

**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 23, 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.

## Eastern District of California

Honorable Christopher D. Jaime  
Bankruptcy Judge  
**Sacramento, California**

**August 23, 2022 at 1:00 p.m.**

1. [22-21205](#)-B-13 XAVIER ATEs CONTINUED OBJECTION TO  
[RDG](#)-1 Pro Se CONFIRMATION OF PLAN BY TRUSTEE  
RUSSELL D. GREER  
7-11-22 [[22](#)]

CONTINUED TO 9/06/22 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 8/31/22.

## Final Ruling

No appearance at the August 23, 2022, hearing is required. The court will issue an order.

**August 23, 2022 at 1:00 p.m.**

2. [22-20924](#)-B-13 MEAGAN MONAGHAN CONTINUED OBJECTION TO  
[DWE](#)-1 Pro Se CONFIRMATION OF PLAN BY FREEDOM  
**Thru #3** MORTGAGE CORPORATION  
6-1-22 [[24](#)]

CONTINUED TO 8/30/22 AT 1:00 P.M. TO BE HEARD IN CONJUNCTION WITH THE MOTION TO DISMISS CASE.

**Final Ruling**

No appearance at the August 23, 2022, hearing is required. The court will issue an order.

3. [22-20924](#)-B-13 MEAGAN MONAGHAN CONTINUED OBJECTION TO  
[RDG](#)-1 Pro Se CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
6-1-22 [[16](#)]

CONTINUED TO 8/30/22 AT 1:00 P.M. TO BE HEARD IN CONJUNCTION WITH THE MOTION TO DISMISS CASE.

**Final Ruling**

No appearance at the August 23, 2022, hearing is required. The court will issue an order.

4. [22-21126](#)-B-13 DOUGLAS/NYLA STONE  
[CRG](#)-2 Carl R. Gustafson

MOTION TO CONFIRM PLAN  
7-15-22 [[32](#)]

**Final Ruling**

Although the motion itself was 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 amended plan was not. Debtors did not file their amended plan until July 20, 2022, giving the court, Chapter 13 Trustee, and creditors only 34 days' notice. Therefore, the motion is denied without prejudice.

The motion is ORDERED 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 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.

First, the plan fails to provide for post-petition arrears totaling \$11,660.11 to Class 1 creditor Gregory Funding LLC. Without providing for these post-petition arrears, it cannot be determined whether Debtors' plan is feasible.

Second, Section 7- Non-Standard Provisions for Section 2.01 of Debtors' plan provides for plan payments of \$5,200.00 per month for 55 months (February 2021 through August 2025). However, the Chapter 13 Trustee's calculations indicate that plan payments will need to be at least \$5,329.00 beginning February 2021 in order for the plan to be feasible as paying unsecured creditors 1%.

Third, Debtors are delinquent \$29,804.00 under the proposed plan. The Trustee's records indicate that Debtors failed to make a plan payment in October 2021, December 2021, February 2022, May 2022 and June 2022.

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.