

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

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

PRE-HEARING DISPOSITIONS

DAY: MONDAY
DATE: AUGUST 5, 2019
CALENDAR: 9:00 A.M. CHAPTER 7 CASES

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

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

1. [17-23175](#)-D-7 **IN RE: BENJAMIN MANSHIP**
[CLH-3](#)

CONTINUED MOTION TO COMPEL ABANDONMENT
6-21-2019 [\[96\]](#)

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 and such business assets described in the motion

Order: Prepared by moving party pursuant to the instructions below

Business Description: sole proprietorship flooring business

The hearing on this motion was continued from July 17, 2019, in order for the debtor to serve the motion on the creditors and also serve a notice of the continued hearing. The debtor has done so. See ECF Nos. 107, 110, 111. A ruling on the merits follows 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).

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, as the trustee filed a no asset report on June 26, 2019. An order compelling abandonment of such business is warranted. The order will compel abandonment of only the business and its assets that are described in the motion.

2. [18-27998](#)-D-7 **IN RE: TAMARA FADEL**
[DSS-2](#)

MOTION TO EXTEND TIME AND/OR MOTION TO VACATE DISCHARGE OF
DEBTOR(S)
6-26-2019 [\[29\]](#)

DISCHARGED: 04/22/2019
RESPONSIVE PLEADING

Tentative Ruling

Motion: Compel Abandonment of Property of the Estate

Notice: None (no proof of service)

Disposition: Denied

Order: Civil minute order

The debtor's attorney filed this motion seeking the court to vacate the debtor's April 22, 2019 chapter 7 discharge and to permit the debtor to file a reaffirmation agreement.

However, the motion is not accompanied by a proof of service indicating that it was served on anyone.

Moreover, the debtor has filed a response to this motion in propria persona, indicating that she did not authorize her attorney to file the motion. The court also notes that the debtor herself filed a substitution of attorney on July 24, 2019, substituting herself in propria persona in the place of her attorney. ECF No. 37.

Given the foregoing, this motion will be denied.

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.

Having considered the motion to vacate discharge and allow the filing of a reaffirmation agreement,

IT IS ORDERED that the motion is denied.

