UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

August 26, 2026 at 11:00 a.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.

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UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

August 26 2026 at 11:00 a.m.

1.	26-24100-C-13 MS-1	MICHAEL/JANICE HAGER Mark Shmorgon	MOTION TO VALUE COLLATERAL OF REGIONAL ACCEPTANCE CORPORATION 7-17-26 [8]

Final Ruling: No appearance at the August 26, 2026 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 40 days' notice was provided. Dkt. 11.

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 Value is granted.

The debtor filed this Motion seeking to value the portion of Regional Acceptance Corporation's ("Creditor") claim secured by the debtor's property commonly known as 2018 Kia Sportage (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was $11,065.00. Declaration, Dkt. 10.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on November 14, 2026, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9)(hanging paragraph).

Upon review of the record, the court finds the value of the Property is $11,065. There are no senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be $11,065.00. 11 U.S.C. § 506(a).

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 Value Collateral and Secured Claim filed by the debtor 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 pursuant to 11 U.S.C. § 506(a) is granted, and the claim of Regional Acceptance Corporation ("Creditor") secured by property commonly known as 2018 Kia Sportage (the "Property") is determined to be a secured claim in the amount of $11,065.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

2. [25-27201](#)-C-13 TY HINH CONTINUED MOTION TO CONFIRM PLAN
[PDD](#)-2 Phuc Dinh Do 7-13-26 [[58](#)]

2. 25-27201-C-13 PDD-2	TY HINH Phuc Dinh Do	CONTINUED MOTION TO CONFIRM PLAN 7-13-26 [58]

Final Ruling: No appearance at the August 26, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The prior hearing was continued because the debtor only provided 15 days notice, but there has now been 44 days notice since the amended plan was filed and served.

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 Confirm is granted.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 55) filed on July 10, 2026.

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 and 1325(a). 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 Confirm filed by the debtor, Ty Hinh, 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 Amended Chapter 13 Plan (Dkt. 55) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), 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.

3. 25-22203-C-13 SHERRI JOHNSON MOTION TO MODIFY PLAN
PGM-4 Peter G. Macaluso 7-21-26 [73]

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 36 days' notice was provided. Dkt. 79.

The Motion to Modify is denied.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 77) filed on July 21.

The Chapter 13 Trustee filed an Opposition (Dkt. 83) on August 12, 2026, opposing confirmation on the following grounds:

1. The plan is overextended;

2. Debtor may need to amend Schedules I & J; and

3. The motion to modify may be premature.

Debtor filed a response on August 19, 2026 (Dkt. 86), asserting the debtor is awaiting a permanent loan modification. Debtor has filed the tax returns, will amend Schedules I & J, and provide paystubs.

DISCUSSION

Because claim of hte Franchise Tax Board is greater than scheduled, the plan will take 115 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322, 1325(a), and 1329. 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 Modify Plan filed by the debtor, Sherri Johnson, 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.

4. 26-24403-C-13 PSB-1 | TIMOTHY/EVANGELINA HERNANDEZ Pauldeep Bains | MOTION TO EXTEND AUTOMATIC STAY 8-12-26 [9]

Tentative Ruling:

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

The Motion to Extend the Automatic Stay is granted.

Timothy and Evangelina Hernandez ("Debtors") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) extended beyond thirty days in this case. This is Debtors' second bankruptcy petition pending in the past year. Debtors' prior bankruptcy case was dismissed on April 27, 2026, after Debtors became delinquent in plan payments. Order, Bankr. E.D. Cal. No. 24-24440, Dkt. 95. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end as to Debtor thirty days after filing of the petition.

Here, Debtor states that the instant case was filed in good faith and explains that the previous case was dismissed because medical issues arose that caused financial strain.

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond thirty days if the filing of the subsequent petition was filed in good faith. 11 U.S.C. § 362(c)(3)(B). As this court has noted in other cases, Congress expressly provides in 11 U.S.C. § 362(c)(3)(A) that the automatic stay **terminates as to Debtor,** and nothing more. In 11 U.S.C. § 362(c)(4), Congress expressly provides that the automatic stay **never goes into effect in the bankruptcy case** when the conditions of that section are met. Congress clearly knows the difference between a debtor, the bankruptcy estate (for which there are separate express provisions under 11 U.S.C. § 362(a) to protect property of the bankruptcy estate) and the bankruptcy case. While terminated as to Debtor, the plain language of 11 U.S.C. § 362(c)(3) is limited to the automatic stay as to only Debtor. The subsequently filed case is presumed to be filed in bad faith if one or more of Debtor's cases was pending within the year preceding filing of the instant case. *Id.* § 362(c)(3)(C)(i)(I). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); *see also* Laura B. Bartell, *Staying the Serial Filer – Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209–10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. *See, e.g.*, *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at *6 (Bankr. D. Haw. June 22, 2011) (citing *In re Elliott-Cook*, 357 B.R. 811, 815–16 (Bankr. N.D. Cal. 2006)). Courts consider many factors—including those used to determine good faith under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c)(3) are:

A. Why was the previous plan filed?

B. What has changed so that the present plan is likely to succeed?

In re Elliot-Cook, 357 B.R. at 814-15.

Debtor has sufficiently rebutted the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The Motion is granted, and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

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 Extend the Automatic Stay filed by Timothy and Evangelina Hernandez 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, and the automatic stay is extended pursuant to 11 U.S.C. § 362(c)(3)(B) for all purposes and parties, unless terminated by operation of law or further order of this court.

5. 26-23904-C-13 KRISTIN LEHN MOTION TO VALUE COLLATERAL OF
JTN-1 Robert W. Fong CAPITAL ONE AUTO FINANCE
7-23-26 [13]

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 35 days' notice was provided. Dkt. 16.

The Motion to Value is xxxxx.

The debtor filed this Motion seeking to value the portion of Capital One Auto Finance's ("Creditor") claim secured by the debtor's property commonly known as 2019 GMC Yukon (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was $19,360.00. Declaration, Dkt. 15.

Creditor filed opposition asserting the value of the property is $22,585.00. Dkt. 17.

The Chapter 13 Trustee filed non-opposition to the motion. Dkt. 20.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on April 15, 2021, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9)(hanging paragraph).

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

Upon review of the record, the court finds the value of the Property is xxx. Therefore, Creditor's secured claim is determined to be $xxx. 11 U.S.C. § 506(a).

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 Value Collateral and Secured Claim filed by the debtor 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 pursuant to 11 U.S.C.

§ 506(a) is granted, and the claim of Capital One Auto Finance ("Creditor") secured by property commonly known as 2019 GMC Yukon (the "Property") is determined to be a secured claim in the amount of $xxxx.xx, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

6.	26-23208-C-13 DPC-1	MICHAEL/MERCEDES HICKEY Peter G. Macaluso	OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK 7-21-26 [39]

Thru #9

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 36 days' notice was provided. Dkt. 42.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtors have not provided all tax returns; and

2. Plan relies on a motions to value that have not been acted on yet.

DISCUSSION

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The plan proposes valuing the secured claims of the IRS and National Bankruptcy Services LLC. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

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 the Chapter 13 Trustee, David Cusick, 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 sustained.

7.	26-23208-C-13 PGM-2	MICHAEL/MERCEDES HICKEY Peter G. Macaluso	MOTION TO VALUE COLLATERAL OF NATIONAL BANKRUPTCY SERVICES, LLC 7-20-26 [28]

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 37 days' notice was provided. Dkt. 32.

The Motion to Value is xxxxx.

The debtor filed this Motion seeking to value the portion of National Bankruptcy Services LLC's ("Creditor") claim secured by the debtor's property commonly known as 2023 Audi Q5 (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was $30,900.00. Declaration, Dkt. 30.

The Chapter 13 Trustee filed non-opposition on August 10, 2026. Dkt. 47.

VW Credit, Inc. filed opposition on August 12, 2026. Dkt. 51. VW Credit, Inc. asserts the value of the Property is $31,675.00.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on October 25, 2023, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9)(hanging paragraph).

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

Upon review of the record, the court finds the value of the Property is $xxx. Therefore, Creditor's secured claim is determined to be $xxx. 11 U.S.C. § 506(a).

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 Value Collateral and Secured Claim filed by the debtor 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 pursuant to 11 U.S.C. § 506(a) is granted, and the claim of VW Credit, Inc. ("Creditor") secured by property commonly known as 2023 Audi Q5 (the "Property") is determined to be a secured claim in the amount of $xxxx.xx, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

8.	26-23208-C-13 PGM-3	MICHAEL/MERCEDES HICKEY Peter G. Macaluso	MOTION TO VALUE COLLATERAL OF REAL TIME RESOLUTIONS, INC. 7-20-26 [33]

This matter has been continued to October 20, 2026, pursuant to the stipulated order entered on August 17, 2026.

9.	26-23208-C-13 RMP-1	MICHAEL/MERCEDES HICKEY Peter G. Macaluso	OBJECTION TO CONFIRMATION OF PLAN BY REAL TIME RESOLUTIONS, INC. 7-20-26 [22]

This matter has been continued to October 20, 2026, pursuant to the stipulated order entered on August 17, 2026.

10. 26-24008-C-13 RAS-1 | JERRY HARDEMAN Pro Se | OBJECTION TO CONFIRMATION OF PLAN BY DEUTSCHE BANK NATIONAL TRUST COMPANY 8-4-26 [11]

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 22 days' notice was provided. Dkt. 13.

The Objection to Confirmation of Plan is sustained.

Creditor Deutsche Bank National Trust Company ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not cure the prepetition arrearages; and

2. Plan is not feasible.

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 the prepetition arrearage as Creditor 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 not demonstrated the plan is feasible because the plan terms require a higher payment than the debtor's net monthly income. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

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 Deutsche Bank National Trust Company , 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 sustained.

11. 26-23409-C-13 DB-1 — SIAN HOLLANDS, Peter G. Macaluso — OBJECTION TO CONFIRMATION OF PLAN BY STOCKTON MORTGAGE R.E.L.S. 7-30-26 [26]

Thru #12

Final Ruling: No appearance at the August 26, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 28.

The Objection to Confirmation of Plan is sustained.

Creditor Stockton Mortgage Real Estate Loan Servicing ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not fully provide for Creditor's claim; and

2. Plan is not feasible.

DEBTOR'S RESPONSE

Debtor filed a response representing the plan is not confirmable and will file an amended plan. Dkt. 30.

DISCUSSION

The debtor's treatment of Creditor's claim in the plan is an improper modification of a claim secured only by a security interest in real property that is the debtor's principal residence because the proposed payments do not fully provide for the claim. That is reason to deny confirmation. 11 U.S.C. § 1322(b)(2).

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 Stockton Mortgage Real Estate Loan Servicing, 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 sustained.

12. 26-23409-C-13 SIAN HOLLANDS OBJECTION TO CONFIRMATION OF
DPC-1 Peter G. Macaluso PLAN BY DAVID P. CUSICK
7-27-26 [22]

Final Ruling: No appearance at the August 26, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 30 days' notice was provided. Dkt. 25.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor did not appear at the Meeting of Creditors;

2. Debtor has not provided all tax returns;

3. Debtor has not provided all business documents; and

4. Debtor is delinquent in plan payments.

DEBTOR'S RESPONSE

Debtor filed a response representing the plan is not confirmable and will file an amended plan. Dkt. 31.

DISCUSSION

A review of the docket shows that debtor and counsel appeared at the most recent Meeting of Creditors on August 7, 2026, and the Meeting has now been concluded.

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not filed all business documents including:

A. Questionnaire,
B. Two years of tax returns,
C. Six months of profit and loss statements,
D. Six months of bank account statements, and
E. Proof of license and insurance or written statement that no such documentation exists.

11 U.S.C. §§ 521(e)(2)(A)(i), 704(a)(3), 1106(a)(3), 1302(b)(1), 1302(c); FED. R. BANKR. P. 4002(b)(2) & (3). Debtor is required to submit those documents and cooperate with the Chapter 13 Trustee. 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1) & (a)(6).

The debtor is $35,000.00 delinquent in plan payments. Declaration, Dkt. 24. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 11 U.S.C. § 1325(a)(6).

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 the Chapter 13 Trustee, David Cusick, 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 sustained.

13. 26-23019-C-13 MATTHEW/MARICEL BOHANNAN OBJECTION TO CONFIRMATION OF
DPC-1 Leo G Spanos PLAN BY DAVID P. CUSICK
7-22-26 [16]

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 35 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is overruled as moot.

The Chapter 13 trustee filed this Objection to Confirmation on July 22, 2026. Thereafter, the debtor filed an amended plan making this Objection moot. Dkt. 23. However, a corresponding Motion To Confirm has not yet been filed.

Therefore, the Objection is overruled.

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 the Chapter 13 trustee, David P. Cusick, 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 overruled as moot.

14. 26-21922-C-13 PGM-1 | JULIUS/KABELLA MAGEE Peter G. Macaluso | MOTION TO APPROVE LOAN MODIFICATION 7-17-26 [36]

Thru #15

Final Ruling: No appearance at the August 26, 2026 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 40 days' notice was provided. Dkt. 40.

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 Approve Loan Modification is granted.

Debtors Julius and Kabella Magee filed this Motion seeking authority to enter into a loan modification from Pennymac Loan Services, LLC.

The proposed financing is in the principal amount of $669,822.12, paid at 5.375% interest over a 40 year term. Monthly payments are proposed to be $3,397.96.

The Chapter 13 Trustee filed non-opposition on August 12, 2026. Dkt. 48.

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 Approve Loan Modification filed by Julius and Kabella Magee 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.

15. 26-21922-C-13 JULIUS/KABELLA MAGEE MOTION TO CONFIRM PLAN
PGM-2 Peter G. Macaluso 7-17-26 [28]

Final Ruling: No appearance at the August 26, 2026 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 40 days' notice was provided. Dkt. 35.

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 Confirm is granted.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 30) filed on July 17.

The Chapter 13 trustee filed a non-opposition on August 12, 2026. Dkt. 50.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). 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 Confirm filed by the debtors, Julius and Kabella Magee, 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 Amended Chapter 13 Plan (Dkt. 30) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for 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.

16. 26-23423-C-13 DPC-1 | CURT/COLLEEN RODRIGUEZ Pauldeep Bains | OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK 7-29-26 [26]

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 28 days' notice was provided. Dkt. 29.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan proposes paying less to unsecured creditors than required;

2. Plan relies on a motion to value collateral that has not been acted on yet;

3. Debtors are not including tax refunds in excess of $2,000 in their net monthly income; and

4. Debtors are not including bonus payments in their net monthly income;

DISCUSSION

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

An order granting motion to value collateral was entered on August 18, 2026. Dkt. 31. Therefore, that issue is resolved.

The plan proposes a monthly payment that does not include tax refund amounts in excess of $2,000, nor bonus payments, which is less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

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 the Chapter 13 Trustee, David Cusick, 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 sustained.

17. 26-22124-C-13 HUGO PACHECO MOTION TO CONFIRM PLAN
EJS-1 Eric Schwab 7-13-26 [20]

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 44 days' notice was provided. Dkt. 24.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 22) filed on July 13, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 29) on August 11, 2026, opposing confirmation on the following grounds:

1. Plan fails the liquidation test.

Debtor filed a response on August 19, 2026 (dkt. 33) asserting debtor has filed an amended Schedule C and will increase the monthly payment to $692.00 to resolve the issue.

DISCUSSION

The debtor has non-exempt assets totaling $147,052. The plan provides for a 6% dividend to unsecured claims, which is less than the percent 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, Hugo Pacheo, 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.

18. 26-23527-C-13 ANGEL/KARINA GARCIA | OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
DPC-1 Richard L. Jare | 7-29-26 [28]

Thru #19

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 28 days' notice was provided. Dkt. 31.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The debtors' claim of exemptions improperly claim 100% of FMV.

DISCUSSION

Under California law of exemptions, the debtor must elect a specific amount to claim under the applicable statutes. Claiming 100% of fair market value is not a proper claim of exemption. Therefore, the objections is sustained.

By not properly claiming exemptions under California law, the debtors have non-exempt assets. The plan provides for a zero percent dividend to unsecured claims, which is less than the percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

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 the Chapter 13 Trustee, David Cusick, 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 sustained.

19. 26-23527-C-13 RAS-1 | ANGEL/KARINA GARCIA Richard L. Jare | OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK TRUST NATIONAL ASSOCIATION 7-21-26 [25]

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 36 days' notice was provided. Dkt. 27.

The Objection to Confirmation of Plan is sustained.

Creditor U.S. Bank Trust National Association ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan misclassifies Creditor's claim.

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. Section 3.07 instructs that all delinquent secured claims that mature after completion of the plan are to be included in Class 1. U.S. Bank Trust National Association filed a Proof of Claim that represents that its claim includes an arrearage. Therefore, the claim must be included in Class 1 and not Class 4.

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 U.S. Bank Trust National Association, 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 sustained.

20. 24-22629-C-13 RUMMY SANDHU — MOTION TO MODIFY PLAN
PGM-6 — Peter G. Macaluso — 7-21-26 [142]

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 36 days' notice was provided. Dkt. 147.

The Motion to Modify is denied.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 144) filed on July 21, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 153) on August 12, 2026, opposing confirmation on the following grounds:

1. The plan reduces the monthly payment by $4,029.75 when the loan modification reduced debtor's mortgage payment by $2,219.31.

Debtor filed a response on August 19, 2026 (Dkt. 157), asserting that additional time is needed to supplement the record and address the Trustee's concerns.

DISCUSSION

The debtor has not explained why the debtor's monthly plan payment is reduced by over $4,000, but the loan modification reduces the mortgage payment by only $2,219.31. Debtor has supplied insufficient information relating to debtor's increased expenses to assist the Chapter 13 Trustee in determining the feasibility of the plan.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322, 1325(a), and 1329. 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 Modify Plan filed by the debtor, Rummy Sandhu, 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.

21. 26-23429-C-13 MICHAEL PETERS
DPC-1 Pro Se

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
7-29-26 [14]

Final Ruling: No appearance at the August 26, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 17.

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 Objection to Claimed Exemptions is sustained, and the exemptions are disallowed in their entirety.

The Chapter 13 trustee filed this Objection objects to the debtor's claimed exemptions pursuant to California Code of Civil Procedure § 704 because debtor claimed 100% of fair market value, which is not available under California Law.

Section 703.580 of the California Code of Civil Procedure allocates the burden of proof in state-law exemption proceedings. Cal. Civ. Proc. Code § 703.580(b); In re Tallerico, 532 B.R. 774, 780-89 (Bankr. E.D. Cal. 2015). The bankruptcy appellate panel in this circuit has concluded that "where a state law exemption statute specifically allocates the burden of proof to the debtor, Rule 4003(c) does not change that allocation." In re Diaz, 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016). In this exemption proceeding in bankruptcy, therefore, the debtor bears the burden of proof.

Under California law of exemptions, the debtor must elect a specific amount to claim under the applicable statutes. Claiming 100% of fair market value is not a proper claim of exemption. Therefore, the objections is sustained.

The trustee's Objection is sustained, and the claimed exemptions are disallowed.

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 Claimed Exemptions filed by Chapter 13 Trustee David Cusick having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Objection is sustained, and the claimed exemptions under California Code of Civil Procedure §§ 703 and 704 are disallowed in their entirety.

22. 25-25531-C-13 DASHENA WILLIAMS MOTION TO CONFIRM PLAN
PGM-2 Peter G. Macaluso 7-14-26 [147]

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 43 days' notice was provided. Dkt. 152.

The Motion to Confirm is granted.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 151) filed on July 14, 2026.

The Chapter 13 Trustee filed non-opposition on August 5, 2026. Dkt. 164.

Creditor Quality First Home Improvement, Inc. filed an Opposition (Dkt. 166) on August 12, 2026, opposing confirmation on the following grounds:

1. The plan does not fully provide for Creditor's judgment.

Debtor filed a response on August 19, 2026 (Dkt. 169), asserting that the debtor is paying the valid Mechanic's Lien in full and does not agree to increase the interest rate.

DISCUSSION

Creditor's lien previously was avoided pursuant to 11 U.S.C. § 522(f) to the extent the judgment was based upon the separate cause of action for breach of contract. The amount that was related to the mechanic's lien was not avoided and is properly treated as a secured claim and provided for in the plan.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). 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 Confirm filed by the debtor, Dashena Williams, 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 Amended Chapter 13 Plan (Dkt. 151) meets the requirements of 11

U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. 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 trustee will submit the proposed order to the court.

23.	26-22631-C-13 MWB-1	MARTIN HERNANDEZ Mark W. Briden	MOTION TO CONFIRM PLAN 7-14-26 [30]

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 43 days' notice was provided. Dkt. 33.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan filed as an exhibit on July 14, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 41) on August 12, 2026, opposing confirmation on the following grounds:

1. Plan and amended Schedules I & J were filed as exhibits rather than as separate documents on the docket;

2. Plan is overextended;

3. Debtor is delinquent in plan payments; and

4. The certificate of service does not comply with the Local Rules.

DISCUSSION

Because claims are greater than scheduled, the plan will take 86 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

The debtor is $352.00 delinquent in plan payments. Declaration, Dkt. 42. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 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 Certificate of Service shows that a Clerk's Matrix of Creditors was to be attached to the Certificate, but was not actually attached. It is unclear whether all parties in interest have been served a copy of the Plan and Motion. That is reason to deny the motion.

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, Martin Hernandez, 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.

24. 26-22832-C-13 SIANG PETERS MOTION FOR RELIEF FROM
NLG-1 Pro Se AUTOMATIC STAY AND/OR MOTION FOR RELIEF FROM CO-DEBTOR STAY 7-24-26 [40]

NEWREZ LLC VS.
DEBTOR DISMISSED: 08/05/26

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. 45.

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 for Relief from the Automatic Stay is granted.

The instant case was dismissed on August 5, 2026, for not attending the Meeting of Creditors and not making any plan payments. Dkt. 54.

The applicable Bankruptcy Code provision for the matter before the court is 11 U.S.C. § 362(c)(1) and (2). That section provides:

In relevant part, 11 U.S.C. § 362(c) provides:

> (c) Except as provided in subsections (d), (e), (f), and (h) of this section—
>
> (1) the stay of an act against property of the estate under subsection (a) of this section continues until such **property is no longer property of the estate**;
>
> (2) the stay of any other act under subsection (a) of this section continues until the earliest of—
>
> (A) the time the case is closed;
>
> (B) ***the time the case is dismissed***; or
>
> (C) if the case is a case under chapter 7 of this title concerning an individual or a case under chapter 9, 11, 12, or 13 of this title, the time a discharge is granted or denied;

11 U.S.C. § 362(c) (emphasis added).

When a case is dismissed, 11 U.S.C. § 349 discusses the effect of dismissal. In relevant part, 11 U.S.C. § 349 states:

(b) Unless the court, for cause, orders otherwise, a dismissal of a case other than under section 742 of this title—

(1) reinstates—

(A) any proceeding or custodianship superseded under section 543 of this title;

(B) any transfer avoided under section 522, 544, 545, 547, 548, 549, or 724(a) of this title, or preserved under section 510(c)(2), 522(i)(2), or 551 of this title; and

(C) any lien voided under section 506(d) of this title;

(2) vacates any order, judgment, or transfer ordered, under section 522(i)(1), 542, 550, or 553 of this title; and

(3) ***revests the property of the estate in the entity in which such property was vested immediately before the commencement of the case under this title.***

11 U.S.C. § 549(c) (emphasis added).

Therefore, as of August 5, 2026, the automatic stay as it applies to the Property, and as it applies to Debtor, was terminated by operation of law. At that time, the Property ceased being property of the bankruptcy estate and was abandoned, by operation of law, to Debtor.

Movant also argues 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 multiple bankruptcy filings affecting the Property.

Debtor has filed the previous five cases in the five years:

(1) Case No. 26-21969, filed on April 8, 2026, dismissed on July 2, 2026;
(2) Case No. 25-26793, filed on December 3, 2025, dismissed on May 12, 2026;
(3) Case No. 24-20935, filed on March 8, 2024, dismissed on October 17, 2024;
(4) Case No. 24-20196, filed on January 18, 2024, dismissed on April 16, 2024; and
(5) Case No. 22-20081, filed on January 13, 2022, dismissed on April 27, 2022.

At the hearing ......

The court shall issue an order confirming that the automatic stay was terminated and vacated as to Debtor and the Property on August 5, 2026.

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 NewRez 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 Motion is granted.

IT IS FURTHER ORDERED that relief pursuant to 11 U.S.C. § 362(d)(4) is xxxxxxx

25. 26-23232-C-13 DONNA ELBERT OBJECTION TO CONFIRMATION OF
DPC-1 Peter G. Macaluso PLAN BY DAVID P. CUSICK
7-21-26 [21]

Final Ruling: No appearance at the August 26, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 36 days' notice was provided. Dkt. 24.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor filed a previous case on August 12, 2025, which was dismissed on June 3, 2026 for failure to make plan payents;

2. Debtor has not provided business documents;

3. Plan is overextended;

4. Debtor has not provided details on lump sum payment, including efforts to refinance property; and

5. Debtor is not maximizing her business income to increase contributions towards the plan.

Creditors, Kerman Real Estate Investment, Inc., Burco, LLC, and Robert and Mindy Chin filed a joinder to the Trustee's objection on July 31, 2026. Dkt. 31.

DEBTOR'S RESPONSE

The debtor filed a response on August 19, 2026, representing the plan is not confirmable and will be filing an amended plan. Dkt. 33.

DISCUSSION

Because claims are greater than scheduled, the plan will take 101 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

The debtor has not filed all business documents including:

A. Questionnaire,
B. Two years of tax returns,
C. Six months of profit and loss statements,
D. Six months of bank account statements, and
E. Proof of license and insurance or written statement that no such documentation exists.

11 U.S.C. §§ 521(e)(2)(A)(i), 704(a)(3), 1106(a)(3), 1302(b)(1), 1302(c); FED. R. BANKR. P. 4002(b)(2) & (3). Debtor is required to submit those documents and cooperate with the Chapter 13 Trustee. 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1) & (a)(6).

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 the Chapter 13 Trustee, David Cusick, 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 sustained.

26. 25-26637-C-13 JAMES/SABRINA FULBRIGHT MOTION TO INCUR DEBT
WW-1 Mark Wolff 8-10-26 [23]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 16 days' notice was provided. Dkt. 28.

The Motion to Incur Debt is granted.

Debtors James and Sabrina Fulbright filed this Motion seeking authority to incur debt to purchase a replacement vehicle.

The proposed financing is in the principal amount of $25,625.01, paid at 13.29% interest over a 72 month term. Monthly payments are proposed to be $490.00.

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 James and Sabrina Fulbright 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, and the debtors James and Sabrina Fulbright are authorized to incur debt pursuant to the terms of the agreement, Exhibit A, Dkt. 26.
>
> **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.

27. 25-26238-C-13 KENNETH VAVURIS MOTION TO CONFIRM PLAN
EJS-1 Eric Schwab 7-8-26 [91]

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 49 days' notice was provided. Dkt. 96.

The Motion to Confirm is granted.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 93) filed on July 8, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 111) on August 4, 2026, opposing confirmation on the following grounds:

1. Plan relies on a Motion to Avoid Lien that has not yet been decided;

2. Debtor's attorney's fees do not comply with the Local Rules; and

3. Debtor's attorney did not sign the Motion to Confirm Amended Plan.

The debtor filed a response on August 19, 2026 (Dkt. 116), that the motion to avoid lien was filed and set for hearing and there has been no opposition to the motion. Debtor's counsel agrees with the Trustee on the fees and is willing to make the change in the order confirming. And, debtor's counsel did sign the Motion on the date it was filed, but that the uploaded version was missing the electronic signature.

DISCUSSION

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 a monthly dividend over 48 months does not follow the local rule on payment of counsel's fees. Counsel has conceded this point and is willing to make the change in the order confirming.

The plan proposes avoiding the lien of Robin Harp. The Motion to Avoid lien is now a final ruling below. See Item 28. Therefore, this issue is resolved.

Counsel has uploaded the motion with the electronic signature, so this is no longer an issue.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). 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 Confirm filed by the debtor, Kenneth Vavuris, 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 Amended Chapter 13 Plan (Dkt. 93) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. 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 trustee will submit the proposed order to the court.

28. 25-26238-C-13 KENNETH VAVURIS MOTION TO AVOID LIEN OF ROBIN HARP
EJS-2 Eric Schwab 7-8-26 [97]

Final Ruling: No appearance at the August 26, 2026 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 49 days' notice was provided. Dkt. 101.

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 Avoid Judicial Lien is granted.

This Motion requests an order avoiding the judicial lien of Robin Harp ("Creditor") against property of the debtor commonly known as 426 Cross Street, Nevada City, California ("Property").

The Chapter 13 Trustee filed non-opposition on August 12, 2026. Dkt. 114.

A judgment was entered against the debtor in favor of Creditor in the amount of $2,250.00. Exhibit D, Dkt. 100. An abstract of judgment was recorded with Nevada County on November 12, 2024, that encumbers the Property. *Id.*

Pursuant to Debtor's Schedule A, the subject real property has an approximate value of $732,700.00 as of the petition date. Dkt. 10. The unavoidable and senior liens that total $350,040.31 as of the commencement of this case are stated on Debtor's Schedule D. Dkt. 10. Debtor has claimed an exemption pursuant to California Code of Civil Procedure § 704.730 in the amount of $575,000.00 on Schedule C. Dkt. 10.

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of the judicial lien impairs Debtor's exemption of the real property, and its fixing is avoided subject to 11 U.S.C. § 349(b)(1)(B).

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 Avoid Judicial Lien pursuant to 11 U.S.C. § 522(f) filed by the debtor Kenneth Vavuris 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 judgment lien of Robin Harp, California Superior Court for Nevada County, recorded on November 12, 2024, Document No. 20240017845, with the Nevada County Recorder, against the real property commonly known as 426 Cross Street, Nevada City, California, is avoided in its entirety pursuant to 11 U.S.C. § 522(f)(1), subject to the provisions of 11 U.S.C. § 349 if this bankruptcy case is dismissed.

29. 26-20638-C-13 ALLEN FULCHER MOTION TO CONFIRM PLAN
WLG-2 Pro Se 7-14-26 [48]

Final Ruling: No appearance at the August 26, 2026 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 35 days' notice was provided. Dkt. 56.

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 Confirm is granted.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 50) filed on July 14, 2026.

The Chapter 13 trustee filed a non-opposition on August 12, 2026. Dkt. 61.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). 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 Confirm filed by the debtor, Allen Fulcher, 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 Amended Chapter 13 Plan (Dkt. 50) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. 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.

30. 26-23242-C-13 STEPHANIE CHITWOOD OBJECTION TO CONFIRMATION OF
DPC-1 Pro Se PLAN BY DAVID P. CUSICK
7-21-26 [23]

Thru #32

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 36 days' notice was provided. Dkt. 30.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor did not appear at the Meeting of Creditors;

2. Debtor has not provided proof of Social Security number or photo identification;

3. Debtor has not provided required pay advices or copies of tax returns;

4. Plan fails the liquidation test;

5. Plan is overextended; and

6. Plan does not include all of debtor's net monthly income.

DEBTOR'S OPPOSITION

The debtor filed a response on August 13, 2026. Dkt. 39. Debtor asserts she is actively working to address the Trustee's issues.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341 on July 16, 2026 or the continued Meeting held on August 7, 2026. Appearance is mandatory. *See* 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. *See* 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required pay advices. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has non-exempt assets totaling $7,000.00. The plan provides for a zero percent dividend to unsecured claims, which is less than the percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

Because is not adequately funded, the plan will take 101 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

The plan proposes a monthly payment of $500.00, which is less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

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 the Chapter 13 Trustee, David Cusick, 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 sustained.

31. 26-23242-C-13 DPC-2 | STEPHANIE CHITWOOD Pro Se | OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS 7-21-26 [26]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 36 days' notice was provided. Dkt. 29.

The Objection to Claimed Exemptions is sustained, and the exemptions are disallowed.

The Chapter 13 trustee filed this Objection objects to the debtor's claimed exemptions pursuant to Cal. Code Civ. P. § 703.140(b)(5), colloquilly known as the Wild Card exemption because debtor is claiming an amount greater than the statutory maximum of $38,700.

The debtor filed a response on August 13, 2026. Dkt. 39. Debtor asserts she is actively working to address the Trustee's issues.

Section 703.580 of the California Code of Civil Procedure allocates the burden of proof in state-law exemption proceedings. Cal. Code Civ. P. § 703.580(b); In re Tallerico, 532 B.R. 774, 780-89 (Bankr. E.D. Cal. 2015). The bankruptcy appellate panel in this circuit has concluded that "where a state law exemption statute specifically allocates the burden of proof to the debtor, Rule 4003(c) does not change that allocation." In re Diaz, 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016). In this exemption proceeding in bankruptcy, therefore, the debtor bears the burden of proof.

Section 703.140(b)(5) of the California Code of Civil Procedure set the statutory maximum amount that can be claimed at $38,700.00. Cal. Code Civ. P. § 703.140(b)(5). The debtor has claimed exempt $40,000 in her residence, $1,000 in cash, $6,500 held in a bank account, and a trustee refund of $25,000. She has also claim a Contractor Overpayment and Personal Injury claim in an unknown amounts.

The trustee's Objection is sustained, and the claimed exemptions are disallowed in the amount in excess of $38,700.00.

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 Claimed Exemptions filed by Chapter 13 Trustee David Cusick having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Objection is sustained, and the claimed exemptions under California Code of Civil Procedure § 703.140(b)(5) are disallowed in excess of $38,700.00.

32. 26-23242-C-13 DWE-1 | STEPHANIE CHITWOOD Pro Se | OBJECTION TO CONFIRMATION OF PLAN BY M&T BANK 7-22-26 [31]

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 35 days' notice was provided. Dkt. 33.

The Objection to Confirmation of Plan is sustained.

Creditor M&T Bank ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not fully provide for Creditor's claim.

DEBTOR'S OPPOSITION

The debtor filed a response on August 13, 2026. Dkt. 39. Debtor asserts she is actively working to address the Creditor's issues.

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 the claim in full as Creditor 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).

Creditor opposes confirmation on the basis that the plan proposes paying its claim at zero percent interest. Creditor argues that this interest rate is outside the limits authorized by the Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). In *Till*, a plurality of the Court supported the "formula approach" for fixing post-petition interest rates. *Id.* Courts in this district have interpreted *Till* to require the use of the formula approach. *See In re Cachu*, 321 B.R. 716 (Bankr. E.D. Cal. 2005); *see also Bank of Montreal v. Official Comm. of Unsecured Creditors (In re American Homepatient, Inc.)*, 420 F.3d 559, 566 (6th Cir. 2005) (*Till* treated as a decision of the Court). Even before *Till*, the Ninth Circuit had a preference for the formula approach. *See Cachu*, 321 B.R. at 719 (citing *In re Fowler*, 903 F.2d 694 (9th Cir. 1990)).

The court agrees with the court in *Cachu* that the correct valuation of the interest rate is the prime rate in effect at the commencement of this case plus a risk adjustment. Because the creditor has only identified risk factors common to every bankruptcy case, the court fixes the interest rate as the prime rate in effect at the commencement of the case, 6.75%, plus a 1.25% risk adjustment, for a 8.00% interest rate.

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 M&T Bank, 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 sustained.

33. 26-23542-C-13 ALG-1

ARUN SAMUJH
Pro Se

MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR MOTION FOR RELIEF FROM CO-DEBTOR STAY
7-28-26 [15]

HENRY A. THOMAS, TRUSTEE OF THE H.A. THOMAS TRUST DATED 2/12/2007 VS.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 21.

The Motion for Relief from the Automatic Stay is granted.

Henry A. Thomas, Trustee of the H.A. Thomas Trust Dated 2/12/2007 ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's real property commonly known as 118 Hydrangea Ct., Vallejo, CA (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is not the borrower on the note and deed of trust and the Movant is not adequately protected. Declaration, Dkt. 18.

Movant also argues 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. Movant asserts that Brian Rakesh Samujh obtained a loan from Movant that was secured by the Property. Brian Samujh recorded an unsigned Grant Deed that purportedly transferred the Property to debtor on the eve of the filing of this case.

The Chapter 13 Trustee filed a response (Dkt. 22) asserting that the debtor filed a plan with no plan payment amount, and that he does not oppose the motion.

DISCUSSION

Upon review of the record, the court finds cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is not the borrower in the loan documents and Movant is not receiving payment on his claim and thus is not adequately protected.

The court, pursuant to 11 U.S.C. § 362(d)(4) finds xxxxxxxxx

Language vacating stay

Based on the foregoing, the Motion is granted. 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 repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

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 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 Henry A. Thomas, Trustee of the H.A. Thomas Trust Dated 2/12/2007 ("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 118 Hydrangea Ct., Vallejo, 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 pursuant to 11 U.S.C. § 362(d)(4) is xxxxxxxxxxxx

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.

No other or additional relief is granted.

34. 26-22654-C-13 BRIAN SAMUJH MOTION FOR RELIEF FROM
ALG-2 Pro Se AUTOMATIC STAY
7-29-26 [24]

HENRY A. THOMAS, TRUSTEE OF
THE H.A. THOMAS TRUST VS.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 30.

The Motion for Relief from the Automatic Stay is granted.

Henry A. Thomas, Trustee of the H.A. Thomas Trust Dated 2/12/2007 ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's real property commonly known as 118 Hydrangea Ct., Vallejo, CA (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debt has matured a year ago, debtor is not making payments and Movant is not adequately protected. Declaration, Dkt. 26.

Movant also argues 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. Movant asserts that debtor obtained a loan from Movant that was secured by the Property. Debtor recorded an unsigned Grant Deed that purportedly transferred the Property to Arun Samujh on the eve of the filing of Arun Samujh's case.

The Chapter 13 Trustee filed a response (Dkt.40) asserting that he has filed a motion to dismiss case and does not oppose the motion.

DISCUSSION

Upon review of the record, the court finds cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is not making payments on the loan, which matured a year ago, and thus is not adequately protected.

The court, pursuant to 11 U.S.C. § 362(d)(4) finds xxxxxxxxx

Language vacating stay

Based on the foregoing, the Motion is granted. 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 repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

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 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 Henry A. Thomas, Trustee of the H.A. Thomas Trust Dated 2/12/2007 ("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 118 Hydrangea Ct., Vallejo, 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 pursuant to 11 U.S.C. § 362(d)(4) is xxxxxxxxxxxx

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.

No other or additional relief is granted.

35. 26-20944-C-13 CRAIG/MELISSA BUNYARD MOTION TO CONFIRM PLAN
MJD-1 Matthew DeCaminada 7-21-26 [21]

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 36 days' notice was provided. Dkt. 26.

The Motion to Confirm is denied.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 25) filed on July 21, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 28) on August 12, 2026, opposing confirmation on the following grounds:

1. Debtors are delinquent in plan payments; and

2. Debtors' attorney's fee payments in the plan do not appear to be correctly calculated.

DISCUSSION

The debtor is $898.00 delinquent in plan payments. Declaration, Dkt. 29. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 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 debtors, Craig and Melissa Bunyard, 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.

36. 25-22345-C-13 ELMER CRESPIN ZAMORA MOTION TO MODIFY PLAN
PGM-4 Peter G. Macaluso 7-16-26 [92]

Final Ruling: No appearance at the August 26, 2026 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. 97.

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 Plan is granted.

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

The Chapter 13 trustee filed a non-opposition on July 27, 2026. Dkt. 99.

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, Elmer Zamora, 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. 96) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for 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.

37. 26-20945-C-13 LISA DELLSITE MOTION TO CONFIRM PLAN
PGM-1 Peter G. Macaluso 7-21-26 [40]

Final Ruling: No appearance at the August 26, 2026 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 36 days' notice was provided. Dkt. 47.

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 Confirm is granted.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 44) filed on July 21, 2026.

The Chapter 13 trustee filed a non-opposition on August 12, 2026. Dkt. 55.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). 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 Confirm filed by the debtor, Lisa Dellsite, 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 Amended Chapter 13 Plan (Dkt. 44) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for 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.

38. 26-20746-C-13 THOMAS GETTINGS MOTION TO CONFIRM PLAN
JBR-3 Jennifer B. Reichhoff 7-15-26 [44]

Final Ruling: No appearance at the August 26, 2026 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 42 days' notice was provided. Dkt. 48.

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 Confirm is granted.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 47) filed on July 15, 2026.

The Chapter 13 trustee filed a non-opposition on August 12, 2026. Dckt. 49.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). 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 Confirm filed by the debtor, Thomas Gettings, 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 Amended Chapter 13 Plan (Dkt. 49) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for 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.

39. 26-21848-C-13 DENISE AUSTIN MOTION TO CONFIRM PLAN
AOE-2 Anthony O. Egbase 7-10-26 [48]

DEBTOR DISMISSED: 08/05/26

Final Ruling: No appearance at the August 26, 2026 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. 52.

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 Confirm is denied as moot.

A review of the docket shows the case was dismissed on August 5, 2026. Therefore, this Motion is denied as moot.

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, Denise Austin, 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.

40. 26-22953-C-13 DANIEL WARD MOTION FOR RELIEF FROM
MJ-1 Mikalah Liviakis AUTOMATIC STAY
7-17-26 [13]

ACAR LEASING LTD VS.

Final Ruling: No appearance at the August 26, 2026 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 40 days' notice was provided. Dkt. 18.

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 for Relief from the Automatic Stay is granted.

ACAR Leasing LTD dba GM Financial Leasing ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's 2024 Chevrolet Blazer (the "Property")

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the has rejected the lease and Movant's claim is not provided for in the plan.

The Chapter 13 Trustee filed a response on August 5, 2026, representing that the lease was rejected and is not provided for in the confirmed plan.

DISCUSSION

Upon review of the record, the court finds cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor has rejected the lease and is not making lease payments.

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 repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

No other or additional relief is granted by the court.

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 ACAR Leasing LTD dba GM Financial Leasing ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant, its agents, representatives, and successors, and all other creditors having lien rights against the Property, under its security agreement, loan documents granting it a lien in the asset identified as a 2024 Chevrolet Blazer ("Property"), and applicable nonbankruptcy law to obtain possession of, nonjudicially sell, and apply proceeds from the sale of the Property to the obligation secured thereby.

No other or additional relief is granted.

41. [26-23257]-C-13 [DPC]-2 | JOHN/DAWNA JOHNSON-TURNER Rory J. Vohwinkel | OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK 7-22-26 [[24]]

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 35 days' notice was provided. Dkt. 27.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not provide for a monthly dividend to debtor's attorney;

2. Plan is overextended;

3. Debtors' Schedule J is inaccurate and needs amending;

4. Plan misclassifies the claims on debtors' residence and the claim for a vehicle;

5. Plan does not include all of the debtors' disposable income;

6. The Disclosure of Compensation of Attorney for Debtor is not the correct form.

DISCUSSION

The debtors' plan does not provide for a monthly dividend to debtors' attorney and without that information the Trustee is unable to determine the feasibility of the plan.

Because the plan is inadequately funded, the plan will take 101 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

Section 3.07 instructs that all delinquent secured claims that mature after completion of the plan are to be included in Class 1. The plan shows the claims as not having any arrears. Therefore, the claims must be not be included in Class 1.

The plan proposes a monthly payment of $2,500.00, which is less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

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 the Chapter 13 Trustee, David Cusick, 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 sustained.

42. 26-24459-C-13 STEVEN DAVIS MOTION FOR RELIEF FROM
JTK-1 Pro Se AUTOMATIC STAY
8-12-26 [11]

THE MONEY BROKERS, INC. VS.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 18.

The Motion for Relief from the Automatic Stay is granted.

The Money Brokers, Inc. ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's real property located at 5829 Hillsdale Blvd., Sacramento, California (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor has defaulted in plan payments and the loan has matured. Declaration, Dkt. 16. Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(2) because the total debt secured by the Property, $436,390.88, exceeds the value of the Property, which is $420,000.00. *Id.*

Movant also argues 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 multiple bankruptcy filings affecting the Property. This is debtor's second case this year.

DISCUSSION

Upon review of the record, the court finds cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor has defaulted in plan payments and the loan has matured. The court also finds cause exists pursuant to 11 U.S.C. § 362(d)(2) because the total debt secured by the Property, $436,390.88, exceeds the value of the Property, which is $420,000.00.

The court also finds pursuant to 11 U.S.C. § 362(d)(4) xxxxxx

Language vacating stay

Based on the foregoing, the Motion is granted. 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 repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

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 that the court grant relief from the Rule as adopted by the United States Supreme Court.

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 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 The Money Brokers, Inc.("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 5829 Hillsdale Blvd., Sacramento, 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 pursuant to 11 U.S.C. § 362(d)(4) is xxxxxxxxxxxx

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.

No other or additional relief is granted.

43. 26-21469-C-13 JOSEPHINA PINNEY MOTION TO MODIFY PLAN
MRL-1 Candace Y. Brooks 7-6-26 [16]

Final Ruling: No appearance at the August 26, 2026 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 50 days' notice was provided. Dkt. 22.

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 Plan is granted.

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

The Chapter 13 trustee filed a non-opposition on August 12, 2026. Dkt. 26.

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, Josephina Pinney, 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. 19) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for 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.

44. 26-21572-C-13 MICHAEL/MARTHEA CALDWELL Pro Se

MOTION TO OBJECT TO THE CERTIFICATE OF COMPLIANCE LBR 2016-1(C)(5)(B)
8-10-26 [54]

DEBTORS DISMISSED: 08/05/26

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dkt. 59.

The Objection to Certificate of Compliance LBR 2016-1(c)(5)(B) is overruled.

Debtors filed this Objection arguing that former counsel Peter G. Macaluso violated state bar rules and should be required to refund the retainer debtors paid prior to filing the case.

Debtors assert that Mr. Macaluso did not act with reasonable diligence and promptness in representing them and did not fight to argue with good cause on the automatic stay.

The debtors' contentions are without merit and the court is not persuaded that it should order the refund of the retainer. The case was pending for more than four months before Mr. Macaluso withdrew from the case and Mr. Macaluso diligently prosecuted the case and responded to all motions and objections. Therefore, the Objection is overruled.

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 Certificate of Compliance LBR 2016-1(c)(5)(B) filed in this case by the debtors, Michael and Marthea Caldwell, 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 to to Certificate of Compliance LBR 2016-1(c)(5)(B) is overruled.

45.	26-23672-C-13 CRG-1	EVEREN/DARLENE WATKINS Carl R. Gustafson	MOTION TO VALUE COLLATERAL OF KIA FINANCE AMERICA 7-8-26 [14]

Final Ruling: No appearance at the August 26, 2026 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 49 days' notice was provided. Dkt. 18.

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 Value is granted.

The debtor filed this Motion seeking to value the portion of Kia Finance America's ("Creditor") claim secured by the debtor's property commonly known as 2020 Kia Optima (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was $11,767.00. Declaration, Dkt. 16.

The Chapter 13 Trustee filed non-opposition on August 12, 2026. Dkt. 28.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on December 2022, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9)(hanging paragraph).

Upon review of the record, the court finds the value of the Property is $11,767.00. Therefore, Creditor's secured claim is determined to be $11,767.00. 11 U.S.C. § 506(a).

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 Value Collateral and Secured Claim filed by the debtor 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 pursuant to 11 U.S.C. § 506(a) is granted, and the claim of Kia Finance America

("Creditor") secured by property commonly known as 2020 Kia Optima (the "Property") is determined to be a secured claim in the amount of $11,767.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

46. 25-27075-C-13 ROCHELLE WYNES MOTION TO MODIFY PLAN
PGM-2 Peter G. Macaluso 7-21-26 [36]

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 36 days' notice was provided. Dkt. 40.

The Motion to Modify is denied.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 39) filed on July 21, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 45) on August 5, 2026, opposing confirmation on the following grounds:

1. Plan relies on a motion to sell debtor's residence without providing any evidence demonstrating that the property is being marketed or a broker is employed;

2. The duration of the plan is unclear;

3. Debtor may be delinquent in plan payments;

4. Debtor's Schedule I shows income from renting a room that will no longer be available as income once the house is sold;

5. Debtor's Schedule J might not be accurate.

The debtor filed a response on August 19, 2026, asserting that debtor needs additional time to address the Trustee's concerns. Dkt. 48.

DISCUSSION

The debtor has supplied insufficient information relating to the sale of the residence to assist the Chapter 13 Trustee in determining the feasibility of the plan. Debtor also has not explained the debtor's amended Schedules relating to income and expenses.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322, 1325(a), and 1329. 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, Rochelle Wynes, 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.

47. 25-26376-C-13 JASON/CRYSTAL NICHOLSON
IJR-6 Douglas B. Jacobs

MOTION TO EXTEND DEADLINE TO FILE A COMPLAINT OBJECTING TO DISCHARGEABILITY OF A DEBT
8-10-26 [162]

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 16 days' notice was provided. Dkt. 167.

The Motion to Extend Deadline to File a Complaint Objecting to Discharge is granted.

Jean-Pierre Rusing, ("Movant") moves to extend the deadline, for a second time, to file a complaint objecting to Jason and Crystal Nicholson's ("Debtor") discharge and dischargeability of debt.

The deadline for filing a complaint objecting to discharge is September 13, 2026. Dkt. 120. The Motion requests that the deadline to object to Debtor's discharge be extended 120 days through January 11, 2027.

The court may, on motion and after a noticed hearing, extend the time for objecting to the entry of discharge for cause. FED. R. BANKR. P. 4004(b)(1). The court may extend that deadline where the request for the extension of time was filed prior to the expiration of time for objection. *Id.*

The instant Motion was filed on August 10, 2026, before the deadline to object to the discharge of Debtor.

Therefore, the Motion is granted, and the deadline for Movant to object to Debtor's discharge is extended through January 11, 2027.

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 Extend Deadline to File a Complaint Objecting to Discharge filed by Jean-Pierre Rusing, ("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 Motion is granted, and the deadline for Movant to through January 11, 2027.

48. 26-22078-C-13 PRAMILA KUMAR MOTION TO CONFIRM PLAN
SLG-1 Joshua Sternberg 7-9-26 [25]

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 48 days' notice was provided. Dkt. 30.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 27) filed on July 9, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 31) on August 11, 2026, opposing confirmation on the following grounds:

1. Debtor is delinquent in plan payments.

DISCUSSION

The debtor is $7,812.72 delinquent in plan payments. Declaration, Dkt. 32. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 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, Pramila Kumar, 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.

49. 26-20979-C-13 ALONDRA GARCIA MOTION TO CONFIRM PLAN
RPK-2 Ryan Keenan 7-14-26 [27]

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 42 days' notice was provided. Dkt. 31.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 30) filed on July 14, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 32) on August 5, 2026, opposing confirmation on the following grounds:

1. Debtor has not filed amended Schedules I & J with updated income and expenses; and

2. Debtor is delinquent in plan payments.

DISCUSSION

The debtor has supplied insufficient information relating to the income and expenses to assist the Chapter 13 Trustee in determining the feasibility of the plan.

The debtor is $10 delinquent in plan payments. Declaration, Dkt. 33. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 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, Alondra Garcia, 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.

50. 26-22383-C-13 TIFFANY HAMILTON MOTION FOR RELIEF FROM
EJS-1 Pro Se AUTOMATIC STAY
7-22-26 [58]

LJ INVESTMENT PROPERTIES
LLC/AVANTI APARTMENT HOMES
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 35 days' notice was provided. Dkt. 63.

The Motion for Relief from the Automatic Stay is xxxxx.

LJ Investment Properties LLC/Avanti Apartment Homes ("Movant") filed this Motion seeking relief from the automatic stay with respect to the real property commonly known as 1513 Alamo Drive, Unit 15, Vacaville, California ("Property"), to allow an unlawful detainer action to be litigated in state court.

Movant argues relief is warranted under 11 U.S.C. § 362(d)(1) and (d)(2) because the debtor does not have an ownership interest in or a right to maintain possession of the Property. Declaration, Dkt. 60.

Debtor filed opposition on July 22, 2026, asserting that Movant violated the automatic stay when it issued the Three-Day Notice to Pay Rent or Quit and filed the Unlawful Detainer action in state court after the filing of the petition.

Movant filed a response (Dkt. 80) on August 18, 2026, contending that it had no knowledge of the bankruptcy case when the eviction proceeding was filed and has not sought to complete the eviction given the automatic stay.

At the hearing xxxxxxxx

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, to exercise its rights to obtain possession and control of the Property, including unlawful detainer or other appropriate judicial proceedings and remedies to obtain possession thereof.

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 that the court grant relief from the Rule as adopted by the United States Supreme 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 LJ Investment Properties LLC/Avanti Apartment Homes ("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 motion to vacate the automatic stay provisions of 11 U.S.C. § 362(a) is xxxxxxxxx

51. 26-20812-C-13 JEHOADDAN WILSON

TRUSTEE'S FINAL REPORT AND ACCOUNT
7-9-26 [47]

DEBTOR DISMISSED: 04/24/26

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 16 days' notice was provided. Dkt. 55.

The Objection to Trustee's Final Report is overruled.

Jehoaddan Wilson ("Debtor") objects to the Chapter 13 Trustee's final report because she asserts she did not receive a $300 refund as outlined in the Trustee's final report.

The Chapter 13 Trustee filed a response (Dkt. 56) on August 17, 2026, asserting that the debtor did not make any plan payments but that he received the $200 and $100 payments from the Department of Treasury. After the case was dismissed the Trustee refunded the payments to the payor, the Department of the Treasury. The refunded checks have now been negotiated and the Trustee does not hold the $300.00.

Section 1326(a)(2) provides that any payment that was made by the debtor and proposed in the plan shall be returned to the debtor if a plan is not confirmed.

Debtor was unable to confirm a plan. However, the $300 was not proposed to be paid to the trustee in the plan and was not made by the debtor. The amount was refunded to the payor, the Department of the Treasury. The Chapter 13 Trustee no longer holds the $300.

Therefore, the Objection is overruled.

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 Trustee's Final Report filed by Jehoaddan Wilson having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Objection is overruled.

52. [26-24540]-C-13 [TAM]-2 DELFIN/ROSARIO ANDRES Thomas Moore MOTION TO EXTEND AUTOMATIC STAY O.S.T. 8-18-26 [[14]]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(3) notice which requires an Order Shortening Time. The OST was entered on August 19, 2026. Dkt. 19.

The Motion to Extend the Automatic Stay is granted.

Delfin and Rosario Andres ("Debtors") seek to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) extended beyond thirty days in this case. This is Debtor's second bankruptcy petition pending in the past year. Debtors' prior bankruptcy case was dismissed on November 25, 2025, after Debtors did not appear at the Meeting of Creditors. Order, Bankr. E.D. Cal. No. 24-25526, Dkt. 69. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end as to Debtor thirty days after filing of the petition.

Here, Debtor states that the instant case was filed in good faith and explains that the previous case was dismissed because of a misunderstanding on the date of the Meeting, but the debtors did appear at the continued Meeting after the case was dismissed.

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond thirty days if the filing of the subsequent petition was filed in good faith. 11 U.S.C. § 362(c)(3)(B). As this court has noted in other cases, Congress expressly provides in 11 U.S.C. § 362(c)(3)(A) that the automatic stay **terminates as to Debtor**, and nothing more. In 11 U.S.C. § 362(c)(4), Congress expressly provides that the automatic stay **never goes into effect in the bankruptcy case** when the conditions of that section are met. Congress clearly knows the difference between a debtor, the bankruptcy estate (for which there are separate express provisions under 11 U.S.C. § 362(a) to protect property of the bankruptcy estate) and the bankruptcy case. While terminated as to Debtor, the plain language of 11 U.S.C. § 362(c)(3) is limited to the automatic stay as to only Debtor. The subsequently filed case is presumed to be filed in bad faith if one or more of Debtor's cases was pending within the year preceding filing of the instant case. *Id.* § 362(c)(3)(C)(i)(I). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); *see also* Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209–10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. *See, e.g.*, *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at *6 (Bankr. D. Haw. June 22, 2011) (citing *In re Elliott-Cook*, 357 B.R. 811, 815–16 (Bankr. N.D. Cal. 2006)).

Courts consider many factors—including those used to determine good faith under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c)(3) are:

A. Why was the previous plan filed?

B. What has changed so that the present plan is likely to succeed?

In re Elliot-Cook, 357 B.R. at 814-15.

Debtor has sufficiently rebutted the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The Motion is granted, and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

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 Extend the Automatic Stay filed by Delfin and Rosario Andres 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, and the automatic stay is extended pursuant to 11 U.S.C. § 362(c)(3)(B) for all purposes and parties, unless terminated by operation of law or further order of this court.