

JP Morgan Chase Bank, N.A. (“Movant”) seeks relief from the automatic stay with respect to an asset identified as a 2018 Subaru Outback, VIN ending in 7595 (“Vehicle”). The moving party has provided the Declaration of Susie Casillas to introduce evidence to authenticate the documents upon which it bases the claim and the obligation owed by Matthew Conor O'Mara (“Debtor”).

Movant provides evidence that it is the owner of the Vehicle. Movant has provided a Certificate of Title to substantiate its claim of ownership. Exhibit 2, Dckt. 20. Based upon the evidence submitted, the court determines that there is no equity in the Vehicle for either Debtor or the Estate. 11 U.S.C. § 362(d)(2). This being a Chapter 7 case, the Property is *per se* not necessary for an effective reorganization. *See Ramco Indus. v. Preuss (In re Preuss)*, 15 B.R. 896 (B.A.P. 9th Cir. 1981).

Movant argues Debtor has not made two post-petition payments, with a total of \$431.66 in post-petition payments past due. Declaration, Dckt. 18. Movant also provides evidence that there are two pre-petition payments in default, with a pre-petition arrearage of \$431.66. *Id.*

Movant has also provided a copy of the NADA Valuation Report for the Vehicle. The Report has been properly authenticated and is accepted as a market report or commercial publication generally relied on by the public or by persons in the automobile sale business. FED. R. EVID. 803(17).

From the evidence provided to the court, and only for purposes of this Motion for Relief, the debt secured by this asset is determined to be \$16,371.67 (Declaration, Dckt. 18), while the value of the Vehicle is determined to be \$25,750.00, as stated on the NADA Valuation Report.

TRUSTEE’S NONOPPOSITION

On August 2, 2022, Chapter 7 Trustee, Nicki Farris, (“Trustee”), entered a docket entry indicating nonopposition.

DISCUSSION

Movant has presented a colorable claim for title to and possession of this vehicle. As stated by the Bankruptcy Appellate Panel, relief from stay proceedings are summary proceedings that address issues arising only under 11 U.S.C. Section 362(d). *Hamilton v. Hernandez (In re Hamilton)*, No. CC-04-1434-MaTK, 2005 Bankr. LEXIS 3427, at *8–9 (B.A.P. 9th Cir. Aug. 1, 2005) (citing *Johnson v. Righetti (In re Johnson)*, 756 F.2d 738, 740 (9th Cir. 1985)). The court does not determine underlying issues of ownership, contractual rights of parties, or issue declaratory relief as part of a motion for relief from the automatic stay in a Contested Matter (Federal Rule of Bankruptcy Procedure 9014).

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 Vehicle, including appropriate judicial proceedings and remedies to obtain possession thereof.

No other or additional relief is granted by the court.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by JP Morgan Chase Bank, N.A. (“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, and its agents, representatives and successors, to exercise its rights to obtain possession, control, and disposition of the asset identified as a 2018 Subaru Outback, VIN ending in 7595 (“Vehicle”), including appropriate judicial proceedings and remedies to obtain possession thereof.

No other or additional relief is granted.