

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

Honorable Christopher D. Jaime  
Robert T. Matsui U.S. Courthouse  
501 I Street, Sixth Floor  
Sacramento, California

**PRE-HEARING DISPOSITIONS COVER SHEET**

**DAY: TUESDAY**

**DATE: August 12, 2025**

**CALENDAR: 1:00 P.M. CHAPTER 13**

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 and no appearance is necessary. 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 seven (7) days of the final hearing on the matter.



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

**Honorable Christopher D. Jaime**  
Bankruptcy Judge  
Department B, Courtroom 32  
501 I Street, 6<sup>th</sup> Floor  
Sacramento, California

**August 12, 2025 at 1:00 p.m.**

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Unless otherwise ordered, all matters before the Honorable **Christopher Jaime** shall be simultaneously: (1) **In Person** at, **Sacramento Courtroom No. 32, 6<sup>th</sup> Floor** (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 **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/RemoteAppearances>. 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 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:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. 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 medical 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.

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**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Christopher D. Jaime  
Bankruptcy Judge  
Sacramento, California

**August 12, 2025 at 1:00 p.m.**

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1. [22-90400](#)-B-13 ROBERT VARELA AND NORMA CONTINUED MOTION TO MODIFY PLAN  
[MSN](#)-1 PADILLA 6-18-25 [[31](#)]  
Mark S. Nelson

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtors have filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

**August 12, 2025 at 1:00 p.m.**

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed by the Chapter 13 Trustee and subsequently withdrawn. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

3. [25-22801](#)-B-13 BERNADETTE GUSTO  
[NAR](#)-1 Natali A. Ron

CONTINUED MOTION TO CONFIRM  
PLAN  
6-10-25 [[11](#)]

### **Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

4. [25-20003](#)-B-13 ADELAIDA RUIZ CONTINUED MOTION TO CONFIRM  
[FAT](#)-3 Flor De Maria A. Tataje PLAN  
4-30-25 [[37](#)]

**Final Ruling**

The motion been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to deny the motion to confirm as moot and overrule the objection as moot.

Subsequent to the filing of the Trustee's objection, an amended plan was filed on August 6, 2025. The confirmation hearing for the amended plan must still be scheduled. Nonetheless, the earlier plan filed April 30, 2025, is not confirmed.

The motion is ORDERED DENIED AS MOOT and the objection ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

5. [25-22504](#)-B-13 RUBEN/ROSEMARIE ALVAREZ OBJECTION TO CONFIRMATION OF  
[JCW](#)-1 Mohammad M. Mokarram PLAN BY CAPITAL ONE AUTO  
**Thru #6** FINANCE, A DIVISION OF CAPITAL  
ONE, N.A.  
7-15-25 [[22](#)]

CONTINUED TO 8/26/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 8/14/25.

**Final Ruling**

No appearance at the hearing is required. The court will issue an order.

6. [25-22504](#)-B-13 RUBEN/ROSEMARIE ALVAREZ CONTINUED OBJECTION TO  
[LGT](#)-1 Mohammad M. Mokarram CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
7-3-25 [[16](#)]

CONTINUED TO 8/26/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 8/14/25.

**Final Ruling**

No appearance at the hearing is required. The court will issue an order.

7. [25-90109](#)-B-13 CHRISTINE AURAN  
[MCT](#)-2 Melanie Tavare

CONTINUED MOTION TO CONFIRM  
PLAN  
6-25-25 [[38](#)]

### **Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed by the Chapter 13 Trustee and subsequently withdrawn. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan filed May 12, 2025, complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not permit the requested modification and not confirm the modified plan.

Debtors will not be able to make all payments under the plan and comply with the plan. 11 U.S.C. § 1325(a)(6). Debtors' monthly payments total \$2,876.99 with the Chapter 13 Trustee's compensation and expense. However, Debtors' plan payment is only \$2,870.00 per month. Although the difference is only \$6.99, Debtors' Schedules I and J filed January 18, 2022, show a monthly net income of \$2,338.00, which does not support the required increase in monthly plan payment. Debtors have not filed amended schedules that show an ability to make the increased plan payment.

The modified plan does not comply with 11 U.S.C. §§ 1322 and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

### Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the second amended plan.

Creditor Regional Acceptance Corporation ("Creditor") holds a security interest in a 2020 Dodge Ram Truck 1500. Debtor and a Frank Mercado borrowed \$40,411.32 with an annual percentage rate at 16.70% from Creditor and executed a Retail Installment Sale Contract Simple Finance Charge to purchase the vehicle.

Creditor objects to plan confirmation because it lists an interest rate of 0.00% for repayment. Because the claim is a "910 claim," Creditor states its claim must be paid in full with an interest rate consistent with the contract at 16.70%. The court disagrees. *In re Brooks*, 344 B.R. 417, 422 (Bankr. E.D.N.C. 2006) ("As the hanging paragraph does not prevent the application of § 1322(b)(2) to 910 claims, the court finds that the interest on such claims does not have to be calculated at the contract rate."); *In re Kelly*, 2012 WL 5457331, \*3 (E.D. Ky. Nov. 8, 2012) ("Here, while the Plan did not modify the claim of Tidewater based on the value of the vehicle, it did alter the interest rate to be paid on the claim from the contract rate of 20.95% to 4.25%. Such alteration of interest rates on 910-claims is permissible.") (citing *In re Taranto*, 365 B.R. 85, 91 (6th Cir. BAP 2007) (holder of 910-claim entitled to *Till* prime-plus risk factor, rather than contract rate of interest)); *In re Johnson*, 2009 WL 1024582, \*2 (Bankr. C.D. Ill. April 15, 2009) ("A clear majority of courts have held that the hanging paragraph does not operate to prevent a Chapter 13 debtor from modifying the rate of interest to be paid on a secured 910 claim.") (collecting cases).

The court takes judicial notice of the prime rate of interest as published in a leading newspaper. *Bonds, Rates & Credit Markets: Consumer Money Rates*, Wall St. J., August 8, 2025, [http://online.wsj.com/mdc/public/page/mdc\\_bonds.html](http://online.wsj.com/mdc/public/page/mdc_bonds.html). The current prime rate is 7.50%. To set the appropriate rate, courts utilize the "formula approach" of *Till v. SCS Credit Corp.*, 124 S.Ct. 1951 (2004), which takes into consideration the national prime rate and adjusts it for a greater risk of default posed by a debtor. Courts have typically adjusted the interest rate by 1% to 3%. The court finds that an interest rate of 8.50% to be appropriate. If either party disputes the interest rate, it may request an evidentiary hearing in either the subsequent motion to confirm or any opposition/objection thereto. The request shall appear in the caption of the document in which it is made. If an evidentiary hearing is requested, the document(s) shall also identify the interest rate expert(s). The court may also appoint its own interest rate expert, Fed. R. Evid. 706(a), and if it does it may allocate the expert's compensation among the parties as appropriate. Fed. R. Evid. 706(c). All parties, attorneys, and witnesses will be required to appear in person for the evidentiary hearing. Telephonic and/or video appearances will not be permitted.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

10. [25-22812](#)-B-13 PABLO PEREZ CRUZ AND CONTINUED MOTION TO VALUE  
[SW-1](#) RICARDO PAREDES COLLATERAL OF ALLY FINANCIAL  
Eric V. Wood INC.  
7-2-25 [[12](#)]

### **Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to deny without prejudice the motion to value collateral.

Debtors move to value the secured claim of Ally Financial Inc. ("Creditor"). Debtor is the owner of a 2021 Nissan NV200 SV Van 4D ("Vehicle"). The Debtors seek to value the Vehicle at a replacement value of \$5,601.00 as of the petition filing date. As the owners, Debtors' opinion of value is evidence of the asset's value. See Fed. R. Evid. 701; see also *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

### **No Proof of Claim Filed**

The court has reviewed the Claims Registry for this bankruptcy case. No proof of claim has been filed by Creditor for the claim to be valued.

### **Discussion**

The court finds issue with Debtors' valuation. First, the motion states that the valuation of the Vehicle is based on Kelley Blue Book but this is a third-party industry source and, therefore, Debtors' opinion of value is based on hearsay. Fed R. Evid. 801-803; see also *In re Guerra*, 2008 WL 3200931, \*2 n.4 (Bankr. E.D. Cal. 2008) ("Filed with Guerra's declaration was an unauthenticated document titled: 'Edmonds.com True Market Value Pricing Report.' The court has not considered this attachment in that it is inadmissible hearsay[.]"). Second, the motion states that the valuation is a "private party" value. This is the value in which a private party, who is not a retailer, could buy or sell a car. The standard here must be a retail valuation, taking into account the condition of the car. See 11 U.S.C. § 506(a).

In the Chapter 13 context, the replacement value of personal property used by debtors for personal, household or family purposes is "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." See 11 U.S.C. § 506(a)(2). The time value is determined is the date of filing of the petition without deduction for costs of sale or marketing. *Id.*

The Debtors have not persuaded the court regarding their position for the value of the Vehicle. The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

11. [25-90413](#)-B-13 CHERYL GONZALES CONTINUED OBJECTION TO  
[LGT](#)-1 Peter G. Macaluso CONFIRMATION OF PLAN BY LILIAN  
**Thru #13** G. TSANG  
7-7-25 [[13](#)]

**Final Ruling**

The *initial* Chapter 13 Plan filed May 27, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to continue the hearing to August 19, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

Debtor has not scheduled all debts required to be scheduled pursuant to 11 U.S.C. § 521(a). Debtor testified to have omitted several unsecured creditors of whom will need to be added to Schedule F and served with notice of the bankruptcy proceeding and chapter 13 plan. A review of the court's docket shows that an amended Schedule E/F or Master Address List has not been filed and served on any creditors.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

**Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on August 15, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on August 19, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on August 19, 2025, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the minutes.

The court will issue an order.

12. [25-90413](#)-B-13 CHERYL GONZALES CONTINUED OBJECTION TO DEBTOR'S  
[LGT](#)-2 Peter G. Macaluso CLAIM OF EXEMPTIONS  
7-8-25 [[18](#)]

**Final Ruling**

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

13. [25-90413](#)-B-13 CHERYL GONZALES  
[SAT](#)-1 Peter G. Macaluso

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY STEFAN  
KARL CATHREIN  
7-8-25 [[21](#)]

**Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). A reply by Debtor was filed.

Because the plan is not confirmable and the objection is not one that may be resolved in the confirmation order, further briefing is not necessary. See Local Bankr. R. 9014-1(f)(2)(C). The court has also determined that oral argument will not assist in the decision-making process or resolution of the objection. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to overrule as moot the objection and deny confirmation of the plan for reasons stated at Item #11, LGT-1.

The plan filed May 27, 2025, does not comply with 11 U.S.C. §§ 1322 and 1325(a).

The objection is ORDERED OVERRULE AS MOOT for reasons stated in the minutes.

The court will issue an order.

14. [25-22318](#)-B-13 TRACEY KILGORE CONTINUED OBJECTION TO  
[LGT](#)-1 Robert W. Fong CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
6-26-25 [[13](#)]

CONTINUED TO 9/09/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS  
SET FOR 8/28/25.

**Final Ruling**

No appearance at the hearing is required. The court will issue an order.

15. [25-22520](#)-B-13 ALEXANDER LIOTTA  
[LGT](#)-1 Eric V. Wood

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
6-30-25 [[15](#)]

### **Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). No written reply has been filed to the objection.

Because the plan is not confirmable and the objection is not one that may be resolved in the confirmation order, further briefing is not necessary. See Local Bankr. R. 9014-1(f)(2)(C). The court has also determined that oral argument will not assist in the decision-making process or resolution of the objection. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to sustain the objection and deny confirmation of the first amended plan.

First, the plan elects to pay Debtor's counsel pursuant to the flat fee structure in Local Bankr. R. 2016-1(c). The plan proposes to pay a monthly dividend of \$320.00 per month towards attorney fees for the remaining balance of \$10,500.00. However, the monthly dividend needs to be decreased to \$175.00 in order to comply with Local Bankr. R. 2016-1(c)(4)(C).

Second, Debtor's Schedule D lists a 2020 Honda Civic financed with Golden 1 Credit Union. According to the proof of claim filed by Golden 1 Credit Union, the expected payoff date is March 29, 2028. The 60th payment due under the Chapter 13 plan is May 25, 2030. Therefore, the vehicle loan matures during the pendency of this case and thus must be paid for through the plan. The Debtor has failed to provide admissible evidence that his plan is mathematically feasible as he has failed to provide for the auto loan in the plan.

The plan filed June 27, 2025, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

16. [25-21323](#)-B-13 RANATEJBIR THIND  
[LGT](#)-1 Scott M. Johnson

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
5-1-25 [[14](#)]

**Final Ruling**

The Chapter 13 Trustee filed a notice of withdrawal of its objection on July 16, 2025. The objection is therefore dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

The court entered an order on July 17, 2025, confirming the plan filed March 24, 2025.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

17. [24-25024](#)-B-13 MAUREEN SHARMA CONTINUED MOTION TO CONFIRM  
[PGM](#)-2 Peter G. Macaluso PLAN  
Thru #18 6-25-25 [[62](#)]

**Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed by the Chapter 13 Trustee ("Trustee"), and responses were filed by Wells Fargo Bank, N.A. ("Wells Fargo"), and debtor Maureen Sharma ("Debtor").

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the second amended plan.

First, Debtor has not addressed the issue of Class 2 claim Sierra Central Credit Union being delinquent two months.

Second, Debtor has not addressed her failure to file her 2021 taxes.

The proposed language by Wells Fargo with regard to the loan modification and Class 1 and/or 4 categorization is acceptable to Debtor and Trustee.

Nonetheless, due to the two unaddressed issues stated above, the second amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

18. [24-25024](#)-B-13 MAUREEN SHARMA CONTINUED MOTION TO APPROVE  
[PGM](#)-3 Peter G. Macaluso LOAN MODIFICATION  
6-26-25 [[73](#)]

**Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the loan modification.

Debtor seeks court approval to incur post-petition credit. Wells Fargo Home Mortgage ("Creditor"), whose claim the proposed plan provides for in Class 4, has agreed to a trial loan modification that will cure Debtor's pre- and post-petition arrears. Debtor is required to make three payments in the amount of \$2,792.79 each, beginning July 1, 2025, through September 1, 2025. Any difference between the amount of the trial period payments and the regular mortgage payments will be added to the balance of the loan along with any other past due amounts. Once the loan is modified, the interest rate and monthly principal and interest will be fixed for the life of the mortgage unless

the initial modified interest rate is below current market interest rates. The subject agreement will assist Debtor in being able to make current loan payments and to keep her real property.

The motion is supported by the Declaration of Maureen Sharma. The Declaration affirms Debtor's desire to obtain the post-petition financing and provides evidence of Debtor's ability to pay this claim on the modified terms.

This post-petition financing is consistent with the Chapter 13 plan in this case and Debtor's ability to fund that plan. There being no objection from the Trustee or other parties in interest, and the motion complying with the provisions of 11 U.S.C. § 364(d), the motion is granted.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

19. [25-90427](#)-B-13 JENNIFER DON  
[JDS](#)-4 Pro Se

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY NEWREZ  
LLC  
6-26-25 [[15](#)]

CONTINUED TO 10/07/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS  
SET FOR 9/24/25.

**Final Ruling**

No appearance at the hearing is required. The court will issue an order.

20. [25-22729](#)-B-13 JUSTIN CHARON  
[GMN](#)-1 David Foyil

OBJECTION TO CONFIRMATION OF  
PLAN BY JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION  
7-23-25 [[23](#)]

CONTINUED TO 8/19/25 AT 1:00 P.M. TO BE HEARD ON THE CONFIRMATION HEARING DATE STATED  
ON OFFICIAL FORM 3091 AND IN CONJUNCTION WITH THE CHAPTER 13 TRUSTEE'S OBJECTION TO  
CONFIRMATION.

**Final Ruling**

No appearance at the hearing is required. The court will issue an order.

21. [25-20431](#)-B-13 MITCHELL MILES  
[DAB](#)-2 David A. Boone

CONTINUED MOTION TO CONFIRM  
PLAN  
6-24-25 [[41](#)]

### **Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

First, The plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). Paragraph 2.01 of Debtor's first amended plan provides for a monthly plan payment of \$640.00 per month for months 1-5 then \$655.00 per month for months 6-60. Trustee's calculations indicate that Debtor's plan payment will need to be \$640.00 per month for months 1-5 then \$814.75 per month for months 6-60 in order for Debtors' plan to be feasible and cover the claim filed by the Department of the Treasury (Claim 7-1). According to Debtor's Schedule J, this increased payment is not feasible.

Second, Section 3.05 of the original filed plan failed to make a selection as to compensation pursuant to Local Rule 2016-1(e). Therefore, the attorney of record will need to seek approval of his fees through a fee application filed with the court.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

**Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

First, Section 3.14 of Debtor's first amended plan proposes to pay 105.5% to unsecured creditors. Trustee is unable to administer this as Trustee cannot pay the creditors more than 100% of their filed claims. However, Trustee is able to administer interest on the filed unsecured claims. Trustee is not opposed to resolving this issue in an order confirming plan with the following language: "The unsecured creditors shall be paid 100% at the Federal Judgment interest rate of 4.12%."

Second, Section 3.05 of the original filed plan failed to make a selection as to compensation pursuant to Local Rule 2016-1(e). Therefore, the attorney of record will need to seek approval of his fees through a fee application filed with the court.

Debtor has not filed any response to the Trustee's objection.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

### **Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to continue the hearing to August 19, 2025 at 1:00 p.m., conditionally deny the motion to incur debt.

The motion seeks permission to purchase a 2014 Mercedes-Benz M-Class, the total purchase price of which is \$17,422.36, with a down payment of \$4,000.00, monthly payments of \$319.58, and interest rate of 24.99%. Debtor states that his current vehicle is no longer working and that he requires reliable transportation to travel to and from his doctor appointments, and for running errands and grocery shopping. Debtor states that this purchase will not adversely affect creditors because it does not alter payments of the plan, which pays a 100% dividend to general unsecured creditors.

### **Discussion**

A motion to incur debt is governed by Federal Rule of Bankruptcy Procedure 4001(c). *In re Gonzales*, No. 08-00719, 2009 WL 1939850, at \*1 (Bankr. N.D. Iowa July 6, 2009). Rule 4001(c) requires that the motion list or summarize all material provisions of the proposed credit agreement, "including interest rate, maturity, events of default, liens, borrowing limits, and borrowing conditions." Fed. R. Bankr. P. 4001(c)(1)(B). Moreover, a copy of the agreement must be provided to the court. *Id.* at 4001(c)(1)(A). The court must know the details of the collateral as well as the financing agreement to adequately review post-confirmation financing agreements. *In re Clemons*, 358 B.R. 714, 716 (Bankr. W.D. Ky. 2007).

Here, the transaction is not in the best interest of the Debtor. Although the Vehicle is used with over 106,000 miles, Debtor states that he can afford the monthly payments on the vehicle, and that the plan will pay a 100% dividend to general unsecured creditors, the loan calls for a substantial interest charge of 24.99%. The motion is denied without prejudice.

### **Conditional Nature of this Ruling**

Because the motion has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on August 15, 2025, to file and serve a response. See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the motion will be deemed denied without prejudice for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on August 19, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the motion on August 19, 2025, at 1:00 p.m.

The motion is ORDERED CONDITIONALLY DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

25. [25-22037](#)-B-13 JENNIFER CHENEY  
[LGT](#)-1 Mary D. Anderson

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
6-16-25 [[16](#)]

**Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). No written reply has been filed to the objection.

All objections have been resolved and the court has determined that oral argument is not necessary. See Local Bankr. R. 1001-1(f), 9014-1(h). This matter will be decided on the papers. No appearance at the hearing is necessary.

The court's decision is to overrule the objection and confirm the plan.

The Chapter 13 Trustee objects to confirmation of the plan on grounds that the meeting of creditors has not yet concluded and was continued to July 16, 2025. Debtor appeared at the continued meeting of creditors and it was concluded. This resolves the Trustee's objection to confirmation.

The plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed May 12, 2025, is confirmed.

The objection is ORDERED OVERRULED for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

26. [25-90337](#)-B-13 ERLINDA RAMOS  
[LGT](#)-1 Fred A. Ihejirika

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
6-16-25 [[12](#)]

**Final Ruling**

This matter was continued from July 15, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, July 18, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 15, sustaining the objection, shall become the court's final decision. The continued hearing on August 12, 2025, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

27. [25-90039](#)-B-13 MICHAEL INDERBITZIN CONTINUED MOTION TO CONFIRM  
[THN](#)-3 Teresa Thu Huong Hung-Nguyen PLAN  
6-16-25 [[50](#)]

**Final Ruling**

The Debtor having filed a notice of withdrawal for the pending motion, the withdrawal being consistent with any opposition filed to the motion, the court interpreting the notice of withdrawal to be an ex parte motion pursuant to Fed. R. Civ. P. 41(a)(2) and Fed. R. Bankr. P. 9014 and 7014 for the court to dismiss without prejudice the motion, and good cause appearing, the motion is dismissed without prejudice.

The motion is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

29. [25-90144](#)-B-7      TIMOTHY/COREENA BUTOW      CONTINUED MOTION TO CONFIRM  
[WLG](#)-1      Nicholas Wajda      PLAN  
6-23-25 [[35](#)]

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtors have provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

**Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed and a response were filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to confirm the second amended plan.

The Chapter 13 Trustee objects to plan confirmation on grounds that Debtors failed to file the most recent version of form EDC 3-096 Rights and Responsibilities and the required attachment for Schedule I at line 8a for each business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.

Debtors filed a response stating that they have amended the Rights and Responsibilities and the Schedule I attachment, noting that they are "hobby" businesses that do not draw more than \$20.00 per month.

The amended plan complies with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

31. [24-24946](#)-B-13 BILLY SPURGIN  
[PGM](#)-3 Peter G. Macaluso

MOTION TO MODIFY PLAN  
7-8-25 [[88](#)]

**Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to deny the motion to confirm.

Subsequent to the filing of the Trustee's objection, the Debtor filed a response stating that the Trustee's objection should be sustained and that a new plan will be filed within two weeks of the hearing on this matter. Therefore, the plan filed July 8, 2025, is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

32. [24-90248](#)-B-13 ANDRES/GLORIA AGUIRRE  
[NLG](#)-1 Steven A. Alpert

MOTION FOR RELIEF FROM  
AUTOMATIC STAY AND/OR MOTION  
FOR RELIEF FROM CO-DEBTOR STAY  
7-15-25 [[38](#)]

LAKEVIEW LOAN SERVICING, LLC  
VS.  
WITHDRAWN BY M.P.

**Final Ruling**

Creditor Lakeview Loan Servicing, LLC having filed a notice of withdrawal of its motion, the motion is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

The motion is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

33. [25-90348](#)-B-13 LEO JIMENEZ  
[LGT](#)-1 Peter G. Macaluso

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
6-16-25 [[17](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed May 13, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to August 19, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

Debtor cannot afford to make the payments or comply with the plan, 11 U.S.C. § 1325(a)(6). There are four creditors identified as secured judgment creditors against Debtor's residence known as 3404 Fallen Oak Drive. Debtor's plan relies on these motions to avoid liens of Thompson & Colegate LLP, Law Offices of Mittleman, Franchise Tax Board, and Frank Baldisseri. To date, Debtor has failed to file any of the motions to avoid lien. If these motions are not filed and granted, Debtor's plan does not have sufficient monies to pay the claims in full and, therefore, the plan is not feasible and should also be denied.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

### **Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on August 15, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on August 19, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on August 19, 2025, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the minutes.

The court will issue an order.

34. [25-22349](#)-B-13 SUSAN THOMASON  
[DWE](#)-1 Robert W. Fong

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY WESTERN  
FUNDING INC  
6-26-25 [[13](#)]

### **Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). A written reply has been filed to the objection.

All objections have been resolved and the court has determined that oral argument is not necessary. See Local Bankr. R. 1001-1(f), 9014-1(h). This matter will be decided on the papers. No appearance at the hearing is necessary.

The court's decision is to overrule the objection and confirm the plan.

Creditor Western Funding Inc. ("Creditor") objects to confirmation of the plan on grounds that the proposed 6.5% interest rate is insufficient to provide for its claim secured by a 2014 Volkswagen Jetta. Creditor timely filed Claim 7-1 showing prepetition arrears of \$274.97 and an interest rate of 20.09%.

Debtor filed a response stating that she and Creditor have agreed to an interest rate of 7.5%, which is consistent with the current prime rate. *Bonds, Rates & Credit Markets: Consumer Money Rates*, Wall St. J., August 8, 2025, [http://online.wsj.com/mdc/public/page/mdc\\_bonds.html](http://online.wsj.com/mdc/public/page/mdc_bonds.html). Debtor's counsel asserts that this increased interest rate will not impact feasibility of the plan.

The plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed May 13, 2025, is confirmed.

The objection is ORDERED OVERRULED for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

35. [25-22850](#)-B-13 SORAYA GARCIA  
[JCK](#)-1 Kathleen H. Crist

CONTINUED MOTION TO VALUE  
COLLATERAL OF GOLDEN ONE CREDIT  
UNION  
6-9-25 [[8](#)]

**Final Ruling**

This matter was continued from July 15, 2025, to allow Debtor to file supplemental admissible evidence of value by August 5, 2025. Debtor filed a timely supplemental declaration stating that Golden One Credit Union accepts the value of the 2023 Tesla Model Y at \$30,976.00. This is supported by the credit union's Proof of Claim 1-1.

Therefore, the motion to value collateral is granted and the continued hearing on August 12, 2025, at 1:00 p.m. is vacated.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtors have provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

37. [25-90352](#)-B-13 ROGEH YOUSEFBADAL  
[LGT](#)-1 David C. Johnston

CONTINUED OBJECTION TO DEBTOR'S  
CLAIM OF EXEMPTIONS  
7-1-25 [[17](#)]

### **Final Ruling**

The objection has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1) and Federal Rule of Bankruptcy Procedure 4003(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to sustain the objection and the exemption is disallowed.

The Trustee objects to the Debtor's use of California Code of Civil Procedure § 704.730 to claim exempt \$400,000.00 in Debtor's residence. Debtor testified at the meeting of creditors on June 12, 2025, that he purchased the home in 2023. Debtor's case was filed on May 6, 2025, therefore 1215 prior to this date would be January 7, 2022. Since the home was purchased within 1215 days of filing, the \$400,000.00 exemption is improper as it exceeds the allowable amount of \$214,000.00 for a mortgage debt incurred within 1215 days of filing. In addition, until Debtor files an amended Schedule C Trustee is not able to determine if the plan meets the liquidation test of 11 U.S.C. § 1325(a)(4).

The Trustee's objection is sustained and the claimed exemption is disallowed.

The objection is ORDERED SUSTAINED and the claimed exemption DISALLOWED for reasons stated in the minutes.

The court will issue an order.

38. [25-90256](#)-B-13 GREGORY/ELIZABETH CONTINUED MOTION TO CONFIRM  
[AF-2](#) BROTHERTON PLAN  
Arasto Farsad 6-10-25 [[33](#)]

### **Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

First, Debtors' plan at Special Provision Section 7, provides for the Internal Revenue Service's secured claim and proposes to avoid the lien in full and pay the remaining unsecured priority amount through the plan. On May 28, 2025, Debtors filed a motion to value collateral, but the motion was denied without prejudice.

Second, Debtors' Statement of Financial Affairs question no. 5 reflects an inheritance in the amount of \$125,000.00 was received in 2025 shortly before the April 2, 2025 petition date. However, a review of Schedules A/B show very little money on deposit at the time of filing and only \$10.00 of cash on hand. At the meeting of creditors held on June 12, 2025, the Trustee's office requested a detailed accounting, tracing the inheritance Debtors received with supporting documentation. To date, no tracing and documentation detailing the whereabouts of the inheritance has been received. Thus, it cannot be determined if all of Debtors' assets have been properly scheduled until the tracing of the funds is received.

Third, based on Debtors' testimony, Joint Debtor has gained employment with United States Postal Service. Amended Schedule I including Joint Debtor's current income and employer must be filed. Also any paystubs received post-petition to present day must be provided to the Trustee.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

40. [25-21059](#)-B-13 JONATHAN GOBERT AND LUIS CONTINUED OBJECTION TO  
[LGT](#)-1 OTERO CONFIRMATION OF PLAN BY LILIAN  
Robert L. Goldstein G. TSANG  
4-22-25 [[20](#)]

**Final Ruling**

This matter was continued from July 15, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, July 18, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 44, sustaining the objection, shall become the court's final decision. The continued hearing on August 12, 2025, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

### **Tentative Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition and may appear at the hearing to offer oral argument.

The court's decision is to grant the motion to extend automatic stay.

Debtor seeks to have the automatic stay extended beyond 30 days pursuant to 11 U.S.C. § 362(c)(3). This is the Debtor's second bankruptcy petition pending in the past 12 months. The Debtor's prior bankruptcy case was dismissed on May 29, 2025, for failure to confirm any plan thereby causing an unreasonable delay that is prejudicial to creditors (case no. 24-25020). Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end in their entirety 30 days after filing of the petition. See e.g., *Reswick v. Reswick (In re Reswick)*, 446 B.R. 362 (9th Cir. BAP 2011) (stay terminates in its entirety); accord *Smith v. State of Maine Bureau of Revenue Services (In re Smith)*, 910 F.3d 576 (1st Cir. 2018). This motion was set for hearing within 30 days of the filing of the instant case. 11 U.S.C. § 362(c)(3)(B).

### **Discussion**

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond 30 days if the filing of the subsequent petition was in good faith. 11 U.S.C. § 362(c)(3)(B). The subsequently filed case is presumed to be filed in bad faith if there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13. *Id.* at § 362(c)(3)(C)(i)(III). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* at § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-210 (2008). This court does not utilize the *Sarafoglou* factors as urged by the Debtor. See *In Re Sarafoglou*, 345 B.R. 19 (Bankr. D. Mass. 2006).

Debtor asserts that the prior case was filed in order to keep her home from foreclosure. Debtor contends that since her previous case was dismissed, her circumstances have changed. Effective July 1, 2025, Debtor entered and paid the first payment on the permanent loan modification of the HELCO loan (second deed of trust holder) and is prepared to make payments through the plan to cure arrears on the first deed of trust. Debtor states that she has acquired no new debt.

The Debtor has sufficiently rebutted, by clear and convincing evidence, the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The motion is granted and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

42. [25-90161](#)-B-13 LANCE ROBERTS  
[SAD](#)-3 Gabriel E. Liberman

MOTION TO APPROVE LOAN  
MODIFICATION  
7-21-25 [[40](#)]

**Final Ruling**

U.S. Bank Trust National Association, as Trustee of LB-Igloo Series IV Trust, its successors and/or assigns, failed to use the Official Certificate of Service Form required by Local Bankr. R. 7005-1. This form is mandatory for attorneys and trustees as of November 1, 2022. Accordingly, the motion to approve trial loan modification is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

43. [25-21168](#)-B-13 JILL ARRINGTON  
[JCK](#)-2 Gregory J. Smith

CONTINUED MOTION TO CONFIRM  
PLAN  
6-27-25 [[32](#)]

### **Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed by the Chapter 13 Trustee and subsequently withdrawn. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

44. [24-23470](#)-B-13 JULIO MALDONADO-ARGUELLO CONTINUED MOTION TO MODIFY PLAN  
[MC-1](#) AND DENIZE MALDONADO 6-24-25 [[30](#)]  
Muoi Chea

### **Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtors have filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

45. [24-25570](#)-B-13 ARMAND GONZALES  
[CRG](#)-1 Carl R. Gustafson

OBJECTION TO CLAIM OF  
LENDINGCLUB BANK, NA, CLAIM  
NUMBER 12  
7-1-25 [[17](#)]

### Final Ruling

The objection has been set for hearing on at least 30 days' notice to the claimant as required by Local Bankruptcy Rule 3007-1(b)(2). When fewer than 44 days' notice of a hearing is given, parties in interest were not required to file a written response or opposition.

The objection suffers from a fatal defect that prevents it from being heard in the first instance. The court has therefore determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to overrule the objection without prejudice for defective service.

Debtor Armand Gonzalez requests that the court disallow the claim of LendingClub Bank, NA ("Creditor"), Claim 12-1. The claim is asserted to be unsecured in the amount of \$20,085.94. Debtor asserts that Creditor's claim is defective for failure to comply with Fed. R. Bankr. P. 3001(c)(1), which provides "when a claim, or an interest in property of the debtor securing the claim, is based on a writing, a copy of the writing shall be filed with the proof of claim. If the writing has been lost or destroyed, a statement of the circumstances of the loss or destruction shall be filed with the claim."

Debtor states that he requested a copy of the contract from Creditor on February 26, 2025, and April 4, 2025. Creditor did not respond to either request for evidence of writing. Debtor contends that he is unable to verify the validity or calculation of the amount listed in the claim.

The problem here is with service of the objection on Creditor. Service is defective. Creditor is an insured depository institution. Service of the objection and its related documents on Creditor as an insured depository institution is governed by Fed. R. Bankr. P. 7004(h) which, except for circumstances not applicable here, requires service by "certified mail addressed to an *officer* of the institution[.]" Fed. R. Bankr. P. 7004(h) (emphasis added).

The objection and its related documents were appropriately served by certified mail. The issue fatal to the objection is to whom service is directed, *i.e.*, "Attn: Officer, Manager, or General Agent[.]" Dkt. 21.

Courts have interpreted the service "to an officer of the institution" requirement of Fed. R. Bankr. P. 7004(h) to mean that service on an insured depository institution must be "solely" to the attention of an officer of the institution. *Hamlett v. Amsouth Bank (In re Hamlett)*, 322 F.3d 342, 345-46 (4th Cir. 2003) (examining the legislative history of Rule 7004(h), comparing it to Rule 7004(b)(3), and concluding that the term "officer" in Rule 7004(h) does not include other posts with the respondent creditor). The court in *PNC Mortg. v. Rhiel*, 2011 WL 1044939 (S.D. Ohio March 18, 2011), stated this even more clearly as follows:

Thus, while Rule 7004(b)(3) allows service of process to a corporation to be accomplished through mailing the complaint and summons by certified mail to an officer, a managing agent, or a general agent of the corporation, Rule 7004(h) requires that service to an insured depository institution be made by certified mail only to an officer of the institution[.]

Although Rhiel marked the box on the summons

applicable to insured depository institutions, the summons and complaint were actually mailed to the attention of an "Officer, Managing or General Agent" of [the insured depository institution] as opposed to just an "Officer." Accordingly, RhieI did not meet the technical requirements of Rule 7004(h) in effectuating service of process in this case. The question then becomes whether this technical error rendered the service of process insufficient[.] Here, the Court concludes that the technical error rendered service of process defective.

*Id.* at \*4 (cleaned up). See also *In re Gilsvik*, Case No. 25-20121 at dkts. 108, 125 (same problem, same result).

Service to Creditor was not solely to an officer of the insured depository institution rendering service of the objection defective. The objection will therefore be overruled without prejudice to being re-filed and properly served.

The objection is ORDERED OVERRULED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

46. [25-90372](#)-B-13 KARL/TONIA SNYDER CONTINUED OBJECTION TO  
[LGT](#)-1 Flor De Maria A. Tataje CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
6-27-25 [[17](#)]

CONTINUED TO 8/26/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS  
SET FOR 8/14/25.

**Final Ruling**

No appearance at the hearing is required. The court will issue an order.

### **Final Ruling**

Creditor William A. Schuckman, Co-Trustee of the Schuckman Family 2008 Revocable Trust, was given an opportunity to file, set, and serve a proper motion for allowance of postpetition attorney's fees and interest, which Debtor Maria Sanchez ("Debtor") may then properly (and not in response to an amended proof of claim) oppose.

Mr. Schuckman had until June 24, 2025, to file, set, and serve a motion for postpetition attorney's fees. He was required to set and serve the motion under Local Bankr. R. 9014-1(f)(1). If the motion was not timely filed, set, and served, the Debtor's earlier claim objection would be deemed "sustained with prejudice" and all additional postpetition attorney's fees and interest claimed in the amended proof of claim would be disallowed.

Mr. Schuckman timely filed a motion for allowance of postpetition attorney's fees and interest. The motion asserts that Mr. Schuckman is entitled to postpetition interest because he is an over secured creditor to the extent of the value of its collateral (i.e., Debtor's real property) pursuant to 11 U.S.C. § 506(b).

With regard to attorney's fees, Mr. Schuckman states that Claim 7-1 did not account for any postpetition fees. Instead, it accounted for (aside from the interest mentioned above) foreclosure fees and attorney's fees incurred by his attorney in attempting to collect payment from the Debtor and in the preparation of the Notice of Default and foreclosure. Mr. Schuckman contends that these fees are reasonable and necessary to the collection and protection of his claim.

Mr. Schuckman and his attorney also separately imply that Mr. Schuckman should not have been required to file a motion for allowance of postpetition attorney's fees and interest given Judge Sargis' Memorandum of Decision set forth in *In re Timothy Tobias Trocke* (case no. 2020-21910), dkt. 268, where the court provided its decision within the context of a debtor's objection to a proof of claim.<sup>1</sup> Mr. Schuckman also states that Local Bankr. R. 2016-1 does not apply to him because he is not a debtor.

Ultimately, Mr. Schuckman requests that this court enter an order (1) accepting Mr. Schuckman's Claim 7-2; (2) allowing payment by the Debtor in the amount of \$9,763.46 in postpetition attorney's fees pursuant to 11 U.S.C. § 506(b); (2) deeming such fees reasonable and secured as part of Claim No. 7-2; (3) allowing payment by the Debtor for postpetition interest in the additional amount of \$202.64; and (4) granting such further relief as the Court deems just and proper.

Debtor filed an opposition stating that the attorney's fees are not reasonable.

Mr. Schuckman filed a reply stating that Debtor presents no authority or evidence to challenge the reasonableness of attorney's fees and that Debtor raises new factual allegations that are too late and irrelevant.

### **Discussion**

The court agrees with the Debtor that the attorney's fees requested by Mr. Schuckman are not reasonable. Even if the Debtor made no objection at all, the court has an independent duty to review and determine reasonableness of attorney's fees requested. *Gates v. Deukmejian*, 987 F.2d 1392, 1401 (9th Cir.1992) (district court has an

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<sup>1</sup>One of the worst things an attorney can do is tell the presiding judge that he or she should do something because another judge does it. The court notes that the attorney who signed the motion, Karen J. Calderon, was admitted to the California State Bar on November 22, 2022, and, thus, has been a licensed attorney less than three years. The court will excuse Ms. Calderon's indiscretion given her status as a new attorney.

independent duty to review fee request to determine its reasonableness). Section 506(b) only allows an oversecured creditor to recover "reasonable" attorney's fees.

As an initial matter, the hourly rates charged by Mr. Schuckman's attorneys are not reasonable. Attorney Natalie Ron has been practicing ten years and bills at \$400.00 per hour. Attorney Karen J. Calderon has been practicing less than three years and bills at \$350.00 per hour. These rates are more appropriate for more seasoned attorneys. See *In re Lupekha*, 2024 WL 1146610, \*6 (Bankr. E.D. Cal. March 14, 2024) (surveying reasonable rates based on years of practice for consumer bankruptcy attorneys in the Eastern District of California). The court will reduce Ms. Ron's hourly rate to a more reasonable rate of \$350.00 and it will reduce Ms. Calderon's hourly rate to a more reasonable rate of \$225.00. *Id.* Doing so reduces the attorney's fees total to **\$6,315.75**, calculated as follows:

**NAR**

<u>Date</u>	<u>Time @ \$350.00/hr.</u>	<u>Total</u>	<u>Lumping (-30%)</u>
7/9/2024	0.42	\$147.00*	\$102.09
7/25/2024	0.50	\$175.00*	\$122.50
8/13/2024	0.27	\$ 94.50	---
8/22/2024	0.23	\$ 80.50	---
8/27/2024	0.38	\$133.00	---
		<b>\$630.00</b>	<b>\$532.59</b>

**KJC**

<u>Date</u>	<u>Time @ \$225.00/hr.</u>	<u>Total</u>	<u>Lumping (-30%)</u>
8/22/2024	3.24	\$ 729.00*	\$ 510.30
8/23/2024	1.00	\$ 225.00	---
8/23/2024	3.95	\$ 888.75*	\$ 622.12
8/26/2024	2.03	\$ 456.75*	\$ 319.72
9/16/2024	0.75	\$ 168.75*	\$ 118.12
9/25/2024	4.50	\$1,012.50*	\$ 708.75
10/3/2024	0.08	\$ 18.00	---
10/7/2024	0.20	\$ 45.00*	\$ 31.50
10/16/2024	1.14	\$ 256.50*	\$ 179.55
11/4/2024	2.58	\$ 580.50*	\$ 406.35
11/18/2024	0.98	\$ 220.50*	\$ 154.35
12/3/2024	4.82	\$1,084.50	\$ 759.15
		<b>\$5,685.75</b>	<b>\$4,052.91</b>

The \$6,315.75 is subject to further adjustment for "lumping" or block billing. Block-billing prevents the court from making a reasonableness determination. *Welch v. Metro. Life Ins. Co.*, 480 F.3d 942, 948 (9th Cir. 2007). Courts in the Ninth Circuit have reduced up to 30% the hours that are block-billed. See e.g., *Lahiri v. Universal Music & Video Distrib. Corp.*, 606 F.3d 1216, 1222-23 (9th Cir. 2010). The time noted above with an asterisk is block-billed subjecting it to a further 30% reduction.

With the adjustments for reasonable hourly rates and for block-billed time, attorney's fees are further reduced to **\$4,585.50**.

Further adjustment is appropriate.

The Ninth Circuit has stated the court "can impose a small reduction, no greater than 10 percent – a 'haircut' – based on its exercise of discretion and without a more specific explanation." *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008). The court can make this 10% reduction in addition to a 30% reduction of block billed time. *Lahiri*, 606 F.3d at 1223 (describing an across-the-board reduction of 10% to total fees to account for excessive work in addition to a 30% reduction of block billed time as a "reasoned exercise of discretion."). The additional 10% "haircut" reduces attorney's fees of \$4,585.50 by an additional \$458.55 to **\$4,126.95** as the amount of reasonable postpetition attorney's fees that will be allowed and approved under § 506(b).

Postpetition interest in the amount of **\$202.64** is allowed and approved under § 506(b).

The motion is ORDERED GRANTED IN PART for the reasons stated in the minutes.  
The court will prepare an order.

48. [25-22575](#)-B-13 RASHPAL BANSAL OBJECTION TO CONFIRMATION OF  
[KMM](#)-1 Joshua Sternberg PLAN BY WELLS FARGO BANK,  
**Thru #49** NATIONAL ASSOCIATION  
7-9-25 [[17](#)]

CONTINUED TO 8/26/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 8/14/25.

**Final Ruling**

No appearance at the hearing is required. The court will issue an order.

49. [25-22575](#)-B-13 RASHPAL BANSAL CONTINUED OBJECTION TO  
[LGT](#)-1 Joshua Sternberg CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
7-3-25 [[14](#)]

CONTINUED TO 8/26/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 8/14/25.

**Final Ruling**

No appearance at the hearing is required. The court will issue an order.

50. [25-20583](#)-B-13 RYAN/STEFFANIE NELSON  
[FI-2](#) Fred A. Ihejirika

CONTINUED MOTION TO CONFIRM  
PLAN  
6-26-25 [[54](#)]

### **Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

First, the plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). Paragraph 2.01 of Debtors' plan provides for a monthly plan payment of \$1,453.48, which causes the plan to take 61.38 months to fund. Trustee's calculations indicate that Debtors' plan payment will need to be at least \$1,486.82 per month in order for the plan term of 60 months to be feasible.

Second, the motion to confirm was assigned a Docket Control Number that was previously used in the same case. This is in violation of Local Rule 9014-1(c)(3).

Debtors have not filed any response to the Trustee's objection.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

51. [25-22183](#)-B-13 EUGENE JONES  
[CJK](#)-1 Pro Se

CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY  
6-20-25 [[19](#)]

U.S. BANK TRUST NATIONAL  
ASSOCIATION VS.

### **Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion for relief from automatic stay.

U.S. Bank Trust National Association ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 285 Primrose Avenue, Manteca, California (the "Property"). Movant has provided the Declaration of Christine Le to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

The Le Declaration states that Debtor is not the borrower on the Note and Deed of Trust and purportedly acquired a 1% interest in the property by an unauthorized grant deed. A grant deed dated January 27, 2025, with a recordation stamp dated January 27, 2025, purportedly transferred interest in the Property from an Estelle Christina Yancey, a single woman to Estelle Christina Yancey, a single woman, as to an undivided 99%; and Eugene Jones, a single man, as to an undivided 1%, as tenants in common. This was done without Movant's knowledge or consent.

Movant further asserts that four other bankruptcy cases have been utilized as part of a scheme to delay, hinder, or defraud Movant from being able to proceed with its available non-bankruptcy remedies. Three of the prior cases were filed by Estelle Christina Yancey, case nos. 23-23485, 24-21486, and 24-23164, and one prior case filed by Eugene Jones, case no. 25-20344.

No opposition has been filed.

From the evidence provided to the court, and only for purposes of this motion, the total debt secured by this Property is determined to be \$943,731.37 as stated in the Le Declaration. The value of the Property is determined to be \$823,400.00 as stated in Schedules A/B and D filed by Debtor.

### **Discussion**

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay, including defaults in post-petition payments which have come due. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

Additionally, once a movant under 11 U.S.C. § 362(d)(2) establishes that a debtor or estate has no equity, it is the burden of the debtor or trustee to establish that the collateral at issue is necessary to an effective reorganization. *United Savings Ass'n of Texas v. Timbers of Inwood Forest Associates. Ltd.*, 484 U.S. 365, 375-76 (1988); 11 U.S.C. § 362(g)(2). Based upon the evidence submitted, it appears that there is no equity in the Property. Moreover, the Debtor has failed to establish that the Property is necessary to an effective reorganization. *First Yorkshire Holdings, Inc. v. Pacifica L 22, LLC (In re First Yorkshire Holdings, Inc.)*, 470 B.R. 864, 870 (Bankr.

9th Cir. 2012).

Finally, the court will grant prospective relief under § 362(d)(4). See *Benzeen, Inc. v. JP Morgan Chase Bank (In re Benzeen, Inc.)*, 2018 WL 6627275 at \*4 (9th Cir. BAP Dec. 18, 2018) (noting that request for § 362(d)(4) relief survives dismissal and foreclosure); *Azkam v. U.S. Bank N.A.*, 2020 WL 1700028 at \*3 (E.D. Cal. April 8, 2020) (“An order granting relief under [§ 362(d)(4)] may survive the dismissal of the bankruptcy in some cases.”). An order entered under § 362(d)(4) is binding in any other bankruptcy case purporting to affect such real property filed not later than two years after the date of entry of the order.

To obtain relief under § 362(d)(4), Movant must show and the court must affirmatively find the following three elements: (1) the Debtor’s bankruptcy filing must have been part of a scheme; (2) the object of the scheme must have been to delay, hinder, or defraud creditors, and (3) the scheme must have involved either the transfer of some interest in the real property without the secured creditor’s consent or court approval, or multiple bankruptcy filings affecting the property. *First Yorkshire Holdings, Inc. v. Pacifica L 22, LLC (In re First Yorkshire Holdings, Inc.)*, 470 B.R. 864, 870 (B.A.P. 9th Cir. 2012).

A scheme is an intentional construct – it does not happen by misadventure or negligence. *In re Duncan & Forbes Dev., Inc.*, 368 B.R. 27, 32 (Bankr. C.D. Cal. 2007). A § 362(d)(4)(A) scheme is an “intentional artful plot or plan to delay, hinder or defraud creditors.” *Id.* It is not common to have direct evidence of an artful plot or plan to deceive others; the court must infer the existence and contents of a scheme from circumstantial evidence. *Id.* Movant must present evidence sufficient for the trier of fact to infer the existence and content of the scheme. *Id.* See *Jimenez v. ARCPE 1, LLP (In re Jimenez)*, 613 B.R. 537, 545 (B.A.P. 9th Cir. 2020).

Section 362(d)(4) “does not require that it be the debtor who has created the scheme or carried it out, or even that the debtor be a party to the scheme at all.” *Duncan & Forbes*, 368 B.R. at 32. “The language of § 362(d)(4) is likewise devoid of any requirement of a finding of bad faith by the Debtor.” *In re Dorsey*, 476 B.R. 261, 267 (Bankr. C.D. Cal. 2012).

Five bankruptcies have been filed in an effort to thwart Movant from foreclosing on the Property. Each of the four prior bankruptcies were dismissed with no successful discharge. Additionally, Debtor was not the original borrower on the Note and Deed of Trust, and his interest in the property is de minimis at 1%. The court finds that the Debtor’s, and Ms. Yancy’s, multiple bankruptcy filings were part of a scheme to delay, hinder, or defraud creditors from exercising their rights against the Property.

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having lien rights against the Property, to conduct a nonjudicial foreclosure sale pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, at the nonjudicial foreclosure sale to obtain possession of the Property.

This order shall be binding in any other case purporting to affect the Property filed not later than 2 years after the date of the entry of such order by the court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.

There being no objection by Debtor, the 14-day stay of enforcement under Rule 4001(a)(3) is waived.

No other or additional relief is granted by the court.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

52. [24-22989](#)-B-13 DANIEL GAY AND ELVIA CONTINUED MOTION TO INCUR DEBT  
[KLG](#)-4 CERNA-GAY 6-17-25 [[59](#)]  
Arete Kostopoulos

**Final Ruling**

This matter was continued from July 8, 2025, to allow Debtors to file additional information addressing and resolving the issues raised by the Chapter 13 Trustee. Nothing was filed. Therefore, the motion to incur debt is denied without prejudice. The continued hearing on August 12, 2025, at 1:00 p.m. is vacated.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

53. [25-21991](#)-B-13 NICOLE LEVIEN  
[LGT](#)-1 David Foyil

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
6-17-25 [[31](#)]

**Final Ruling**

This matter was continued from July 15, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, July 18, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 34, sustaining the objection, shall become the court's final decision. The continued hearing on August 12, 2025, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

54. [25-22192](#)-B-13 MARIA HUDSON  
[LGT](#)-1 David A. Boone

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
6-16-25 [[16](#)]

**Final Ruling**

This matter was continued from July 15, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, July 18, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 20, sustaining the objection, shall become the court's final decision. The continued hearing on August 12, 2025, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

**Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

First, Debtor's Schedule B at line 53 adds a State Farm amount owed of \$59,069.22. The amount owed has not been claimed exempt on Schedule C, and Debtor has proposed a zero percent plan. Additional documentation is needed to determine if the plan passes the liquidation test of 11 U.S.C. § 1325(a)(4).

Second, Debtor will not be able to make all payments under the plan and comply with the plan. 11 U.S.C. § 1325(a)(6). Debtor is delinquent in plan payments, Debtor's Schedule J shows negative monthly income of -\$404.00 and would be unable to afford the proposed plan payment of \$3,354.00, the plan is not feasible with Shellpoint Mortgage's increased mortgage payment listed in Claim 17-1, Debtor's plan provides for Chantelane Homeowners Association as a Class 1 creditor with pre-petition arrears of \$7,618.00 and does not provide a post-petition monthly payment, and Debtor's plan payment will need to be at least \$3,686.48 in order to be feasible.

Third, Debtor has claimed exempt \$469,099.00 using C.C.P. 704.730 in her primary residence. Debtor testified that she acquired the property through probate proceedings in 2021. Since Debtor has claimed an exemption greater than \$214,000.00, Trustee requested a copy of the deed or other evidence to verify that the property was acquired prior to October 16, 2021. To date, this information has not been received.

Fourth, the Disclosure of Compensation of Attorney for Debtor form filed on February 12, 2025, is incorrect. In regard to question 5, the required language of the standard form is missing. The form does not match that provided on the Eastern District of California court's website.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

56. [25-22498](#)-B-13 VILMA DELEON-MIRANDA AND CONTINUED AMENDED OBJECTION TO  
[LGT](#)-1 JOSE MIRANDA-VACA CONFIRMATION OF PLAN BY LILIAN  
Peter G. Macaluso G. TSANG  
7-3-25 [[19](#)]

CONTINUED TO 8/26/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS  
SET FOR 8/14/25.

**Final Ruling**

No appearance at the hearing is required. The court will issue an order.