoo Court and authorizes Trustee Birnberg to execute any necessary documents for the title company on behalf of Mr. Kattenhorn's estate to close the sale of Cuckoo Court Lot.

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).

APPROVAL OF COMPROMISE

In determining whether to approve a compromise under Federal Rule of Bankruptcy Procedure 9019, the court determines whether the compromise was negotiated in good faith and whether the party proposing the compromise reasonably believes that the compromise is the best that can be negotiated under the facts. *In re A & C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1986). More than mere good faith negotiation of a compromise is required. The court must also find that the compromise is fair and equitable. *Id.* "Fair and equitable" involves a consideration of four factors: (i) the probability of success in the litigation; (ii) the difficulties to be encountered in collection; (iii) the complexity of the litigation, and expense, delay and inconvenience necessarily attendant to litigation; and (iv) the paramount interest of creditors and a proper deference to the creditors' expressed wishes, if any. *Id.* The party proposing the compromise bears the burden of

persuading the court that the compromise is fair and equitable and should be approved. *Id.*

The movant requests approval of a compromise. The compromise is reflected in the settlement agreement attached to the motion as an exhibit. Based on the motion and supporting papers, the court finds that the compromise presented for the court's approval is fair and equitable considering the relevant *A & C Properties* factors. The factor regarding probability of successful litigation weighs in favor of the compromise. There is no way to determine if litigation would be successful for debtor and the Trustee would need to obtain family law counsel to litigate the matter. The factor regarding impediments to collection is also in favor of this agreement. The sale proceeds have been in the Strasser Law Corporation's trust account for over three years. This agreement would allow for the distribution of those funds. Additionally, litigation would be costly and cause delay in both bankruptcy estates. Therefore, this agreement is in the best interest of creditors. The compromise or settlement will be approved.

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.

Trustee Nikki Farris' motion to approve a compromise 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 court hereby approves the compromise that is reflected in the settlement agreement attached to the motion as exhibit and filed at docket no. 205.

12. [22-20257](#)-A-7 **IN RE: CRAIG ROWLAND**
[DNL-12](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH CRAIG ALLAN ROWLAND
6-23-2025 [\[93\]](#)

LUCAS GARCIA/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.
DEBTOR DISCHARGED: 09/13/22

Final Ruling

Motion: Approve Compromise of Controversy
Notice: LBR 9014-1(f)(1); written opposition required
Disposition: Granted
Order: Civil minute order

Parties to Compromise: Trustee J. Michael Hopper and Debtor Craig Allan Rowland

Subject: 50288 & 50302 Conifer Drive, Soda Springs, California (Conifer Property); 490 Aeolia Drive, Auburn, California (Auburn Property); Partnership Settlement Proceeds

Summary of Material Terms: (a) all claims of exemption that have been or could be asserted by the Debtor against the Conifer Property Interest and Partnership Settlement Proceeds, shall be deemed irrevocably withdrawn and waived; and (b) the Auburn Property shall be deemed to have been fully exempted by way of the available balance of the Wild Card Exemption and abandoned to the Debtor.

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).

APPROVAL OF COMPROMISE

In determining whether to approve a compromise under Federal Rule of Bankruptcy Procedure 9019, the court determines whether the compromise was negotiated in good faith and whether the party proposing the compromise reasonably believes that the compromise is the best that can be negotiated under the facts. *In re A & C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1986). More than mere good faith negotiation of a compromise is required. The court must also find that the compromise is fair and equitable. *Id.* "Fair and equitable" involves a consideration of four factors: (i) the probability of success in the litigation; (ii) the difficulties to be encountered in collection; (iii) the complexity of the litigation, and expense, delay and inconvenience necessarily attendant to litigation; and (iv) the paramount interest of

creditors and a proper deference to the creditors' expressed wishes, if any. *Id.* The party proposing the compromise bears the burden of persuading the court that the compromise is fair and equitable and should be approved. *Id.*

The movant requests approval of a compromise. The compromise is reflected in the settlement agreement attached to the motion as an exhibit. Based on the motion and supporting papers, the court finds that the compromise presented for the court's approval is fair and equitable considering the relevant *A & C Properties* factors. The probability of success in the litigation supports the agreement. The trustee has stated that the success in litigation is uncertain at best and this agreement is beneficial to creditors rather than risking litigation. The complexity, expense, and inconvenience of litigation also weighs in favor of the agreement. Litigating this case would require additional time and expense by doing a deep dive into the acquisition of the Auburn property. This agreement is in the paramount interest of the creditors because it eliminates the need for time consuming and costly litigation. The compromise or settlement will be approved.

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.

Trustee's motion to approve a compromise 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 court hereby approves the compromise that is reflected in the settlement agreement attached to the motion as exhibit and filed at docket no. 96.

13. [22-20257](#)-A-7 **IN RE: CRAIG ROWLAND**
[DNL-14](#)

MOTION FOR COMPENSATION FOR BACHECKI, CROM & CO., LLP,
ACCOUNTANT(S)
6-23-2025 [\[98\]](#)

LUCAS GARCIA/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.
DEBTOR DISCHARGED: 09/13/22

Final Ruling

Application: Allowance of Final Compensation and Expense
Reimbursement

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

Disposition: Approved

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 application was required not less than 14 days before the hearing on the application. 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).

COMPENSATION AND EXPENSES

In this Chapter 7 case, Bachecki, Crom, & Co., LLP, accountant for the trustee, has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$13,577.00 and reimbursement of expenses in the amount of \$102.64.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim basis.

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.

Trustee's application for allowance of final compensation and reimbursement of expenses 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 application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$13,577.00 and reimbursement of expenses in the amount of \$102.64. The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim basis.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

14. [25-22462](#)-A-7 **IN RE: PATRICK TORREY**

MOTION FOR WAIVER OF THE CHAPTER 7 FILING FEE OR OTHER FEE
5-20-2025 [[6](#)]

PATRICK TORREY/ATTY. FOR MV.

No Ruling

15. [24-24267](#)-A-7 **IN RE: RIKI TROWE**
[DNL-4](#)

MOTION FOR TURNOVER OF PROPERTY
7-11-2025 [\[98\]](#)

OMERO BANUELOS/ATTY. FOR DBT.
NIKKI FARRIS/ATTY. FOR MV.

Tentative Ruling

Motion: Compel Debtor's Turnover of Property of the Estate

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

Disposition: Granted

Order: Prepared by the movant

Subject Property: 1) debtor's interest in RJT Consulting, LLC, 2) debtor's 33% interest in Event Horizon Group, LLC, 3) RJT's deposit accounts at JPMorgan Chase Bank, including a checking account ("Chase #9189") and savings account ("Chase #1276"), 4) an Audi A3 purchased for \$27874.93 in January 2025, 5) a Land Rover purchased for \$65,000.00 in December 2024, 6) Los Angeles Dodger season tickets purchased for \$50,150.00 in December 2024, and 7) the proceeds, including without limitation, post-petition draws and profits from the RJT Consulting, LLC and Event Horizon Group, LLC

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).

Section 542(a) of the Bankruptcy Code requires the debtor and third parties to turn over to the chapter 7 trustee property that the trustee may use or sell. See 11 U.S.C. § 542(a). Property that is of inconsequential value or benefit to the estate is not required to be turned over to the trustee. See *id.* Other narrow exceptions and defenses are described in § 542. See *id.* § 542(b)-(d).

The trustee may compel the debtor to turn over property to the trustee by motion rather than by adversary proceeding. Fed. R. Bankr. P. 7001(1). The trustee bears the burden of proof, and must demonstrate that the property sought is property of the estate.

In this case, the trustee has made the requisite showing of the estate's interest in the property sought by turnover. The trustee has requested the following be turned over by the debtor: 1) debtor's interest in RJT Consulting, LLC, 2) debtor's 33% interest in Event Horizon Group, LLC, 3) RJT's deposit accounts at JPMorgan Chase Bank, including a checking account ("Chase #9189") and savings account ("Chase #1276"), 4) an Audi A3 purchased for \$27874.93 in January 2025, 5) a Land Rover purchased for \$65,000.00 in December 2024, 6) Los Angeles Dodger season tickets purchased for \$50,150.00 in December 2024, and 7) the proceeds, including without limitation, post-petition draws and profits from the RJT Consulting, LLC and Event Horizon Group, LLC. See Motion, ECF No. 98. See also,

Exhibits, ECF No. 100. The property is not of inconsequential value and shall be turned over to the trustee.

The motion will be granted. The order shall state that the property described in the motion and supporting papers shall be turned over to the trustee at once and no later than 7 days from the date of service of the order on this motion.

16. [24-22469](#)-A-7 **IN RE: JENNIFER RODRIGUE**
[CRG-8](#)

MOTION FOR SANCTIONS FOR VIOLATION OF THE AUTOMATIC STAY
4-8-2025 [[282](#)]

CARL GUSTAFSON/ATTY. FOR DBT.

No Ruling

17. [24-22469](#)-A-7 **IN RE: JENNIFER RODRIGUE**
[SCR-14](#)

MOTION TO EXTEND DEADLINE TO FILE A COMPLAINT OBJECTING TO
DISCHARGE OF THE DEBTOR AND/OR MOTION TO EXTEND TIME
5-21-2025 [[290](#)]

CARL GUSTAFSON/ATTY. FOR DBT.
SAMUEL RAY/ATTY. FOR MV.

No Ruling

18. [24-22469](#)-A-7 **IN RE: JENNIFER RODRIGUE**
[SCR-3](#)

CONTINUED OPPOSITION/OBJECTION TO CHAPTER 7 TRUSTEE'S REPORT
OF NO DISTRIBUTION
12-9-2024 [[144](#)]

CARL GUSTAFSON/ATTY. FOR DBT.
SAMUEL RAY/ATTY. FOR MV.

Final Ruling

This matter is duplicative of relief requested in pre-hearing dispositions #16 (CRG-8) and #17 (SCR-14). As such, the court drops the matter from calendar.

19. [25-22473](#)-A-7 **IN RE: TYLERJAMES MCCALL**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
7-7-2025 [[42](#)]

Final Ruling

As the fee has been paid in full, the order to show cause is discharged. The motion will remain pending.

20. [25-22473](#)-A-7 **IN RE: TYLERJAMES MCCALL**
[AMD-2](#)

AMENDED MOTION FOR RELIEF FROM AUTOMATIC STAY
6-26-2025 [\[38\]](#)

ASHLEY DEGUZMAN/ATTY. FOR MV.
MICHAEL TRAYNOR VS.

Final Ruling

Motion: Relief from Stay
Disposition: Denied without prejudice
Order: Civil minute order

SERVICE AND NOTICE

The court will deny the motion without prejudice on grounds of insufficient service of process.

A motion for relief from stay is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4001(a)(1), 9014(b). Under Rule 7004, service on an individual must be made by first class mail addressed to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession." Fed. R. Bankr. P. 7004(b)(1). A debtor in bankruptcy may be served before the case is dismissed or closed "at the address shown in the petition or to such other address as the debtor may designate in a filed writing." Fed. R. Bankr. P. 7004(b)(9).

Here, service of the motion was insufficient. The motion and supporting papers were not served on the debtor. The proof of service shows that the motion was not mailed to the debtor at all. Certificate of Service, ECF No. 39. The debtor is not listed on the certificate of service. *Id.* Thus, service on the debtor is improper and the motion will be denied without prejudice.

CIVIL MINUTE ORDER

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

Creditor's motion has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

21. [25-23079](#)-A-7 **IN RE: MALIA ARMITAGE**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
7-7-2025 [\[16\]](#)

Tentative Ruling

If the filing fee has not been paid in full by the time of the hearing, the case may be dropped without further notice or hearing.

22. [24-25385](#)-A-7 **IN RE: JOHN/JULIE CALLISON**
[PGM-3](#)

MOTION TO AVOID LIEN OF THOMAS J. IMPERATO, MD
6-10-2025 [\[46\]](#)

PETER MACALUSO/ATTY. FOR DBT.
DEBTORS DISCHARGED: 02/24/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Disposition: Denied without prejudice

Order: Civil minute order

The motion to avoid lien has been denied without prejudice previously and will be denied without prejudice for the following reasons.

PREVIOUSLY DENIED MOTIONS

This matter was previously denied without prejudice twice, PGM-1 and PGM-2. Supplemental information clarifying this fact has still not be filed or explained throughout the motion. It is necessary that counsel clearly explain whether Thomas J. Imperato, M.D., is an individual or a business entity. This is necessary to determine if service has been properly officiated. For this reason, the motion will be denied without prejudice.

CLARIFICATION NECESSARY TO DETERMINE IF SERVICE IS PROPER

In the instant case, it is still unclear if Thomas J. Imperato, M.D. is an individual or an entity. As previously stated in the rulings denying the motion for improper service "since it is common practice for medical entities to be named after a doctor with their professional title, the classification of the deed holder is ambiguous. Because there is ambiguity as to whether service is sufficient on the respondent, Fed. R. Bankr. P. 7004(b)(3), the court finds that the respondent has not sustained its burden of proof as to service." See Civil Minute Orders, ECF Nos. 35, 44.

The court will deny the motion without prejudice on grounds of insufficient service of process on the responding party. A motion

to avoid a lien is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4003(d), 9014(b); see also *In re Villar*, 317 B.R. 88, 92 n.6 (B.A.P. 9th Cir. 2004). Under Rule 7004, service on corporations and other business entities must be made by mailing a copy of the motion "to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process." Fed. R. Bankr. P. 7004(b)(3).

Service of the motion was insufficient. The motion was not mailed to the attention of an officer, managing or general agent, or other agent authorized to accept service.

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 avoid lien has been presented to the court. Because of the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

23. [25-22487](#)-A-7 **IN RE: PATRICK TORREY**

MOTION FOR WAIVER OF THE CHAPTER 7 FILING FEE OR OTHER FEE
5-21-2025 [\[6\]](#)

PATRICK TORREY/ATTY. FOR MV.

No Ruling

24. [24-25289](#)-A-7 **IN RE: MONA HEFLIN**
[HLG-8](#)

MOTION TO AVOID LIEN OF PLACER CREDITORS BUREAU
6-11-2025 [\[82\]](#)

KRISTY HERNANDEZ/ATTY. FOR DBT.
DEBTOR DISCHARGED: 03/04/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

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

Disposition: Granted

Order: Prepared by moving party

Subject: 6115 Carl Sandburg Circle, Sacramento, California

Judicial Lien Avoided: \$5,075.13 - Placer County Creditors Bureau

All Other Liens:

- Deed of Trust - \$61,705.00 (PHH Mortgage)
- \$5,861.15 (Sierra Central Credit Union)
- \$93,052.25 (TK Credit Recovery)

Exemption: \$532,500.00

Value of Property: \$364,400.00

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).

LIEN-AVOIDANCE STANDARDS

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).

REVERSE-PRIORITY ANALYSIS

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). “[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens.” *Id.*; 11 U.S.C § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) TK Credit Recovery, (ii) Placer County Creditors Bureau, (iii) Sierra Central Credit Union. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$532,500.00 exemption in the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$605,141.28. The value of the property is \$364,400.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the respondent's judicial lien will be avoided entirely.

25. [24-25289](#)-A-7 **IN RE: MONA HEFLIN**
[HLG-9](#)

MOTION TO AVOID LIEN OF TK CREDIT RECOVERY
6-11-2025 [\[87\]](#)

KRISTY HERNANDEZ/ATTY. FOR DBT.
DEBTOR DISCHARGED: 03/04/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

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

Disposition: Granted

Order: Prepared by moving party

Subject: 6115 Carl Sandburg Circle, Sacramento, California

Judicial Lien Avoided: \$93,052.25 - TK Credit Recovery

All Other Liens:

- Deed of Trust - \$61,705.00 (PHH Mortgage)
- \$5,861.15 (Sierra Central Credit Union)
- \$5,075.13 (Placer County Creditors Bureau)

Exemption: \$532,500.00

Value of Property: \$364,400.00

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).

LIEN-AVOIDANCE STANDARDS

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).

REVERSE-PRIORITY ANALYSIS

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) TK Credit Recovery, (ii) Placer County Creditors Bureau, (iii) Sierra Central Credit Union. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$532,500.00 exemption in the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$698,193.53. The value of the property is \$364,400.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the respondent's judicial lien will be avoided entirely.

26. [24-25289](#)-A-7 **IN RE: MONA HEFLIN**
[HLR-7](#)

CONTINUED MOTION TO AVOID LIEN OF SIERRA CENTRAL CREDIT
UNION
6-4-2025 [\[69\]](#)

KRISTY HERNANDEZ/ATTY. FOR DBT.
DEBTOR DISCHARGED: 03/04/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

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

Disposition: Granted

Order: Prepared by moving party

Subject: 6115 Carl Sandburg Circle, Sacramento, California

Judicial Lien Avoided: \$5,861.15 - Sierra Central Credit Union

All Other Liens:

- Deed of Trust - \$61,705.00 (PHH Mortgage)
- \$93,052.25 (TK Credit Recovery)
- \$5,075.13 (Placer County Creditors Bureau)

Exemption: \$532,500.00

Value of Property: \$364,400.00

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).

LIEN-AVOIDANCE STANDARDS

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).

REVERSE-PRIORITY ANALYSIS

In cases in which there are multiple liens to be avoided, the liens must be avoided in the reverse order of their priority. See *In re Meyer*, 373 B.R. 84, 87-88 (B.A.P. 9th Cir. 2007). "[L]iens already avoided are excluded from the exemption-impairment calculation with respect to other liens." *Id.*; 11 U.S.C § 522(f)(2)(B).

The liens against the subject real property, listed in the reverse order of their priority are: (i) TK Credit Recovery, (ii) Placer County Creditors Bureau, (iii) Sierra Central Credit Union. The court takes judicial notice of other motions on this calendar that request avoidance of other judicial liens against the subject real property in this matter. Fed. R. Evid. 201. The debtor has claimed a \$532,500.00 exemption in the property.

Excluding all liens against the subject real property that are lower in priority than respondent's lien, the moving party is entitled to relief. The total of the judicial lien, all other liens except junior judicial liens, plus the exemption amount equals approximately \$600,066.15. The value of the property is \$364,400.00. The respondent's judicial lien, all other liens (except junior judicial liens), and the exemption amount together exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the respondent's judicial lien will be avoided entirely.

27. [25-22602](#)-A-7 **IN RE: CIERRA MORRISON**
[NF-1](#)

TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO APPEAR AT SEC.
341(A) MEETING OF CREDITORS
6-27-2025 [\[16\]](#)

Tentative Ruling

Motion: Dismiss Case and Extend Trustee's Deadlines

Notice: LBR 9014-1(f)(1); written opposition required or case dismissed without hearing

Disposition: Conditionally denied in part, granted in part

Order: Civil minute order

DISMISSAL

Chapter 7 debtors shall attend the § 341(a) meeting of creditors. 11 U.S.C. § 343. A continuing failure to attend this meeting may be cause for dismissal of the case. See 11 U.S.C. §§ 105(a), 343, 707(a); *In re Witkowski*, 523 B.R. 300, 307 n.8 (B.A.P. 1st Cir. 2014) ("Some courts have ruled that the failure to attend the § 341 meeting of creditors constitutes 'cause' for dismissal.").

In this case, the debtor has failed to appear at a scheduled meeting of creditors required by 11 U.S.C. § 341. Because the debtor's failure to attend this meeting has occurred once, the court will not dismiss the case on condition that the debtor attend the next creditors' meeting. But if the debtor does not appear at the continued meeting of creditors, the case will be dismissed on trustee's declaration without further notice or hearing.

EXTENSION OF DEADLINES

The court will grant the motion in part to the extent it asks for an extension of deadlines. The court extends the following deadlines to 60 days after the next continued date of the creditors' meeting: (1) the trustee and all creditors' deadline to object to discharge under § 727, see Fed. R. Bankr. P. 4004(a); and (2) the trustee and all creditors' deadline to bring a motion to dismiss under § 707(b) or (c) for abuse, other than presumed abuse, see Fed. R. Bankr. P. 1017(e). These deadlines are no longer set at 60 days after the first creditors' meeting.

CIVIL MINUTE ORDER

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

Findings of Fact and Conclusions of Law are stated in the Civil Minutes of the hearing.

IT IS ORDERED that the Motion to Dismiss is denied on the condition that the debtor attend the next continued § 341(a) meeting of creditors scheduled for August 5, 2025, at 8:00 a.m. via Zoom. But if the debtor does not appear at this continued meeting, the case will be dismissed on trustee's declaration without further notice or hearing.

IT IS ALSO ORDERED that following deadlines shall be extended to 60 days after the next continued date of the creditors' meeting: (1) the trustee and all creditors' deadline to object to discharge under § 727, see Fed. R. Bankr. P. 4004(a); and (2) the trustee and all creditors' deadline to bring a motion to dismiss under § 707(b) or (c) for abuse, other than presumed abuse, see Fed. R. Bankr. P. 1017(e).