

**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 16, 2022**

**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  
Sacramento, California

**August 16, 2022 at 1:00 p.m.**

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1. [19-25927](#)-B-13 TOBIAS GOMEZ CONTINUED MOTION TO MODIFY PLAN  
RK-4 Richard Kwun 4-20-22 [[150](#)]

**Final Ruling**

This matter is continued from June 14, 2022. The motion was originally 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). Opposition and responses 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 permit the requested modification and confirm the modified plan.

The issues raised by the Chapter 13 Trustee appear to have been resolved. Specifically, Debtor filed a declaration from his son on March 20, 2022, that states the son's ability and willingness to contribute \$800.00 per month to the Debtor and the motion to approve loan modification with Wells Fargo Bank, NA was granted on August 9, 2022.

Provided that the Debtor is not delinquent on plan payments, the modified plan is deemed to comply with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. Counsel for the Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

The court will issue an order.

**August 16, 2022 at 1:00 p.m.**

**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 third amended plan.

Objecting creditor U.S. Bank National Association holds a deed of trust secured by the Debtor's residence. The creditor has filed a timely proof of claim in which it asserts \$3,772.02 in pre-petition arrearages. The plan does not propose to cure these arrearages. Because the plan does not provide for the surrender of the collateral for this claim, the plan must provide for full payment of the arrearage and maintenance of the ongoing note installments. See 11 U.S.C. §§ 1322(b)(2), (b)(5) and 1325(a)(5)(B). Because it fails to provide for the full payment of arrearages, the plan cannot be confirmed.

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.

3. [22-21362](#)-B-13 CLAUDIA CASTRO OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 Richard Kwun PLAN BY RUSSELL D. GREER  
7-21-22 [[19](#)]

## Final Ruling

No appearance at the August 16, 2022, hearing is required. The matter is **continued to September 20, 2022, at 1:00 p.m.** to be heard after the evidentiary hearing on the motion to value collateral of Wheels Financial Group, LLC.

The court will issue an order.

4. 19-27991-B-13 PAUL/DESIRE WHATLEY  
TLC-1 Tamie L. Cummins

CONTINUED OBJECTION TO CLAIM OF  
QUANTUM3 GROUP LLC, CLAIM  
NUMBER 8  
6-6-22 [[31](#)]

## Final Ruling

This matter was continued from August 9, 2022, to allow any party in interest to file a response by 5:00 p.m. on Friday, August 12, 2022. Nothing was filed. Therefore, the court's ruling conditionally granting the motion to approve loan modification shall become the court's final decision. The continued hearing on August 16, 2022, at 1:00 p.m. is vacated.

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

The court will issue an order.