

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Ronald H. Sargis
Chief Bankruptcy Judge
Sacramento, California

August 16, 2022 at 1:30 p.m.

1.	<u>22-21823</u> -E-13 <u>RHS-1</u>	ESTATE OF GWENDOLYN SIMPSON Pro Se	ORDER TO SHOW CAUSE 8-1-22 [12]
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Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, then the court will make the following findings of fact and conclusions of law:

The Order to Show Cause was served by the Clerk of the Court on the Estate, Individual who signed on behalf of the Estate, Chapter 13 Trustee, and US Trustee as stated on the Certificate of Service on August 1, 2022. The court computes that 15 days' notice has been provided.

The court issued an Order to Show Cause to show cause as to why the court does not dismiss this bankruptcy case.

The Order to Show Cause is XXXXXXXXXXXXXXXXXX

On July 25, 2022, a Voluntary Petition for Individuals Filing for Bankruptcy in which the Debtor is identified as "Estate of Gwendolyn Simpson" was filed in this case. Dckt. 1. The signature on page 7 of the Petition is relatively illegible and the following name is printed under the signature line:

Justin Monaco

or

Justine Monoco.

Even the printed name is less than fully legible. Petition, pg. 7; Dckt. 1

The address where the Estate of Gwendolyn Simpson, the Debtor, “lives” is stated to be 8319 Harney Way, Sacramento, California. In addition, the Petition further states that the Debtor’s mailing address is 8319 Harney Way, Sacramento, California. *Id.*

There is no attorney signing the Petition. This Individual Debtor Petition of the Estate of Gwendolyn Simpson is purporting to be filed in *pro se*. A person with a power of attorney, or who is a conservator, executor, or personal representative (for matters outside of the probate matter proceeding in which they are appointed), and trustees who are not licensed attorneys cannot appear *pro se* (not represented by a licensed attorney) in judicial proceedings. *See Hansen v. Hansen*, 114 C.A.4th 618, 621 (2003); *Ziegler v. Nickel*, 64 C.A.4th 545 (1998); *Drake v. Superior Court* (1994) 21 C.A.4th 1826, 1830, 1831 (1994); *People v. Malone*, 232 C.A.2d 531, 537 (1965).

Status Report by U.S. Bank, N.A., Trustee

In issuing this Order to Show Cause, the court requested that U.S. Bank, N.A., as Trustee, and Select Portfolio Servicing, Inc. provide the court with the names of persons dealing with them about the Estate of Gwendolyn Simpson’s interests in the Harney Way Property. That Status Report was filed on August 12, 2022. Dckt. 16.

Select Portfolio Servicing is in possession of a \$650,000 promissory Note executed by Gwendolyn Simpson and Horace Simpson, which is secured by a deed of trust against the Harney Way Property. Status Report, ¶ 1; Dckt. 16.

The current amount due on the Note is (\$994,402.53), with an arrearage of (\$21,869.37) included in that amount. *Id.*, ¶ 2.

In the last year, two individuals have contracted Select Portfolio about this Obligation:

1. Horace Simpson, the co-borrower, with an mailing address at the Harney Way Property.
2. La Sonja Brown, an authorized third-party on the loan, with her last contact being December 1, 2021. Select Portfolio has a phone number for La Sonja Brown, but no mailing address.

Id., ¶ 3.

On July 25, 2022, Quality Loan Servicing received a phone call from “Justin,” advising it of the bankruptcy case having been filed. Justin left a phone number, but no address. *Id.*, ¶ 4.

There have been numerous bankruptcy filed in the past several years that have prevented Select Portfolio Servicing from proceeding with a nonjudicial foreclosure sale. *Id.*, ¶ 5. The Status Report lists four such cases, with the first filed on January 7, 2020, by Gwendolyn and Horace Simpson; and then three cases filed by Horace Simpson on March 4, 2020, December 8, 2021, and March 21, 2021, each of which have been dismissed.

Probate Estates Not Eligible to Be Debtors in Bankruptcy Cases

Congress provides in 11 U.S.C. § 109(b) that a “person” may be a Chapter 7 debtor, with railroads, and various domestic and foreign insurance and financial institutions excluded. The term person is defined in 11 U.S.C. § 101(41) as follows:

(41) The term “person” includes individual, partnership, and corporation, but does not include governmental unit, except that a governmental unit that—

(A) acquires an asset from a person—

(I) as a result of the operation of a loan guarantee agreement; or

(ii) as receiver or liquidating agent of a person;

(B) is a guarantor of a pension benefit payable by or on behalf of the debtor or an affiliate of the debtor; or

(C) is the legal or beneficial owner of an asset of—

(I) an employee pension benefit plan that is a governmental plan, as defined in section 414(d) of the Internal Revenue Code of 1986; or

(ii) an eligible deferred compensation plan, as defined in section 457(b) of the Internal Revenue Code of 1986;

shall be considered, for purposes of section 1102 of this title, to be a person with respect to such asset or such benefit.

Though non-exclusive, a “Person” includes individuals and business entities. It has long been established that the administrator of a decedent’s estate or a decedent’s estate is not a “person” eligible to file bankruptcy. These cases include the following decisions:

Based on these indicia, we conclude that the Code's definition of "person," and therefore its definition of "debtor," excludes insolvent decedents' estates. Other courts that have addressed this question have uniformly embraced this view. *See In re Estate of Whiteside*, 64 B.R. 99, 102 (Bankr.E.D.Cal.1986); *In re Estate of Patterson*, 64 B.R. 807, 808 (Bankr.W.D.Tex.1986); *In re Jarrett*, 19 B.R. 413, 414 (Bankr.M.D.N.C.1982); *In re 299 Jack-Hemp Assocs.*, 20 B.R. 412, 413 (Bankr.S.D.N.Y.1982); *In re Estate of Brown*, 16 B.R. 128, 128 (Bankr.D.D.C.1981). These courts generally have opined that Congress elected not to extend bankruptcy jurisdiction to insolvent decedents' estates because the individual states have developed, through their probate systems, a comprehensive and specialized machinery for the administration of such estates. *See Jarrett*, 19 B.R. at 414; *299 Jack-Hemp Assocs.*, 20 B.R. at 413. Some of the courts have also noted that the policy of the Bankruptcy Code is to give individuals a "fresh start" through discharge

of their debts, and that this policy is not furthered by bankruptcy administration of decedents' estates. *See Jarrett*, 19 B.R. at 414; cf. *In re Estate of Hiller*, 240 F. Supp. 504, 504 (N.D.Cal.1965) (interpreting 1898 Bankruptcy Act); *Adams v. Terrell*, 4 Wood. 337, 4 F. 796, 801 (W.D.Tex.1880) (in the case of an insolvent decedent's estate, "death has already discharged [the decedent] of all personal liability").

In re Goerg, 844 F.2d 1562, 1566 (11th Cir. 1988)

In 2006 the Supreme Court discussed this probate exception in less exclusive terms, making it clear that merely because the "p word" was involved the federal court could walk away from the matter.

Reversing the Ninth Circuit, which had ordered the case dismissed for want of federal subject-matter jurisdiction, this Court held that federal jurisdiction was properly invoked. The Court first stated:

"It is true that a federal court has no jurisdiction to probate a will or administer an estate But it has been established by a long series of decisions of this Court that federal courts of equity have jurisdiction to entertain suits 'in favor of creditors, legatees and heirs' and other claimants against a decedent's estate 'to establish their claims' so long as the federal court does not interfere with the probate proceedings or assume general jurisdiction of the probate or control of the property in the custody of the state court." 326 U.S., at 494, 66 S. Ct. 193, 90 L. Ed. 165 (quoting *Waterman*, 215 U.S., at 43, 30 S. Ct. 10, 54 L. Ed. 80).

Next, the Court described a probate exception of distinctly limited scope:

"[W]hile a federal court may not exercise its jurisdiction to disturb or affect the possession of property in the custody of a state court, . . . it may exercise its jurisdiction to adjudicate rights in such property where the final judgment does not undertake to interfere with the state court's possession save to the extent that the state court is bound by the judgment to recognize the right adjudicated by the federal court.", 66 S. Ct. 193, 90 L. Ed. 165.

The first of the above-quoted passages from *Markham* is not a model of clear statement. The Court observed that federal courts have jurisdiction to entertain suits to determine the rights of creditors, legatees, heirs, and other claimants against a decedent's estate, **"so long as the federal court does not interfere with the probate proceedings."** *Ibid.* (emphasis added). Lower federal courts have puzzled over the meaning of the words "interfere with the probate proceedings," and some have read those words to block federal jurisdiction over a range of matters well beyond probate of a will or administration of a decedent's estate. *See, e.g., Mangieri v. Mangieri*, 226 F.3d 1, 2-3 (CA1 2000) (breach of fiduciary duty by executor); *Golden ex rel. Golden v. Golden*, 382 F.3d 348, 360-362 (CA3 2004) (same); *Lepard v. NBD Bank, Div. of*

Bank One, 384 F.3d 232, 234-237 (CA6 2004) (breach of fiduciary duty by trustee); *Storm v. Storm*, 328 F.3d 941, 943-945 (CA7 2003) (probate exception bars claim that plaintiff's father tortiously interfered with plaintiff's inheritance by persuading trust grantor to amend irrevocable inter vivos trust); *Rienhardt v. Kelly*, 164 F.3d 1296, 1300-1301 (CA10 1999) (probate exception bars claim that defendants exerted undue influence on testator and thereby tortiously interfered with plaintiff's expected inheritance).

We read Markham's enigmatic words, in sync with the second above-quoted passage, to proscribe "disturb[ing] or affect[ing] the possession of property in the custody of a state court." 326 U.S., at 494, 66 S. Ct. 296, 90 L. Ed. 256. True, that reading renders the first-quoted passage in part redundant, but redundancy in this context, we do not doubt, is preferable to incoherence. In short, **we comprehend the "interference" language in *Markham* as essentially a reiteration of the general principle that, when one court is exercising *in rem* jurisdiction over a *res*, a second court will not assume *in rem* jurisdiction over the same *res*. See, e.g., *Penn General Casualty Co. v. Pennsylvania ex rel. Schnader*, 294 U.S. 189, 195-196, 55 S. Ct. 386, 79 L. Ed. 850 (1935); *Waterman*, 215 U.S., at 45-46, 30 S. Ct. 10, 54 L. Ed. 80. Thus, the probate exception reserves to state probate courts the probate or annulment of a will and the administration of a decedent's estate; it also precludes federal courts from endeavoring to dispose of property that is in the custody of a state probate court.** But it does not bar federal courts from adjudicating matters outside those confines and otherwise within federal jurisdiction.

Marshall v. Marshall 547 U.S. 293, 311-312 (2006).

Even with the admonition from the Supreme Court not to drop a proceeding merely because it would relate to a probate proceeding, including a probate estate as a "person" who may file bankruptcy would necessarily wrench from the state court the administration of the probate estate and property of the probate estate, sweeping it all into the bankruptcy estate 11 U.S.C. § 541, 28 U.S.C. § 1334 (e) (granting exclusive federal court jurisdiction over all property of the bankruptcy estate).

The court shall issue an 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 Order to Show Cause 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 Order to Show Cause is **XXXXXXXXXXXXXXXXXX**.

AJX MORTGAGE TRUST II VS.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, Chapter 13 Trustee, Creditor, and Office of the United States Trustee on August 2, 2022. By the court's calculation, 14 days' notice was provided. 14 days' notice is required.

The Motion for Relief from the Automatic Stay was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 13 Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing, unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing, -----

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The Motion for Relief from the Automatic Stay is granted.

AJX Mortgage Trust II, a Delaware Trust, Wilmington Savings Fund Society, FSB, Trustee, its successors and/or assignees ("Movant") seeks relief from the automatic stay with respect to Angela Renee Beasley-Baker's ("Debtor") real property commonly known as 4990 Ridgefield Circle, Fairfield, California ("Property"). Movant has provided the Declaration of Julia Waco to introduce evidence to authenticate the documents upon which it bases the claim and the obligation secured by the Property.

Movant argues Debtor has not made 34 pre-petition payments, with a total of \$96,243.55 in pre-petition payments past due. Declaration, Dckt. 18. *Id.*

Opposition Filed by Debtor

Though this Motion was filed using the shortened hearing procedure pursuant to Local Bankruptcy Rule 9014-1(f)(2), for which no opposition is required to be filed, Debtor has filed an

opposition. Debtor's Opposition focuses on that while Debtor Angela Baker has filed multiple, unsuccessful, this is the first filing jointly with Co-Debtor Ronnie Baker. Opposition, Dckt. 30. The Opposition states that only Debtor Angela Baker was the purchaser of the Property and borrower on the loan secured by the Property.

It then states that Co-Debtor Ronnie Baker and Angela Baker were subsequently married, and through "the contribution of marital income towards the payment of the promissory note to the various mortgage creditors, the [Co-] debtor Ronnie Curtis Baker, acquired a significant community property interest" in the Property. *Id.*, p. 2:24-28.

Debtor Angela Baker and Co-Debtor Ronnie Baker assert that their equity in the Property is \$436,802.17. *Id.*, p. 4:1-2.

It is asserted that the equity cushion in the Property for Movant provides adequate protection.

However, the Opposition does not state what Debtor Angela Baker and Co-Debtor Ronnie Baker will be doing in actively doing while the equity cushion adequate protection holds Movant on the bench.

Review of Prior Bankruptcy Cases

Debtor Angela Baker has filed nine bankruptcy cases since 1999. In addition to the current case, the four most recent cases are:

A. 21-23683 - Chapter 13 Case

1. Filed and Dismissal

a. Filed.....October 26, 2021

b. Dismissed.....May 6, 2022

2. Representation by Counsel

a. Debtor Angela Baker was represented by the same counsel as she is in the current case.

3. Chapter 13 Plan

a. No Chapter 13 Plan Confirmed.

4. Review of Schedules and Statement of Financial Affairs

a. Schedule I

(1) Ronnie Baker's name is not stated on Schedule I as a non-debtor spouse.

(2) The non-debtor spouse is stated as not being employed.

- (3) The non-debtor spouse income is stated to be \$688 in monthly unemployment benefits.

b. Statement of Financial Affairs

- (1) Question 4 answers for income of the non-debtor spouse state that non-debtor spouse Ronnie Baker had no income in 2021 (the year the case was filed), no income in 2020, and no income in 2022.

DISCUSSION

From the evidence provided to the court, and only for purposes of this Motion for Relief, the debt secured by this asset is determined to be \$579,668.45 (Declaration, Dckt. 18), while the value of the Property is determined to be \$1,037,100.00 as stated in Schedules A/B and D filed by Debtor.

11 U.S.C. § 362(d)(1): Grant Relief for Cause

Whether there is cause under 11 U.S.C. § 362(d)(1) to grant relief from the automatic stay is a matter within the discretion of a bankruptcy court and is decided on a case-by-case basis. *See J E Livestock, Inc. v. Wells Fargo Bank, N.A. (In re J E Livestock, Inc.)*, 375 B.R. 892 (B.A.P. 10th Cir. 2007) (quoting *In re Busch*, 294 B.R. 137, 140 (B.A.P. 10th Cir. 2003)) (explaining that granting relief is determined on a case-by-case basis because “cause” is not further defined in the Bankruptcy Code); *In re Silverling*, 179 B.R. 909 (Bankr. E.D. Cal. 1995), *aff’d sub nom. Silverling v. United States (In re Silverling)*, No. CIV. S-95-470 WBS, 1996 U.S. Dist. LEXIS 4332 (E.D. Cal. 1996). While granting relief for cause includes a lack of adequate protection, there are other grounds. *See In re J E Livestock, Inc.*, 375 B.R. at 897 (quoting *In re Busch*, 294 B.R. at 140). 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. *W. Equities, Inc. v. Harlan (In re Harlan)*, 783 F.2d 839 (9th Cir. 1986); *Ellis v. Parr (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 that have come due. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432.

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.

11 U.S.C. § 362(d)(4)

Prospective Relief from Future Stays

11 U.S.C. § 362(d)(4) allows the court to grant relief from the stay when the court finds that the petition was filed as a part of a scheme to delay, hinder, or defraud creditors that involved either (I) transfer of all or part ownership or interest in the property without consent of the secured creditors or court approval or (ii) multiple bankruptcy cases affecting particular property. 3 COLLIER ON BANKRUPTCY ¶ 362.07 (Alan n. Resnick & Henry H. Sommer eds. 16th ed.).

Certain patterns and conduct that have been characterized as bad faith include recent transfers of assets, a debtor's inability to reorganize, and unnecessary delays by serial filings. *Id.* Here, Debtor has filed multiple bankruptcy and civil actions affecting the Property which appears to be an effort to hinder and delay Creditor from proceeding with a foreclosure action.

Bankruptcy Cases Filed

- A. Case No. 20-25435
 - 1. Filed: December 4, 2020
 - 2. Chapter 13
 - 3. Dismissal Date: June 8, 2021
 - 4. Reason for Dismissal: Delinquency and no plan pending

- B. Case No. 21-22487
 - 1. Filed: July 6, 2021
 - 2. Chapter 13
 - 3. Dismissal Date: October 26, 2021
 - 4. Reason for Dismissal: Failed to appear at the meeting of creditors; No Plan has been served; No verification of income provided to the Trustee; No tax return provided to the Trustee; Failed to provided business documents.

- C. Case No. 21-22491
 - 1. Filed: July 6, 2021
 - 2. Chapter 13
 - 3. Dismissal Date: August 23, 2021
 - 4. Reason for Dismissal: Duplicate filing

- D. Case No. 21-23683
 - 1. Filed: October 26, 2021
 - 2. Chapter 13
 - 3. Dismissal Date: May 6, 2022
 - 4. Reason for Dismissal: Failure to appear at the First Meeting of Creditors; Debtor only gave fifteen (15) days' notice to parties in interest of the Amended Plan; Delinquency; 521 Documents of Debtor's pay advices and tax returns not been provided.

State Court Action

- A. Solano County Superior Court, Case No. FCS056705
 - 1. Filed: June 23, 2021
 - 2. TRO Application Denied: July 6, 2021
 - 3. Dismissal Date: November 10, 2021

District Court Action

- A. United States District Court, Case No. 2:21-cv-01970
 - 1. Filed: October 22, 2021
 - 2. TRO Application Denied: October 25, 2021
 - 3. Dismissal Date: November 15, 2021

Relief pursuant to 11 U.S.C. § 362(d)(4) may be granted if the court finds that two elements have been met. The filing of the present case must be part of a scheme, and it must contain improper transfers or multiple cases affecting the same property. With respect to the elements, the court concludes that the filing of the current Chapter 13 case in the Eastern District of California was part of a scheme by Debtor to hinder and delay Movant from conducting a nonjudicial foreclosure sale by filing multiple bankruptcy cases.

The fact that a debtor commences a bankruptcy case to stop a foreclosure sale is neither shocking nor *per se* bad faith. The automatic stay was created to stabilize the financial crisis and allow all parties, debtor and creditors, to take stock of the situation. The filing of the current Chapter 13 case cannot have been for any bona fide, good faith reason in light of numerous bankruptcy, state, and district court actions filed before, all surrounding preventing foreclosure of the Property. In effect, this is a series of bankruptcy attempts by Debtor.

The court finds that proper grounds exist for issuing an order pursuant to 11 U.S.C. § 362(d)(4). Movant has provided sufficient evidence concerning bankruptcy cases being filed to prevent actions against the Property. Movant has provided the court with evidence that Debtor has engaged in a scheme to hinder, defraud, and delay creditors through the multiple filing of bankruptcy cases.

In granting the 11 U.S.C. § 362(d)(4) relief, the court notes that such is not the end of the game for Debtor. While granting relief through this case, if Debtor has a good faith, bona fide reason to commence another case while that order is in effect for the Property, the judge in the subsequent case can impose the stay in that case. 11 U.S.C. § 362(c)(4). That would ensure that Debtor, to the extent that some bona fide reason existed, would effectively assert such rights rather than filing several bankruptcy cases that are then dismissed.

Request for Attorneys' Fees

Because Movant has established that there is equity in the Property for Debtor and value in excess of the amount of Movant's claims as of the commencement of this case, Movant is awarded attorneys' fees as part of Movant's secured claim for all matters relating to this Motion.

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests, for no particular reason, that the court grant relief from the Rule as adopted by the United States Supreme Court. With no grounds for such relief specified, the court will not grant additional relief merely stated in the prayer.

Movant has not pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is not granted.

No other or additional relief is granted by the court.

The court shall issue an 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 AJX Mortgage Trust II, a Delaware Trust, Wilmington Savings Fund Society, FSB, Trustee, its successors and/or assignees (“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 vacated to allow Movant, its agents, representatives, and successors, and trustee under the trust deed, and any other beneficiary or trustee, and their respective agents and successors under any trust deed that is recorded against the real property commonly known as 4990 Ridgefield Circle, Fairfield, California (“Property”) to secure an obligation to exercise any and all rights arising under the promissory note, trust deed, and applicable nonbankruptcy law to conduct a nonjudicial foreclosure sale and for the purchaser at any such sale to obtain possession of the Property.

IT IS FURTHER ORDERED that the above relief is also granted pursuant to 11 U.S.C. § 362(d)(4), which further provides:

“If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under paragraph (4) shall be binding in any other case under this title purporting to affect such real 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. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.”

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is not waived for cause.

Requests for attorney’s fees and costs, if any, shall be made as provided in Federal Rule of Civil Procedure 54 and Federal Rules of Bankruptcy Procedure 7054 and 9014(c).

No other or additional relief is granted.