

**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: WEDNESDAY
DATE: AUGUST 10, 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. [16-12101](#)-A-13 RAUL GUTIERREZ

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-15-16 [[18](#)]

THOMAS GILLIS/Atty. for dbt.
\$310 FILING FEE PAID 7/21/16

Final Ruling

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

2. [16-11603](#)-A-13 ARTEM/ANNA PETROSYAN
MC-1
U.S. BANK, NATIONAL
ASSOCIATION/MV
PETER BUNTING/Atty. for dbt.
CHRISTINA O/Atty. for mv.
DISMISSED

OBJECTION TO CONFIRMATION OF
PLAN BY U.S. BANK, NATIONAL
ASSOCIATION
7-14-16 [[24](#)]

Final Ruling

The case dismissed, the objection is overruled as moot.

3. [16-11309](#)-A-13 CARMEN HARGETT
MHM-3
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
7-13-16 [[41](#)]

No tentative ruling.

4. [16-12409](#)-A-13 LISA BRADBURY
SL-1
LISA BRADBURY/MV

STEPHEN LABIAK/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO VALUE COLLATERAL OF
WELLS FARGO DEALER SERVICES,
INC.
7-5-16 [[10](#)]

Tentative Ruling

Motion: Value Collateral [Real Property; Principal Residence]

Notice: Written opposition filed by the responding party

Disposition: Continued for an evidentiary hearing

Order: Civil minute order or scheduling order

The motion seeks to value real property collateral that is the moving party's principal residence. The court will hold a scheduling conference for the purpose of setting an evidentiary hearing under Federal Rule of Bankruptcy Procedure 9014(d). An evidentiary hearing

is required because the disputed, material factual issue of the collateral's value must be resolved before the court can rule on the relief requested.

All parties shall appear at the hearing for the purpose of determining the nature and scope of the matter, identifying the disputed and undisputed issues, and establishing the relevant scheduling dates and deadlines. Alternatively, the court may continue the matter to allow the parties to file a joint status report that states:

- (1) all relief sought and the grounds for such relief;
- (2) the disputed factual or legal issues;
- (3) the undisputed factual or legal issues;
- (4) whether discovery is necessary or waived;
- (5) the deadline for Rule 26(a)(1)(A) initial disclosures;
- (6) the deadline for Rule 26(a)(2) expert disclosures (including written reports);
- (7) the deadline for the close of discovery;
- (8) whether the alternate-direct testimony procedure will be used;
- (9) the deadlines for any dispositive motions or evidentiary motions;
- (10) the dates for the evidentiary hearing and the trial time that will be required;
- (11) any other such matters as may be necessary or expedient to the resolution of these issues.

Unless the parties request more time, such a joint status report shall be filed 14 days in advance of the continued hearing date. The parties may jointly address such issues orally at the continued hearing in lieu of a written joint status report.

5. [11-12314](#)-A-13 LONNIE ANHORN
MHM-2
MICHAEL MEYER/MV
GARY HUSS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
6-24-16 [[47](#)]

Final Ruling

The motion withdrawn, the matter is dropped as moot.

6. [11-14215](#)-A-13 JOSEPHINE BAKER
MHM-5
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
6-24-16 [[68](#)]

Final Ruling

The motion withdrawn, the matter is dropped as moot.

7. [14-10515](#)-A-13 AIDA VALENCIA MOTION TO MODIFY PLAN
TCS-3 6-29-16 [[51](#)]
AIDA VALENCIA/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

8. [16-11416](#)-A-13 LINDA GILBREATH MOTION TO CONFIRM PLAN
ACL-1 6-24-16 [[17](#)]
LINDA GILBREATH/MV
JANINE ESQUIVEL/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.

9. [16-10621](#)-A-13 DAMON/REGINA GUNDERMAN OBJECTION TO CONFIRMATION OF
MHM-1 PLAN BY TRUSTEE MICHAEL H.
MEYER
7-14-16 [[26](#)]
DAVID JENKINS/Atty. for dbt.

No tentative ruling.

10. [16-11128](#)-A-13 GARY LOY
JPMORGAN CHASE BANK, N.A./MV
SCOTT LYONS/Atty. for dbt.
CHRISTINA O/Atty. for mv.
No tentative ruling.
11. [16-11128](#)-A-13 GARY LOY
AP-1
U.S. BANK NATIONAL
ASSOCIATION/MV
SCOTT LYONS/Atty. for dbt.
ALEXANDER LEE/Atty. for mv.
No tentative ruling.
12. [16-11128](#)-A-13 GARY LOY
AP-2
BANK OF AMERICA, N.A./MV
SCOTT LYONS/Atty. for dbt.
ALEXANDER LEE/Atty. for mv.
No tentative ruling.
13. [16-11128](#)-A-13 GARY LOY
MHM-1
SCOTT LYONS/Atty. for dbt.
No tentative ruling.
14. [16-10930](#)-A-13 ZERRICK MAYS
JDW-1
ZERRICK MAYS/MV
JOEL WINTER/Atty. for dbt.
RESPONSIVE PLEADING
No tentative ruling.
- OBJECTION TO CONFIRMATION OF
PLAN BY CREDITOR JPMORGAN CHASE
BANK, N.A.
7-19-16 [[43](#)]
- OBJECTION TO CONFIRMATION OF
PLAN BY CREDITOR U.S. BANK
NATIONAL ASSOCIATION
7-19-16 [[38](#)]
- OBJECTION TO CONFIRMATION OF
PLAN BY CREDITOR BANK OF
AMERICA N.A.
7-19-16 [[33](#)]
- OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE MICHAEL H.
MEYER
7-14-16 [[23](#)]
- MOTION TO CONFIRM PLAN
6-27-16 [[23](#)]

15. [16-10434](#)-A-13 JOSE ANGULO
SL-2
JOSE ANGULO/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO CONFIRM PLAN
6-17-16 [[53](#)]

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.

16. [16-10845](#)-A-13 STEVEN JACQUES

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-20-16 [[43](#)]

DISMISSED

Final Ruling

The case dismissed, the order to show cause is discharged.

17. [16-10845](#)-A-13 STEVEN JACQUES
MHM-3
MICHAEL MEYER/MV
DISMISSED

MOTION TO DISMISS CASE
7-15-16 [[37](#)]

Final Ruling

The case dismissed, the motion is denied as moot.

18. [14-15049](#)-A-7 JAMES/ESTHER KAYSER ORDER TO SHOW CAUSE WHY
FEC-1 ATTORNEY'S FEES SHOULD NOT BE
DISGORGED
7-5-16 [[39](#)]

GEORGE LOGAN/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

19. [14-15049](#)-A-7 JAMES/ESTHER KAYSER CONTINUED MOTION TO DISMISS
MHM-1 CASE
MICHAEL MEYER/MV 5-11-16 [[34](#)]
GEORGE LOGAN/Atty. for dbt.

Final Ruling

The case converted to chapter 7, the motion is denied as moot.

20. [16-11951](#)-A-13 JOSE RAMIREZ OBJECTION TO CONFIRMATION OF
PLAN BY U.S. BANK TRUST, N.A.
U.S. BANK TRUST, N.A./MV 7-19-16 [[23](#)]
HENRY NUNEZ/Atty. for dbt.
CHRISTINA O/Atty. for mv.

No tentative ruling.

21. [16-11955](#)-A-13 REYNALDO ARCINO OBJECTION TO CONFIRMATION OF
APN-1 PLAN BY WELLS FARGO BANK, N.A.
WELLS FARGO BANK, N.A./MV 7-13-16 [[17](#)]
SCOTT LYONS/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

Tentative Ruling

Objection: Creditor's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Sustained

Order: Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

The plan places Wells Fargo Bank, N.A.'s claim in Class 2, which is secured by a 2010 Ford Ranger. The plan also classifies this claim as having been reduced based on the value of the collateral, and shows the value as being \$5822, and the amount claimed as \$8533.

Wells Fargo has objected to confirmation because it disputes the replacement value of the property. Wells Fargo contends that the replacement value is \$9650, making its claim fully secured for the \$8412.27 due and owing as of the petition.

Based on the court's local rules, confirmation is not the proper forum for disputing valuations of collateral for purposes determining treatment of claims under the plan. However, the plan is improperly proposed at this time given its reduction in value of the collateral. The debtor's failure to file a motion to value such collateral that was granted before or in conjunction with the hearing on confirmation warrants denial of confirmation of the plan. LBR 3015-1(j); see also Ch. 13 Plan § 2.09(c).

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.

Wells Fargo Bank, N.A.'s objection to confirmation of the plan has been presented to the court. Having considered the objection, and any oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained pursuant to LBR 3015-1(j).

22. [16-11955](#)-A-13 REYNALDO ARCINO
EMM-1
THE BANK OF NEW YORK MELLON/MV

OBJECTION TO CONFIRMATION OF
PLAN BY THE BANK OF NEW YORK
MELLON

6-22-16 [[13](#)]

SCOTT LYONS/Atty. for dbt.
ERIN MCCARTNEY/Atty. for mv.

Tentative Ruling

The court has sustained the objection of creditor Wells Fargo Bank, N.A. to the confirmation of the plan in this case. This objection will be overruled as moot.

23. [14-11059](#)-A-13 JORGE VELAZQUEZ-JARACUARO MOTION TO MODIFY PLAN
ALG-6 AND ADRIANA OROPEZA 6-24-16 [[125](#)]
JORGE VELAZQUEZ-JARACUARO/MV
JANINE ESQUIVEL/Atty. for dbt.

Final Ruling

Motion: Modify Chapter 13 Plan

Notice: LBR 3015-1(d)(2), 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)(2), 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, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) 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. The court will grant the motion and approve the modification of the plan.

24. [14-11761](#)-A-13 FRANCISCO/DIANE LOPEZ CONTINUED MOTION FOR RELIEF
SW-1 FROM AUTOMATIC STAY
ALLY FINANCIAL/MV 4-18-16 [[74](#)]
ROBERT WILLIAMS/Atty. for dbt.
ADAM BARASCH/Atty. for mv.

No tentative ruling.

25. [16-10671](#)-A-13 CHRISTOPHER/YVONNE REED CONTINUED MOTION TO DISMISS
MHM-1 CASE
MICHAEL MEYER/MV 6-9-16 [[12](#)]
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

Tentative Ruling

The grounds for the trustee's motion to dismiss appear to have been resolved by the court's ruling on the debtors' collateral-valuation motion having docket control no. TCS-1. The court will drop this matter as moot.

26. [16-10671](#)-A-13 CHRISTOPHER/YVONNE REED MOTION TO VALUE COLLATERAL OF
TCS-1 DITECH FINANCIAL, LLC
CHRISTOPHER REED/MV 7-7-16 [[16](#)]
TIMOTHY SPRINGER/Atty. for dbt.

Final Ruling

Motion: Value Collateral [Real Property; Principal Residence]

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 respondent 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).

VALUATION OF COLLATERAL

Chapter 13 debtors may strip off a wholly unsecured junior lien encumbering the debtor's principal residence. 11 U.S.C. §§ 506(a), 1322(b)(2); *In re Lam*, 211 B.R. 36, 40-42 (B.A.P. 9th Cir. 1997); *In re Zimmer*, 313 F.3d 1220, 1222-25 (9th Cir. 2002) (holding that the trial court erred in deciding that a wholly unsecured lien was within the scope of the antimodification clause of § 1322(b)(2) of the Bankruptcy Code). A motion to value the debtor's principal residence should be granted upon a threefold showing by the moving party. First, the moving party must proceed by noticed motion. Fed. R. Bankr. P. 3012. Second, the motion must be served on the holder of the secured claim. Fed. R. Bankr. P. 3012, 9014(a); LBR 3015-1(j). Third, the moving party must prove by admissible evidence that the debt secured by liens senior to the respondent's claim exceeds the value of the principal residence. 11 U.S.C. § 506(a); *Lam*, 211 B.R. at 40-42; *Zimmer*, 313 F.3d at 1222-25. "In the absence of contrary evidence, an owner's opinion of property value may be conclusive." *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

The debtor requests that the court value real property collateral. The collateral is the debtor's principal residence located at 381 W. Carpenter Ave., Reedley, CA.

The court values the collateral at \$208,032. The debt secured by liens senior to the respondent's lien exceeds the value of the collateral. Because the amount owed to senior lienholders exceeds the collateral's value, the respondent's claim is wholly unsecured and no portion will be allowed as a secured claim. See 11 U.S.C. § 506(a).

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 value real property collateral 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 real property collateral located at 381 W. Carpenter Ave., Reedley, CA, has a value of \$208,032. The collateral is encumbered by senior liens securing debt that exceeds the collateral's value. The respondent has a secured claim in the amount of \$0.00 and a general unsecured claim for the balance of the claim.

27. [16-11575](#)-A-13 LOUIS/LILLIE PANCOTTI MOTION TO CONFIRM PLAN
FW-2 6-22-16 [[24](#)]
LOUIS PANCOTTI/MV
GABRIEL WADDELL/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.

28. [15-13076](#)-A-13 RICHARD DOMENICI MOTION TO DISMISS CASE
MHM-1 7-13-16 [[43](#)]
MICHAEL MEYER/MV
SCOTT LYONS/Atty. for dbt.

Final Ruling

The case dismissed, the motion is denied as moot.

29. [16-10977](#)-A-13 ALVINO GARCIA MOTION TO CONFIRM PLAN
TCS-2 6-24-16 [[36](#)]
ALVINO GARCIA/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

Final Ruling

The case dismissed, the motion is denied as moot.

30. [16-10383](#)-A-13 HELEN MITCHELL ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-13-16 [[25](#)]
TIMOTHY SPRINGER/Atty. for dbt.
\$25.00 MOTION FEE PAID

Final Ruling

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

31. [15-13384](#)-A-13 ARTHUR/KAREN GONZALES CONTINUED MOTION TO DISMISS
MHM-3 CASE
MICHAEL MEYER/MV 6-10-16 [[62](#)]
VARDUHI PETROSYAN/Atty. for dbt.

No tentative ruling.

32. [16-10789](#)-A-13 PAUL/MARIA WILLIAMS MOTION TO VALUE COLLATERAL OF
JRL-3 SOLARCITY FINANCE COMPANY, LLC
PAUL WILLIAMS/MV 7-13-16 [[39](#)]
JERRY LOWE/Atty. for dbt.

Final Ruling

Motion: Value Collateral [Personal Property; Non-vehicular]

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 respondent 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).

VALUATION OF COLLATERAL

Chapter 13 debtors may value collateral by noticed motion. Fed. R. Bankr. P. 3012. Section 506(a) of the Bankruptcy Code provides, "An allowed claim of a creditor secured by a lien on property in which the estate has an interest . . . is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property" and is unsecured as to the remainder. 11 U.S.C. § 506(a). For personal property, value is defined as "replacement value" on the date of the petition. *Id.* § 506(a)(2). For "property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." *Id.* The costs of sale or marketing may not be deducted. *Id.*

The right to value non-vehicular, personal property collateral in which the creditor has a purchase money security interest is limited to such collateral securing a debt that was incurred more than one year before the date of the petition. 11 U.S.C. §1325(a) (hanging paragraph).

In this case, the debtor seeks to value collateral consisting of personal property described as Solar Panels and related equipment: Meter; 10.920 kW DC (STC) photovoltaic system; 42 Modules: REC-REC260PEZ; 2 Inverters: ABB-PVI-3.6-OUTD-S-US (240 V) (1) and ABB-PVI-4.2-OUTD-S-US (240 V) (1); Mounting System. The debt secured by such property was not incurred within the 1-year period preceding the date of the petition. The court values the collateral at \$5000.

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 value non-vehicular, personal property collateral 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 personal property collateral described as Solar Panels and related equipment (Meter; 10.920 kW DC (STC) photovoltaic system; 42 Modules: REC-REC260PEZ; 2 Inverters: ABB-PVI-3.6-OUTD-S-US (240 V) (1) and ABB-PVI-4.2-OUTD-S-US (240 V) (1); Mounting System) has a value of \$5000. No senior liens on the collateral have been identified. The respondent has a secured claim in the amount of \$5000 equal to the value of the collateral that is unencumbered by senior liens. The respondent has a general unsecured claim for the balance of the claim.

33. [16-12192](#)-A-13 ROBIN BLAKE

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-25-16 [[16](#)]

JERRY LOWE/Atty. for dbt.
INSTALLMENT PAID \$156.00
7/26/16

Final Ruling

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