

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Chief Bankruptcy Judge

Modesto, California

July 29, 2021 at 2:00 p.m.

1. [18-90029-E-11](#) **JEFFERY ARAMBEL**
[20-9008](#)
ARAMBEL V. LBA RV-COMPANY
XX.VII, LP

CONTINUED STATUS CONFERENCE RE:
AMENDED COMPLAINT
11-6-20 [[45](#)]

<p>The Status Conference is xxxxxxx</p>

This Adversary Proceeding has been settled and the court is entering an amended Order approving the Settlement which provides the necessary instruction to the Clerk of the Court for disbursement of the \$750,000.00, plus interest thereon, to the Parties pursuant to the terms of the Settlement. The court's clerical error omitted that necessary instruction from the original order approving the Settlement and an amended (Fed. R. Civ. P. 60(a) clerical correction) order is being entered by the court.

At the July 29, 2021 Status Conference, the Parties reported xxxxxxx

July 29, 2021 at 2:00 p.m.

2. [18-90029-E-11](#) **JEFFERY ARAMBEL**
[20-9008](#) **MRP-2**
ARAMBEL V. LBA RV-COMPANY
XX.VII, LP

CONTINUED STATUS CONFERENCE RE:
MOTION TO DISMISS CAUSE(S) OF
ACTION FROM AMENDED COMPLAINT
11-20-20 [47]

The Status Conference for the Motion to Dismiss is XXXXXXX

This Adversary Proceeding has been settled and the court is entering an amended Order approving the Settlement which provides the necessary instruction to the Clerk of the Court for disbursement of the \$750,000.00, plus interest thereon, to the Parties pursuant to the terms of the Settlement. The court's clerical error omitted that necessary instruction from the original order approving the Settlement and an amended (Fed. R. Civ. P. 60(a) clerical correction) order is being entered by the court.

At the July 29, 2021 Status Conference, the Parties reported XXXXXXX

The Pretrial Conference is XXXXXXX

This Adversary Proceeding is one to determine whether a student loan obligation is nondischargeable. Plaintiff-Debtor appearing in pro se, the parties (with the court concurring) did not set this matter for a Zoom trial while the courthouse was closed.

The Parties expressed a desire to avail themselves of a judicial mediation while the trial date was being trailed pending the reopening of the Courthouse. The court ordered the appointment of a mediation judge (after confirming with that judge he would so serve). Unfortunately, it is reported that the parties have not been able to get the mediation process started. There have been some extraordinary matters assigned to the mediation judge by the Ninth Circuit, which may play into the “challenges” presented to the parties.

At the Status Conference, the court addresses with the parties what issues remain for trial, what factual determinations would exist for the court, and how much of what remains are “merely” legal conclusions and rulings of the court.

At the Status Conference, XXXXXXX

4. [10-90281-E-7](#) LORRAINE/GARY ERWIN
[21-9005](#)
ERWIN ET AL V. U.S. BANK,
NATIONAL ASSOCIATION ET AL

STATUS CONFERENCE RE:
COMPLAINT
5-24-21 [\[1\]](#)

The Status Conference is XXXXXXX

SUMMARY OF COMPLAINT

The Complaint filed by Lorraine and Gary Irwin (“Plaintiff-Debtor”), Dckt. 1, asserts claims to quiet title based on Adverse Possession of the real property commonly known as for 1320 Oak Leaf Circle, Oakdale, California. The liens which are the subject of this quiet title action are liens for loans obtained by Plaintiff-Debtor.

The Certificates of Service state the following persons have been served by mail:

Saxon Mortgage Services, Inc.
4700 Mercantile Dr.
Fort Worth, Texas 76137

Dckt. 6.

Personal service on U.S. Bank, N.A. by serving its registered agent:

Gabriela Sanchez
CT Corporation
818 W. 7th Street, Suite 930
Los Angeles, CA 90017

Dckt. 7.

Service by U.S. Mail on U.S. Bank, N.A., upon receiving notice from CT Corporation that it was not the agent for service of process for the Bank:

U.S. Bank, National Association
425 Walnut Street, Floor 14
Cincinnati, OH 45202

Dckt. 9.

The Federal Rules of Bankruptcy Procedure, Rule 7004, provides for service on federally insured financial institutions and corporations as follows:

(b) Service by first class mail. Except as provided in subdivision (h), in addition to the methods of service authorized by Rule 4(e)–(j) F.R.Civ.P., service may be made within the United States by first class mail postage prepaid as follows:

...

(3) Upon a domestic or foreign corporation or upon a partnership or other unincorporated association, by mailing a copy of the summons and complaint 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 and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant

...

(h) Service of process on an insured depository institution. Service on an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) in a contested matter or adversary proceeding shall be made by certified mail addressed to an officer of the institution unless—

(1) the institution has appeared by its attorney, in which case the attorney shall be served by first class mail;

(2) the court orders otherwise after service upon the institution by certified mail of notice of an application to permit service on the institution by first class mail sent to an officer of the institution designated by the institution; or

(3) the institution has waived in writing its entitlement to service by certified mail by designating an officer to receive service.

As stated Plaintiff-Debtor, the California Secretary of State reports that Saxon Mortgage Services, Inc. has surrendered its corporate status in California. ^{FN.1.}

For U.S. Bank, National Association, the FDIC website lists its main office address as 425 Walnut Street, Cincinnati, OH 45202. ^{FN.2.} That is the address used by Plaintiff-Debtor, but it is not addressed to an officer or “Attn: Officer for Service of Process.”

FN. 1. <https://businesssearch.sos.ca.gov/CBS/Detail>

FN. 2.
<https://banks.data.fdic.gov/bankfind-suite/bankfind?activeStatus=0%20OR%201&branchOffices=true&name=U.S.%20BANK%20NATIONAL%20ASSOCIATION&pageNumber=1&resultLimit=25>

At the Status Conference, **XXXXXXX**

July 29, 2021 at 2:00 p.m.

- Page 5 of 9 -

5. [19-90382-E-7](#) TRACY SMITH
[19-9012](#)
ALVAREZ V. SMITH ET AL

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
7-26-19 [1](#)

The Post-Judgment Status Conference is XXXXXXX

JULY 29, 2021 POST-JUDGMENT STATUS CONFERENCE

No further pleadings or status reports have been filed by Plaintiff. At the Status Conference,
XXXXXXX

JUNE 3, 2021 POST-JUDGMENT STATUS CONFERENCE

By Judgment entered May 26, 2020, the court granted Plaintiff Tina Alvarez a nondischargeable monetary judgment for \$19,000.00 and a mandatory injunction for Defendant Tracy Smith and Defendant Sharp Corporation to transfer title to a mobile home, together with improvements to Plaintiff. Judgement, Dckt. 48. The court provided alternative relief in the form of a monetary judgment in the amount of \$93,643.84 which Plaintiff could request if the Defendants failed to comply with the mandatory injunction and Plaintiff believes that such injunctive relief cannot be consummated.

The court scheduled this Post-Judgment Status Conference as part of its file management to determine whether the file may be closed or that a party will be seeking further relief from the court.

Plaintiff filed a Status Report on May 24, 2021. Dckt. 53. Plaintiff advises the court that the Defendants have not complied with the mandatory injunction, nor have they paid the \$19,000.00 monetary damages awarded.

Plaintiff requests that the court continue the Status Conference 60 days, by which time Plaintiff will request an amended judgment or advise the court how Plaintiff is diligently prosecuting this judgment so the court can decide whether to keep this file open or close it.

FINAL RULINGS

6. [16-90898-E-7](#) THOMAS COPE CONTINUED STATUS CONFERENCE RE:
[20-9015](#) COMPLAINT
COPE V. SCHULTZ, JR. ET AL 12-21-20 [[1](#)]

Final Ruling: No appearance at the July 29, 2021 Status Conference is required.

This Adversary Proceeding having been dismissed by Stipulation of the Parties (Dckt. 36), **the Status Conference is concluded and the matter is removed from the Calendar.**

7. [20-90710-E-12](#) LESLIE JENSEN CONTINUED MOTION TO CONVERT
[HLG-1](#) CASE FROM CHAPTER 12 TO CHAPTER
7 AND/OR MOTION TO DISMISS CASE
4-27-21 [[96](#)]

Final Ruling: No appearance at the July 29, 2021 hearing is required.

Pursuant to Order of this Court (Dckt. 155), the hearing on the Motion to Dismiss or Convert the Bankruptcy case has been continued to 2:00 p.m. on September 30, 2021.

8. [20-90710](#)-E-12 LESLIE JENSEN CONTINUED ORDER TO SHOW CAUSE
[RHS](#)-2 5-3-21 [[105](#)]

Final Ruling: No appearance at the July 29, 2021 hearing is required.

Pursuant to Order of this Court (Dckt. 154), the hearing on the Order to Show Cause has been continued to 2:00 p.m. on September 30, 2021.

9. [20-90710](#)-E-12 LESLIE JENSEN CONTINUED STATUS CONFERENCE RE:
[21-9002](#) COMPLAINT
OSMERS (MASELLIS) V. JENSEN ET 2-1-21 [[1](#)]
AL

Final Ruling: No appearance at the July 29, 2021 hearing is required.

Pursuant to Order of this Court (Dckt. 28), the Status Conference for this Dismiss Adversary Proceeding has been continued to 2:00 p.m. on September 30, 2021.

10. [20-90435](#)-E-7 CHARLES MACAWILE CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
6-22-20 [[1](#)]

**CASE CONVERTED TO CHAPTER 7
ON 6/22/2021**

Final Ruling: No appearance at the July 29, 2021 Status Conference is required.

The case having been converted to one under Chapter 7, the Status Conference is concluded and removed from the Calendar.

11. [19-90151](#)-E-11

Y&M RENTAL PROPERTY
MANAGEMENT, LLC

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
2-21-19 [\[1\]](#)

CASE CLOSED: 7/13/2021

Final Ruling: No appearance at the July 29, 2021 Status Conference is required.

The case having been dismissed, **the Status Conference is concluded and removed from the Calendar.**

July 29, 2021 at 2:00 p.m.

- Page 9 of 9 -