

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Modesto, California

**September 1, 2015 at 10:00 a.m.**

---

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

**1. Matters resolved without oral argument:**

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

**2. The court will not continue any short cause evidentiary hearings scheduled below.**

**3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.**

**4. If no disposition is set forth below, the matter will be heard as scheduled.**

---

1.	15-90504-D-13 RDG-2	FRED/LATANYA FORD	OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS 7-17-15 [24]
----	------------------------	-------------------	--

2.	15-90206-D-13 SJS-2	KATRINA CHANDLER	MOTION TO CONFIRM PLAN 7-17-15 [49]
----	------------------------	------------------	--

3. 11-92910-D-13 DOUGLAS/STACIA ISAAC MOTION TO MODIFY PLAN  
CJY-1 7-24-15 [40]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

4. 15-90515-D-13 EDWARD RAMIREZ AND LEAH MOTION TO CONFIRM PLAN  
BSH-1 CUEVAS RAMIREZ 7-17-15 [15]

**Final ruling:**

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied because the moving parties failed to serve the party requesting special notice in this case, the Santa Clara County Department of Child Support Services, at its designated address, as required by Fed. R. Bankr. P. 2002(g).

As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

5. 15-90622-D-13 DEBORAH HANSEN OBJECTION TO CONFIRMATION OF  
SW-1 PLAN BY ALLY FINANCIAL  
7-21-15 [14]

6. 15-90226-D-13 JOHNNY/TAMARA MATTHEWS MOTION TO CONFIRM PLAN  
DCJ-2 7-20-15 [49]

7. 14-91527-D-13 VINCENT STANLEY MOTION TO MODIFY PLAN  
MC-3 7-20-15 [37]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

8. 15-90630-D-13 RANDY RAMIREZ CONTINUED MOTION FOR RELIEF  
RTD-1 FROM AUTOMATIC STAY AND/OR  
PREMIER COMMUNITY CREDIT MOTION FOR ADEQUATE PROTECTION  
UNION VS. 6-30-15 [9]

9. 12-92433-D-13 DOUGLAS/JUDITH BRADSHAW MOTION TO MODIFY PLAN  
CJY-3 7-15-15 [74]

**Final ruling:**

Motion withdrawn by moving party. Matter removed from calendar.

10. 15-90335-D-13 SANDRA NARANJO MOTION TO CONFIRM PLAN  
CAH-1 7-17-15 [24]

**Final ruling:**

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the moving party failed to serve the party listed on her Schedule H. Minimal research into the case law concerning § 101(5) and (10) of the Bankruptcy Code discloses an extremely broad interpretation of "creditor," certainly one that includes an individual who is liable with the debtor on a debt to the IRS. Pursuant to Fed. R. Bankr. P. 1007(a)(1), the moving party was required to include that party on her master address list, which she did not do, and pursuant to Fed. R. Bankr. P. 2002(b), was required to give that party notice of this motion.

As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

11. 15-90541-D-13 KUBANGUSU MAHUNGU  
RDG-3

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
7-17-15 [36]

**Final ruling:**

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed to the trustee's objection to the debtor's claim of exemptions and the objection is supported by the record. Accordingly, the court will sustain the trustee's objection to the debtor's claim of exemptions by minute order. No appearance is necessary.

12. 15-90354-D-13 CHRIS/LISA FREITAS  
CJY-1

MOTION TO CONFIRM PLAN  
7-13-15 [27]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

13. 12-90661-D-13 JOHN ATHEY  
JDP-1

CONTINUED MOTION TO VALUE  
COLLATERAL OF BANK OF AMERICA,  
N.A.  
6-10-15 [36]

**Final ruling:**

The matter is resolved without oral argument. This is the debtor's motion to value the secured claim of Bank of America at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtor's residence and the amount owed on the senior encumbrance exceeds the value of the real property. The Bank's objection has been withdrawn and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Bank of America's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

14. 15-90379-D-13 GWENDOLYN BYRD  
RAW-1

MOTION TO CONFIRM PLAN  
7-17-15 [23]

**Final ruling:**

This is the debtor's motion to confirm an amended chapter 13 plan. On Aug. 5, the debtor filed a second amended plan. As a result of the filing of the second amended plan, this motion is moot. The motion will be denied as moot by minute order. No appearance is necessary.

15. 15-90379-D-13 GWENDOLYN BYRD MOTION TO CONFIRM PLAN  
RAW-1 8-5-15 [29]

**Final ruling:**

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving party gave only 27 days' notice of the hearing rather than 42 days', as required by LBR 3015-1(d)(1) and applicable rules; and (2) the docket control number used for this motion has been used before in this case, contrary to LBR 9014-1(c)(3).

For the reasons stated, the motion will be denied by minute order. No appearance is necessary.

16. 11-90091-D-13 CHRISTOPHER MOORHOUSE MOTION TO VALUE COLLATERAL OF  
JDP-1 GREEN TREE SERVICING, LLC  
8-5-15 [64]

17. 12-91592-D-13 SCOTT/MARIA TILLERY MOTION TO MODIFY PLAN  
CJY-7 7-20-15 [81]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

18. 14-91595-D-13 JAIME/CHERYL JIMENEZ MOTION TO CONFIRM PLAN  
TOG-7 7-21-15 [76]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

19. 15-90614-D-13 LETISIA SALDIVAR  
BF-5

OBJECTION TO CONFIRMATION OF  
PLAN BY BANK OF AMERICA, N.A.  
8-12-15 [14]

20. 15-90226-D-13 JOHNNY/TAMARA MATTHEWS  
DCJ-3

MOTION TO VALUE COLLATERAL OF  
U.S. BANK N. A.  
8-18-15 [59]

**Tentative ruling:**

This is the debtors' motion to value collateral of U.S. Bank. The motion was brought pursuant to LBR 9014-1(f)(2); thus, the court will entertain opposition, if any, at the hearing. However, the court has the following concern.

The notice of hearing gives the hearing date as September 1, 2015 in the text but October 13, 2015 in the caption. The moving parties filed an amended notice of hearing to correct this error; however, there is no proof of service of the amended notice. If the Bank makes an appearance at the hearing, the court will hear the matter. If it does not, the court will continue the hearing to allow the moving parties to file and serve a notice of continued hearing.

21. 15-90541-D-13 KUBANGUSU MAHUNGU  
RS-2

**Final ruling:**

MOTION TO VALUE COLLATERAL OF  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY  
8-17-15 [40]

The hearing on this motion is continued to September 15, 2015 at 10:00 a.m. No appearance is necessary on September 1, 2015.

22. 06-90352-D-13 ALFONSO/LYDIA CAMPOS  
CJY-2

MOTION FOR ENTRY OF DISCHARGE  
8-13-15 [100]

23. 15-90586-D-13 MARY GRAHAM  
RDG-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
8-10-15 [19]