



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

August 12, 2025 at 1:30 p.m.

Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (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/CourtAppearances>. 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.

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

August 12, 2025 at 1:30 p.m.

1. [25-20414](#)-C-13 JUDY NGUYEN MOTION TO CONFIRM PLAN
[CDL](#)-1 Colby LaVelle 7-7-25 [[29](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 39.

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| The Motion to Confirm is denied. |
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The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 32) filed on July 7, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 42) on July 14, 2025, opposing confirmation on the following grounds:

1. Debtor's schedules list a payment amount that is less than creditor's proof of claim;
2. The plan is not feasible; and
3. Debtor is delinquent in plan payments.

DISCUSSION

The debtor is \$1,304.00 delinquent in plan payments. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the claim of Guild Mortgage Company, LLC is fully provided for as Trustee argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Judy Nga Nguyen, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

2. [25-20024](#)-C-13 RHOEL COLOMA AND MAUREEN CONTINUED MOTION TO CONFIRM
[CYB](#)-1 FLORES-COLOMA PLAN
Candace Brooks 4-24-25 [[43](#)]

Final Ruling: No appearance at the August 12, 2025 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 48.

The Motion to Confirm is denied as moot.

On August 6, 2025, the debtor filed a new proposed plan. Filing a new plan is a de facto withdrawal of the pending plan. Therefore, the Motion to Confirm the Amended Plan is denied as moot, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtors, Rhoel O Coloma and Maureen Eliza Flores-Coloma, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied as moot, and the proposed Chapter 13 Plan is not confirmed.

3. [25-21253](#)-C-13 RICHARD MENDOZA
[MS-1](#) Mark Shmorgon

MOTION TO MODIFY PLAN
7-2-25 [[25](#)]

Final Ruling: No appearance at the August 12, 2025 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 41 days' notice was provided. Dkt. 30.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Modify is granted.

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

No opposition to the Motion has been filed.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Modify Plan filed by the debtor, Richard Mendoza, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, the Modified Chapter 13 Plan (Dkt. 28) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

4. [25-20968](#)-C-13 MARCEY BRIGHTWELL
[TLA](#)-1 Thomas Amberg

MOTION TO APPROVE LOAN
MODIFICATION
7-1-25 [[32](#)]

Final Ruling: No appearance at the August 12, 2025 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 42 days' notice was provided. Dkt. 36.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

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| The Motion to Incur Debt is granted. |
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Debtor, Marcey Brightwell, filed this Motion seeking authority to enter into a loan modification agreement with Lakeview Loan Servicing, LLC.

The proposed financing is in the principal amount of \$279,576.83, paid at 4.8750% interest over a 40 year term. Monthly payments are proposed to be \$1,325.05.

The court finds that the proposed credit, based on the unique facts and circumstances of this case, is reasonable. There being no opposition from any party in interest and the terms being reasonable, the Motion is granted.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Incur Debt filed by Marcey Brightwell having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted. The debtor's counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved submit the proposed order to the court.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 52.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 51) filed on July 8, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 59) on July 14, 2025, opposing confirmation on the following grounds:

1. The plan is not feasible; and
2. The amount of the dividend to be paid to debtor's attorney fails to conform to the Local Rules.

Debtor filed a response (Dkt. 66) on August 5, 2025 asserting that the plan payments need to be increased to \$1,604.00 per month and proposed making the change in the order confirming.

The Chapter 13 Trustee filed a Supplemental Opposition (Dkt. 67) on August 6, 2025, continuing to oppose confirmation on the following grounds:

1. The plan does not delay or cure the claim delinquencies caused by the monthly plan payment shortage;
2. The amount of the dividend to be paid to debtor's attorney fails to conform to the Local Rules; and
3. Debtor is delinquent in plan payments.

DISCUSSION

The plan mathematically requires a payment that is greater than the proposed \$1,450.00 payment.

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

The debtor is \$120.00 delinquent in plan payments. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Local Rule 2016-1(c)(4)(C) states that the Chapter 13 trustee shall

pay debtor's counsel equal monthly installments over the term of the plan. The plan's provision to pay in monthly dividend of \$116.07 does not follow the local rule on payment of counsel's fees, this is reason to deny confirmation.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Rondell Monet Daniel, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

6. [25-20682](#)-C-13 JOSE SALGADO
[KMG](#)-1 Peter Macaluso

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
4-7-25 [[24](#)]

KRISTINE WHITE, MATTHEW
WHITE, NAVOLUTIONS, INC. VS.

Thru #8

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 34.

The Motion for Relief from the Automatic Stay is xxxxxx.

This motion was continued from the prior hearing because debtor had amended his claim of exemptions and additional time was given for all parties to review the amended Schedule C.

Navolutions, Inc., Matthew White, and Kristine White ("Movants") filed this Motion seeking relief from the automatic stay as to the debtor's property commonly known as 4419 77th Street, Sacramento, CA (the "Property").

Movants argue cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the the loan was not paid off when due on September 1, 2024. Declaration, Dkt. 28.

Movants also argue cause exists pursuant to 11 U.S.C. § 362(d)(4) because the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved a transfer of an interest in the Property without consent of the secured creditor or court approval. Movants contend that the property was previously owned by HBA Enterprises when the loan was made and the deed of trust was issued. On May 2, 2024, HBA Enterprises signed a grant deed of the property to debtor, which was recorded on June 18, 2024. Additionally, Movants assert that the debtor's homestead exemption is limited to \$189,050 pursuant to 11 U.S.C. § 522(p).

DEBTOR'S OPPOSITION

Debtor filed an Opposition on April 22, 2025. Dkt. 35. Debtor asserts that cause does not exist for relief because: (1) the property is insured; (2) the debtor is current on plan payments; (3) equity exists in the property; and (4) a chapter 13 plan of reorganization is pending.

MOVANTS' REPLY

Movants filed a reply on April 28, 2025. Dkt. 38. Movants assert that Movants' deed of trust is valid, the debtor acknowledges that he voluntarily transferred the property to HBA Enterprises on May 28, 2021, and the claimed homestead exemption does not apply pursuant to 11 U.S.C. § 522(p).

DISCUSSION

This matter was continued to see if the debtor would be able to file a confirmable plan. Since the prior hearing, the debtor has filed an amended plan (dkt. 57) on May 16, 2025. The motion to confirm the plan is set to be heard on June 24, 2025. Dkts. 53 & 54.

At the hearing **xxxxxxxxxx**

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by Navolutions, Inc., Matthew White, and Kristine White ("Movants") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the automatic stay provisions of 11 U.S.C. § 362(a) are **xxxxxxxxxx**

7. [25-20682](#)-C-13 JOSE SALGADO CONTINUED OBJECTION TO
[KMG](#)-2 Peter Macaluso CONFIRMATION OF PLAN BY
NAVOLUTIONS, INC., MATTHEW
WHITE AND KRISTINE WHITE AND/OR
OBJECTION TO HOMESTEAD
EXEMPTION
5-2-25 [[43](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 45.

The Objection to Confirmation of Plan is xxxxxxxxxxx

This motion was continued from the prior hearing because debtor had amended his claim of exemptions and additional time was given for all parties to review the amended Schedule C.

Creditors, Navolutions, Inc., Matthew White, and Kristine White, ("Creditors") oppose confirmation of the Chapter 13 plan on the basis that:

1. The plan undervalues the amount of debt owed to Creditors; and
2. Debtor cannot claim a homestead exemption under 11 U.S.C. § 522(p)

The prior hearing on June 10, 2025 was continued after a discussion around the amount owed, the limitation of the homestead exemption under § 522(p), and the debtor's delinquency in plan payments.

DEBTOR'S OPPOSITION

At the prior hearing, debtor's counsel agreed that the plan could not be confirmed if the debtor was not current on plan payments.

Debtor filed an Opposition on June 17, 2025. Dkt. 76. Debtor asserts he has amended his Schedule C and is now claiming his exemptions under Cal. Code of Civ. P. § 703, and now claims all non-exempt equity in the subject property pursuant to C.C.C.P 703.140(b)(5).

DISCUSSION

At the hearing xxxxxxxxxxx

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Navolutions, Inc., Matthew White, and Kristine White, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is **xxxxxxxxxx**

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 59.

The Motion to Confirm is denied.

This motion was continued from the prior hearing because debtor had amended his claim of exemptions and additional time was given for all parties to review the amended Schedule C.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 57) filed on May 16, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 61) on May 21, 2025. The Trustee opposes because the plan does not properly classify the claim of Navolutions, the plan proposes to pay 0% to unsecured creditors when the liquidation test requires a 100% dividend, and the plan is not feasible.

The debtor filed a response (Dkt. 77) on June 17, 2025, conceding that the plan is not confirmable and that he would be filing a new plan and motion to confirm plan shortly.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for creditor's claim as the Trustee argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

The debtor has non-exempt assets. The plan provides for a 0% dividend to unsecured claims, which is less than the 100% dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Jose Salgado, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

9. [25-20193](#)-C-13 CATHERINE PIZARRO
[AP-1](#) Peter Macaluso

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
7-10-25 [[49](#)]

NATIONSTAR MORTGAGE LLC VS.

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 33 days' notice was provided. Dkt. 55.

The Motion for Relief from the Automatic Stay is xxxxxx.

Nationstar Mortgage LLC ("Movant") filed this Motion seeking relief from the automatic stay as to property commonly known as 9470 Winding River Way, Elk Grove, CA (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent \$11,876.73 in postpetition payments. Declaration, Dkt. 51. Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(2) because the total debt secured by the Property exceeds the value of the Property, which is \$750,000.00.

Additionally, Movant is seeking relief from the co-debtor stay because it will be irreparably harmed from not receiving payments while the debtor and co-debtor enjoy the use and possession of the Property.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on July 29, 2025. Dkt. 58. Debtor asserts that although the debtor is not current in payments to the Movant, there is equity of \$56,099.65 to protect the Movant.

DISCUSSION

At the hearing xxxxxxxxxx

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by Nationstar Mortgage LLC ("Movant") having been presented

to the court, and upon review of the pleadings, evidence,
arguments of counsel, and good cause appearing,

IT IS ORDERED that the automatic stay provisions of
11 U.S.C. § 362(a) are ~~xxxxxxxx~~