UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Wednesday, August 12, 2026
Department A – Courtroom #11
Fresno, California

Unless otherwise ordered, all matters before the Honorable Jennifer E. Niemann shall be simultaneously: (1) **In Person** at Courtroom #11, (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 media 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.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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, and all parties will need to appear at the hearing unless otherwise ordered. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

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

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

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

9:30 AM

1. 25-10505-A-11 **IN RE: WATTS CHOPPING**
   MJ-1

   CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
   4-16-2026 [245]

   AMUR EQUIPMENT FINANCE, INC./MV
   LEONARD WELSH/ATTY. FOR DBT.
   MEHRDAUD JAFARNIA/ATTY. FOR MV.
   RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

On August 7, 2026, the court entered a stipulated order resolving this motion. Doc. #295.

2. 25-10505-A-11 **IN RE: WATTS CHOPPING**
   MJ-2

   CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
   4-16-2026 [251]

   AMUR EQUIPMENT FINANCE, INC./MV
   LEONARD WELSH/ATTY. FOR DBT.
   MEHRDAUD JAFARNIA/ATTY. FOR MV.
   RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

On August 7, 2026, the court entered a stipulated order resolving this motion. Doc. #294.

3. 26-11617-A-11 **IN RE: AMIREPAIR I INC.**
JDS-1

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-9-2026 [81]

SANTANDER BANK, N.A./MV
LISA HOLDER/ATTY. FOR DBT.
JACQUELINE SERRAO/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The Clerk's Matrix of Creditors used by the moving party to serve notice of the motion does not comply with Local Rule of Practice ("LBR") 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve a notice be downloaded not more than 7 days prior to the date notice is served. Here, the moving party served notice of the motion on July 9, 2026 using a Clerk's Matrix of Creditors that was generated on June 16, 2026. Doc. #86. Accordingly, service of notice of the motion does not comply LBR 7005-1(d).

4. 26-11617-A-11 **IN RE: AMIREPAIR I INC.**
JDS-2

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-9-2026 [87]

SANTANDER BANK, N.A./MV
LISA HOLDER/ATTY. FOR DBT.
JACQUELINE SERRAO/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The Clerk's Matrix of Creditors used by the moving party to serve notice of the motion does not comply with Local Rule of Practice ("LBR") 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve a notice be downloaded not more than 7 days prior to the date notice is served. Here, the moving party served notice of the motion on July 9, 2026 using a Clerk's Matrix of Creditors that was generated on June 16, 2026. Doc. #92. Accordingly, service of notice of the motion does not comply LBR 7005-1(d).

5. 26-11617-A-11 **IN RE: AMIREPAIR I INC.**
JDS-3

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-9-2026 [93]

SANTANDER BANK, N.A./MV
LISA HOLDER/ATTY. FOR DBT.
JACQUELINE SERRAO/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The Clerk's Matrix of Creditors used by the moving party to serve notice of the motion does not comply with Local Rule of Practice ("LBR") 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve a notice be downloaded not more than 7 days prior to the date notice is served. Here, the moving party served notice of the motion on July 9, 2026 using a Clerk's Matrix of Creditors that was generated on June 16, 2026. Doc. #98. Accordingly, service of notice of the motion does not comply LBR 7005-1(d).

6. 26-11617-A-11 **IN RE: AMIREPAIR I INC.**
JDS-4

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-9-2026 [99]

SANTANDER BANK, N.A./MV
LISA HOLDER/ATTY. FOR DBT.
JACQUELINE SERRAO/ATTY. FOR MV.
WITHDRAWN

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on July 31, 2026. Doc. #120.

7. 26-13119-A-11 **IN RE: DIESEL POWER TECHNOLOGY, INC.**
FEN-1

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-29-2026 [20]

900-986 WEST GLENWOOD AVE, LLC/MV
DAVID JOHNSTON/ATTY. FOR DBT.
JOHN WASTE/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part and denied in part.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after the hearing.

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion in part and deny the motion in part. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

The moving party, 900-986 West Glenwood Ave, LLC ("Movant"), seeks an order under 11 U.S.C. § 362(d)(1) conditioning the automatic stay with respect to the personal property of Diesel Power Technology, Inc. ("Debtor"), as more particularly described in Exhibits F and G to the motion (collectively, the Personal Property"), that is located at 916 W. Glenwood Avenue, Turlock, California 95380 (the "916 Property") and 954 W. Glenwood Avenue, Turlock, California 95380 (the "954 Property" and, together with the 916 Property, the "Premises"). Doc. #20. Specifically, Movant requests that continued application of the automatic stay be conditioned on Debtor or the Subchapter V trustee ("Trustee"), within three weeks of the entry of an order, either: (1) removing the Personal Property from the Premises; (2) paying a reasonable interim storage charge of approximately $5,542.00 per month or $182.20 per day that the Personal Property remains on the Premises as well as presenting a prompt removal plan; or (3) consenting to relief from the automatic stay to permit Movant to proceed under California law to remove the Personal Property from the Premises. Id. If Debtor or Trustee has not performed one of these actions at the end of the three-week period, the automatic stay would be lifted in full with respect to the Personal Property without further proceedings. Movant also requests that the court waive the 14-day stay provided under Federal Rule of Bankruptcy Procedure 4001(a)(4). Id. Movant further requests that if Debtor and Trustee decline or fail to remove and administer the Personal Property within the three-week period in accordance with the conditions describe above, the court order the estate's interest in the Personal Property to be abandoned under 11 U.S.C. § 554(b). Id.

As an initial matter, Movant appears to be under the impression that Trustee has any authority with respect to the Personal Property. Such is not the case. Debtor has filed a Subchapter V chapter 11 bankruptcy case, and Trustee was appointed as the Subchapter V trustee. Doc. ##1, 6. In a Subchapter V case, the debtor remains in possession of all property of the estate unless removed, at which point the Subchapter V trustee takes over. 11 U.S.C. §§ 1183(b)(5), 1186. Here, Debtor remains the debtor in possession so Movant's motion, to the extent

Movant seeks to require Trustee to act with respect to the Personal Property, is improper and is denied.

Relevant Facts

Debtor filed its Subchapter V chapter 11 bankruptcy case on July 1, 2026. Doc. #1. Movant and two taxing authorities are the only creditors scheduled by Debtor. Doc. #18.

Prepetition, Movant successfully prosecuted two unlawful detainer actions in state court to remove various companies owned by Debtor’s president Wilson Khedry (“President”) from Movant’s real property. Doc. #20. On January 21, 2026, an unlawful detainer judgment was entered against President dba North American Diesel for the 916 Property and against President dba Safe Buy, Inc. for the 954 Property. Exs. B & D, Doc. #23. The judgments awarded possession of the Premises to Movant, which applied to all occupants of the Premises, canceled rental agreements, and forfeited the leases. Id.; Decl. of Cindy Coufal, Doc. #22.

On January 29, 2026, the state court issued writs of possession concerning the Premises. Exs. C & E, Doc. #23. On February 18, 2026, the Stanislaus County Sheriff enforced the writs of possession and restored possession of the Premises to Movant. Coufal Decl., Doc. #22. Movant asserts that since possession of the Premises were restored to it, neither Debtor nor any other former occupants have had permission to occupy the Premises or use the Premises for storage. Id.

The Personal Property located at the 916 Property includes, among other things, engines, engine blocks, crankshafts, diesel parts, heavy-equipment parts, machinery, tools, shelving and racks, pallets, crates, boxes, filing cabinets, storage cabinets, tires, a safe, records, books, office furniture, appliances, buckets, containers, and miscellaneous business equipment. Coufal Decl., Doc. #22. The Personal Property located at the 954 Property includes, among other things, engines, diesel and truck parts, machinery, a lift truck or forklift, shelving, racks, crates, pallets, tools, cabinets, office furniture, computers or monitors, records, and miscellaneous equipment and inventory. Id. Movant asserts that the Personal Property contained in the Premises essentially fills up the Premises and makes it impossible for Movant to lease, enjoy, or otherwise make productive use of the Premises. Id.

Repeated requests to Debtor’s president, Mr. Khedry, to remove the Personal Property has not resulted in any action. Coufal Decl., Doc. #22. On February 26, 2026, Movant issued two notices of right to reclaim abandoned property requiring the recipient to pay reasonable storage costs and take possession of the personal property listed in the notices by no later than March 15, 2026. Coufal Decl., Doc. #22; Exs. F & G, Doc. #23. The March 15, 2026 reclamation deadline passed without the removal of the Personal Property from the Premises, and Movant retained West Auctions to prepare and conduct a public auction of the Personal Property in accordance with California’s abandoned-property process. Coufal Decl., Doc. #22.

Before Debtor filed its bankruptcy petition, West Auctions devoted substantial labor and expense to inspecting, sorting, identifying, moving, organizing, cataloging, advertising and preparing the Personal Property for sale. Id. That work required repeated trips to Turlock and multiple forklift rentals because of the size and weight of the Personal Property. Id. As of June 29, 2026, West Auctions has incurred $22,081.22 in auction expenses, including a 20% overage charge. Coufal Decl., Doc. #22; Ex. H, Doc. #23. Movant suspended its auction of the Personal Property when Debtor filed its bankruptcy petition. Coufal Decl., Doc. #22. Restarting the sale process will require additional labor, advertising, equipment rental, and coordination beyond the expenses already incurred. Id.

Relief from the Automatic Stay

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

After review of the included evidence, the court finds that "cause" exists to condition the automatic stay in the manner requested by Movant in the motion with respect to Debtor. As discussed above, any relief with respect to Trustee is denied as improper. With respect to Debtor, Debtor is not the tenant on the Premises and has continued to store the Personal Property on the Premises without Movant's permission since early this year. Moreover, Movant gave Debtor's president notice of the right to reclaim the Personal Property by paying reasonable storage costs and requiring Debtor to take possession of the Personal Property by March 15, 2026, which was not done. Further, Movant and two taxing authorities are the only creditors listed by Debtor, so it appears this bankruptcy case was filed solely to forestall removal of the Personal Property by Movant in accordance with California's abandoned-property process.

Accordingly, the automatic stay will be continued for three weeks after entry of the order conditioning the stay so long as Debtor either: (1) removes the Personal Property from the Premises; (2) presents a prompt plan to remove the Personal Property as well as pays interim storage charge of $5,542.00 as an administrative expense for the period July 1, 2026 through July 31, 2026 plus $182.20 per day for each day starting on August 1, 2026 that the Personal Property remains on the Premises; or (3) consents to immediate and complete relief from the automatic stay to permit Movant to proceed under California law to remove the Personal Property from the Premises. If Debtor has not performed one of these actions at the end of the three-week period, the automatic stay will be lifted in full with respect to the Personal Property without further proceedings, and the 14-day stay provided under Federal Rule of Bankruptcy Procedure 4001(a)(4) will be waived.

Request to Compel Abandonment

11 U.S.C. § 554(b) permits the court, on request of a party in interest and after notice and a hearing, to order the debtor in possession to abandon property that is burdensome to the estate or of inconsequential value and benefit to the estate. Vu v. Kendall (In re Vu), 245 B.R. 644, 647 (B.A.P. 9th Cir. 2000). To grant a motion to abandon property, the bankruptcy court must find either that the property is (1) burdensome to the estate, or (2) of inconsequential value and inconsequential benefit to the estate. Id. (citing Morgan v. K.C. Mach. & Tool Co. (In re K.C. Mach. & Tool Co.), 816 F.2d 238, 245 (6th Cir. 1987)).

Here, Movant asserts that the Personal Property is burdensome to the estate because so long as the Personal Property remains on the Premises, the estate incurs ongoing storage costs of approximately $5,542.00 per month. Because all of Debtor's Personal Property is located at the Premises, it does not appear that Debtor is operating post-petition, so there is no post-petition income to pay the accruing administrative expense claims. The court finds Movant has met its burden of establishing by a preponderance of the evidence that the Personal Property is burdensome to the estate.

Conclusion

Accordingly, pending opposition being raised at the hearing, the motion will be DENIED as to any relief requested against Trustee. The motion will be GRANTED as to all relief requested against Debtor. The automatic stay will be continued for three weeks after entry of the order conditioning the stay so long as Debtor either: (1) removes the Personal Property from the Premises; (2) pays interim storage charges of $5,542.00 as an administrative expense for the period July 1, 2026 through July 31, 2026 plus $182.20 per day for each day starting on August 1, 2026 that the Personal Property remains on the Premises as well as presents a prompt plan to remove the Personal Property; or (3) consents to immediate and complete relief from the automatic stay to permit Movant to proceed under California law to remove the Personal Property from the Premises. If Debtor has not performed one of these actions at the end of the three-week period, the automatic stay will be lifted in full with respect to the Personal Property without further proceedings, and the 14-day stay provided under Federal Rule of Bankruptcy Procedure 4001(a)(4) will be waived. In addition, the estate's interest in the Personal Property will be abandoned under 11 U.S.C. § 554(b).

8. 26-12633-A-11 **IN RE: LEWIS TOWING 2 INC.**
CAE-1

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
6-3-2026 [1]

JOSEPH WEST/ATTY. FOR DBT.

NO RULING.

9. 26-10638-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
FW-3

CONTINUED MOTION FOR AUTHORIZATION TO BORROW AND TO USE 2026 ALMOND CROP AS COLLATERAL FOR SUCH BORROWING SENIOR TO ALL EXISTING LIENS
5-21-2026 [138]

FRIEDENBACH FAMILY FARMS LLC/MV
PETER SAUER/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

10. 26-10638-A-11   **IN RE: FRIEDENBACH FAMILY FARMS LLC**
FW-5

CONTINUED MOTION FOR AUTHORIZATION TO BORROW AND TO USE 2026 ALMOND CROP AS COLLATERAL FOR SUCH BORROWING SENIOR TO ALL EXISTING LIENS
6-9-2026 [166]

FRIEDENBACH FAMILY FARMS LLC/MV
PETER SAUER/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

11. 26-10638-A-11   **IN RE: FRIEDENBACH FAMILY FARMS LLC**
FW-6

CONTINUED MOTION FOR AUTHORIZATION TO BORROW AND TO USE 2026 ALMOND CROP AS COLLATERAL FOR SUCH BORROWING SENIOR TO ALL EXISTING LIENS
7-7-2026 [228]

FRIEDENBACH FAMILY FARMS LLC/MV
PETER SAUER/ATTY. FOR DBT.

NO RULING.

12. 26-11845-A-12   **IN RE: KENNETH/BEVERLY ZWART**
CAE-1

CONTINUED STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY PETITION
4-26-2026 [1]

DAVID JOHNSTON/ATTY. FOR DBT.

NO RULING.

13. 26-10469-A-12   **IN RE: MCCALL'S NURSERIES, INC.**
CAE-1

CONTINUED STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY PETITION
2-3-2026 [1]

RILEY WALTER/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to October 13, 2026 at 9:30 a.m.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order after the hearing.

Based on the debtor's status report filed on August 4, 2026 (Doc. #158) and because the debtor's monthly operating reports are current, the court will continue this chapter 12 status conference to October 13, 2026 at 9:30 a.m. and require the debtor to file and serve an updated status report on or before October 6, 2026.

14. 26-11845-A-12 **IN RE: KENNETH/BEVERLY ZWART**
DCJ-2

MOTION TO EXTEND DEADLINE FOR FILING CHAPTER 12 PLAN
8-7-2026 [27]

BEVERLY ZWART/MV
DAVID JOHNSTON/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after the hearing.

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Kenneth J. Zwart and Beverly A. Zwart (together, "Debtors"), the chapter 12 debtors and debtors-in-possession herein, move the court to extend the period of time to file their chapter 12 plan pursuant to 11 U.S.C. § 1221. Doc. #27. Debtors' chapter 12 plan was to be filed by July 27, 2026. Id. Debtors served this motion on July 27, 2026 but somehow failed to file the motion with the court. Debtors' Updated Status Report, Doc. #26. Debtors seek a 40-day extension to file their plan to September 5, 2026. Doc. #27.

Section 1221 of the Bankruptcy Code governs the filing of a chapter 12 plan and states in relevant part that "the court may extend [the] period [for filing a plan] if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable." 11 U.S.C. § 1221.

Under § 1221, "the bankruptcy court may grant an extension only if the debtor's inability to file a timely plan is due to circumstances beyond the debtor's control." First Sec. Bank & Tr. Co. v. Vander Vegt, 511 B.R. 567, 585 (N.D. Iowa 2014); Davis v. United States Bank N.A. (In re Davis), BAP No. CC-16-1390-KuLTa, 2017 Bankr. LEXIS 2169, at *6 (B.A.P. 9th Cir. Aug. 2, 2017). "The standard set forth in § 1221 is more stringent than the ordinary 'for cause shown' standard set forth in [Bankruptcy] Rule 9006(b)." In re Davis, 2017 Bankr. LEXIS 2169 at *6-7. Under this standard, the court's focus is centered on "the cause for the delay and whether the debtor reasonably and justly could have been expected to have prevented it." Id. at *8.

The court finds that the circumstances combine to qualify Debtors for the requested 40-day extension. Debtors own approximately 121 acres of land in Stanislaus County, California in full or in part. Decl. of Kenneth J. Zwart, Doc. #18. Approximately 104 acres of those 121 acres of land are planted with almonds. Id. Debtors also own homes in California and Oregon. Id. Debtors have recently received an offer to purchase their home at 1301 Keyes Road, Snelling, California, for $780,000, which Debtors have accepted, subject to approval by this court. Doc. #27. The earliest hearing date for a motion to approve the sale is August 26, 2026. Id. If the sale is confirmed by the court and closes, Debtors will have close to $400,000 in exempt cash to use as part of a chapter 12 plan. Id. Debtors are also exploring returning the almond orchards to secured creditors in lieu of foreclosure but have not reached final agreements and are awaiting consent from the co-owners of one of the orchards. Id. Although Debtors' tax consequences on a deed in lieu of foreclosure will be treated as general unsecured claims, the co-owners' tax consequences will not enjoy the same advantage so some adjustments will need to be made in a final agreement or plan. Id. Finally, Debtors' counsel has been severely impacted by a completely unexpected tragedy that occurred in late June 2026. Id.

The court finds that the uncertainty of the plan forward for Debtors as well as the unexpected tragedy impacting Debtors' counsel have delayed Debtors' ability to file a chapter 12 plan within the 90-day period required by § 1221 and, under the circumstances of this case, Debtors should not reasonably and justly have been expected to have prevented it.

Accordingly, pending opposition being raised at the hearing, the motion will be GRANTED. Debtors shall file a plan no later than September 5, 2026.

15. 26-10638-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
FW-2

CONTINUED MOTION TO USE CASH COLLATERAL
2-18-2026 [5]

FRIEDENBACH FAMILY FARMS
LLC/MV
PETER SAUER/ATTY. FOR DBT.
OST 8/12/26

NO RULING.

1:30 PM

1. 26-13017-A-7 **IN RE: JUAN CARLOS ROSALES FLORES AND LAURA TORRES DE ROSALES**
   RAP-1

   MOTION FOR RELIEF FROM AUTOMATIC STAY
   7-22-2026 [13]

   AMUR EQUIPMENT FINANCE, INC./MV
   MARK ZIMMERMAN/ATTY. FOR DBT.
   RAYMOND POLICAR/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after the hearing.

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

The movant, Amur Equipment Finance, Inc. ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to proceed under applicable non-bankruptcy law to enforce its remedies to dispose of the following collateral: (1) 2019 Kenworth Construction Truck, VIN: 1XKYDP9X5KJ240470 ("First Vehicle"); and (2) 2025 Western Trailer, VIN: 5DN154420B001267 ("Second Vehicle" and, together with the First Vehicle, the "Collateral"). Doc. #13.

Debtors Juan Carlos Rosales Flores and Laura P. Torres De Rosales (together, "Debtors") filed this chapter 7 case on June 29, 2026. Doc. #1. Pre-petition, on December 26, 2023, Movant and Debtors entered into an equipment finance agreement (the "First Contract") for the purchase of the First Vehicle. Decl. of Karla Beran, Doc. #15. Pursuant to the First Contract, Debtors were required to make thirty-seven (37) monthly installments, with an initial downpayment of $11,205.00 and the remaining thirty-six (36) monthly installments in the amount of $1,385.50. Doc. #13; Beran Decl., Doc. #15. As of August 1, 2026, Debtors have defaulted in the amount of $16,756.34 under the terms of the First Contract by failing to make monthly installments and all subsequent installments that came due thereafter. Beran Decl., Doc. #15.

On December 22, 2024, Movant and Debtors entered into a second equipment finance agreement (the "Second Contract") for the purchase of the Second Vehicle. Beran Decl., Doc. #15. Pursuant to the Second Contract, Debtors were required to make seventy (70) monthly installments in the amount of $2,597.87. Doc. #13; Beran Decl., Doc. #15. As of November 1, 2025, Debtors have defaulted in the amount of $129,841.81 under the terms of the Second Contract by failing to make monthly installments and all subsequent installments that came due thereafter. Beran Decl., Doc. #15. The obligations under the First Contract and the Second Contract are cross-collateralized by the First Vehicle and the

Second Vehicle. Exs. A & C, Doc. #16. Pre-petition, Debtors returned the Second Vehicle to Movant's possession. Beran Decl., Doc. #15. Movant believes Debtors are still in possession of the First Vehicle. Id.

Movant now seeks relief from the stay to allow Movant to (1) retake possession of the First Vehicle, (2) dispose of the First Vehicle and apply the proceeds from the disposition of the First Vehicle to its pre-petition indebtedness, (3) dispose of the Second Vehicle in its possession, and (4) apply the proceeds from the disposition of the Second Vehicle to its pre-petition indebtedness.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtor does not have any equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because Debtors are in default under the First Contract and Second Contract, and the entire principal amount is due under the First Contract and Second Contract. Beran Decl., Doc. #15. Specifically, $16,756.34 is due under the First Contract and $129,841.81 under the Second Contract. Id. Debtors do not list the Collateral in their bankruptcy schedules and do not include Movant as a secured creditor. Schedules A/B and D, Doc. #1.

The court also finds that Debtors do not have any equity in the Collateral and the Collateral is not necessary to an effective reorganization because Debtors are in chapter 7. Because the First Vehicle and the Second Vehicle cross-collateralize the obligations under the First Contract and the Second Contract, the court analyzes the combined value of the Collateral against the total amount due under the First Contract and the Second Contract. The Collateral is valued at a combined amount of $133,000.00, and Debtors owe Movant at least $146,598.15 under the First Contract and the Second Contract. Beran Decl., Doc. #15.

Accordingly, pending opposition being raised at the hearing, the motion will be GRANTED pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to (1) retake possession of the First Vehicle, (2) dispose of the First Vehicle and apply the proceeds from the disposition of the First Vehicle to its pre-petition indebtedness, (3) dispose of the Second Vehicle in its possession, and (4) apply the proceeds from the disposition of the Second Vehicle to its pre-petition indebtedness. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because the Collateral is a depreciating asset, Movant has possession of the First Vehicle, and Debtors did not include the Collateral in their bankruptcy schedules.

2. 25-22383-A-7 **IN RE: WAYNE/CHRISTINE PARKER**

OPPOSITION/OBJECTION, OBJECTION TO HOMESTEAD EXEMPTION
6-11-2026 [186]

REDDING BUSINESS PARK LLC/MV
PATRICIA WILSON/ATTY. FOR DBT.
MIKEL RASTEGAR/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to August 26, 2026 at 1:30 p.m.

ORDER: The court will issue an order.

As a procedural matter, the motion and supporting papers do not comply with LBR 9014-1(c). "In motions filed in the bankruptcy case, a Docket Control Number (designated as DCN) shall be included by all parties immediately below the case number on all pleadings and other documents, including proofs of service, filed in support of or opposition to motions." LBR 9014-1(c)(1). "Once a Docket Control Number is assigned, all related papers filed by any party, including motions for orders shortening the amount of notice and stipulations resolving that motion, shall include the same number." LBR 9014-1(c)(4). See LBR 9004-2(b)(6). Here, no DCN was assigned to the objection.

On July 22, 2026, debtors Wayne Evan Parker and Christine Eve Parker (together, "Debtors") filed a motion to strike the objection filed by Redding Business Park LLC ("Creditor") to Debtors' amended homestead exemptions ("Objection"). Doc. #199. Creditor has opposed Debtors' motion to strike and requested, among other things, to consolidate the hearing on the Objection with the hearing on Debtors' motion to strike. Doc. #203.

Because resolution of the Objection is related to Debtors' motion to strike, the hearing on the Objection is continued to August 26, 2026 at 1:30 p.m. to be heard with the hearing on Debtors' motion to strike the Objection (DWL-1). Doc. ##186, 195, 199-200. To the extent Debtors oppose the Objection, any such response shall be filed and served in accordance with LBR 9014-1(f)(1) using the continued hearing date of August 26, 2026.

3. 26-10697-A-7 **IN RE: ISABEL GUTIERREZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
7-21-2026 [27]

$34.00 FILING FEE PAID 7/22/26

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the amendment filing fee now due has been paid.