

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert Bardwil  
Bankruptcy Judge  
Modesto, California

August 6, 2019 at 11:00 a.m.

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INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.

3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.

4. If no disposition is set forth below, the matter will be heard as scheduled.

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1.	<a href="#">17-91007</a> -D-13	JOANN LOPES	CONTINUED MOTION TO MODIFY PLAN
	<a href="#">JAD</a> -2		5-13-19 [ <a href="#">55</a> ]

2.	<a href="#">19-90507</a> -D-13	ARNULFO RIOS AND EDITH CASTRO	ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
			7-8-19 [ <a href="#">15</a> ]

Final ruling:

The deficiency has been corrected. As a result the court will issue a minute order discharging the order to show cause and the case will remain open. No appearance is necessary.

3. [17-90520](#)-D-13 DENNIS/SONYA GILBREATH MOTION TO MODIFY PLAN  
RS-[3](#) 6-27-19 [[76](#)]

Final ruling:

This is the debtors' motion to confirm a modified chapter 13 plan. The motion will be denied because the plan that is the subject of the motion was not served. The debtors have filed two plans since they obtained confirmation of a plan - both are entitled Modified Chapter 13 Plan. That is, there is nothing in the title to distinguish the two plans from one another. But they are different - the first, filed April 29, 2019 with an earlier motion to confirm, was on a much earlier version of the chapter 13 plan used in this district. Thus, the earlier motion was denied for failure "utilize the current form of the plan made mandatory in this district on December 1, 2017, as amended by the form made mandatory effective on November 9, 2018."

This time around, the debtors' Modified Chapter 13 Plan, filed June 27, 2019, is on the current version of the plan form. However, the proof of service does not indicate that plan was served. Instead, the proof of service indicates the moving parties served the notice of hearing, motion, declaration, and "Exhibit List With Exhibits A-B." The exhibit list, in turn, includes two exhibits - Exhibit A, which is copies of an amended Schedule I, pay stubs, and an amended Schedule J, and Exhibit B, which is described in the exhibit list as the "Modified Plan." The copy filed as an exhibit to the exhibit list is in fact the plan filed April 29, 2019, not the one filed with this motion. That is, the plan filed as an exhibit - the one that was served with this motion - is the plan on the outdated form. The outdated and current versions of the plan may seem very much alike to lay persons, perhaps even bankruptcy lawyers, but they are not. The court made the revisions for reasons, making the current version mandatory. If there were virtually no difference between the two versions, the court would not have bothered to revise the earlier form. The motion will be denied because creditors were served with a plan that is not on the mandatory plan form in this district and is not the plan filed with this motion.

As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

4. [17-90520](#)-D-13 DENNIS/SONYA GILBREATH MOTION TO SELL  
RS-[4](#) 7-23-19 [[87](#)]

5. [19-90421](#)-D-13      NARCISSA THOMAS      OBJECTION TO DEBTOR'S CLAIM OF  
[RDG](#)-3                EXEMPTIONS  
6-28-19 [[48](#)]

Final ruling:

This is the trustee's objection to the debtor's claim of exemptions. The trustee objected on the ground the debtor's claims of exemption under Cal. Code Civ. Proc. § 703.140(b)(1) and (5) exceeded the amount permitted by those subdivisions. On July 9, 2019, the debtor filed an amended Schedule C on which she reduced the amount of exemptions claimed under those subdivisions. As a result of the filing of the amended Schedule C, the objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

- [illegible]

7. 19-90463-D-13 LLOYD/RENEE BETTENCOURT OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
7-12-19 [21]

8. [19-90573](#)-D-13 ALONSO CASTRO SOTO ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
7-8-19 [\[10\]](#)

9. [19-90475](#)-D-13 AJIT/ROSIE SANDHU OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D GREER  
7-12-19 [[20](#)]
10. [19-90485](#)-D-13 MICHAEL/KATHLEEN RAMBERG OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D. GREER  
7-12-19 [[15](#)]
11. [19-90294](#)-D-13 WERNER/TAMI FELDHAUS MOTION TO CONFIRM PLAN  
[RKW](#)-1 6-21-19 [[20](#)]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

12. [15-90396](#)-D-13 MICHAEL/DEBBIE DAGUE MOTION TO MODIFY PLAN  
[MSN](#)-2 6-21-19 [[56](#)]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of

order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

13. [19-90496](#)-D-13      BRUCE/LESLIE DUDLEY      OBJECTION TO CONFIRMATION OF  
[RDG-1](#)      PLAN BY RUSSELL D. GREER  
7-12-19 [[19](#)]