

**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: September 7, 2021

CALENDAR: 1:00 P.M. CHAPTER 13

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters and no appearance is necessary. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within seven (7) days of the final hearing on the matter.

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Modesto, California

September 7, 2021 at 1:00 p.m.

1. [21-90164](#)-B-13 EVARISTO AVILA CONTINUED OBJECTION TO
[RDG](#)-1 Pro Se CONFIRMATION OF PLAN BY RUSSELL
 D. GREER
 6-10-21 [[17](#)]

CONTINUED TO 9/21/2021 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 9/15/2021.

Final Ruling

No appearance at the September 7, 2021, hearing is required. The court will issue an order.

September 7, 2021 at 1:00 p.m.

2. [14-90265](#)-B-13 LEONARD/TRACY WEBSTER MOTION TO AVOID LIEN OF VALLEY
 [BSH](#)-7 Brian S. Haddix FIRST CREDIT UNION
 8-19-21 [[105](#)]

Final Ruling

The motion has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). However, there appears to be insufficient service of process on Valley First Credit Union. The address used by the Debtor does not match that on the California Secretary of State website. Therefore, the court's decision is to deny the motion without prejudice.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

3. [21-90289](#)-B-13 AHMAD HARES AND ZARINA AMIN
[APN](#)-1 Mark S. Nelson
OBJECTION TO CONFIRMATION OF
PLAN BY TOYOTA MOTOR CREDIT
CORPORATION
7-30-21 [[19](#)]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). A written reply has been filed to the objection.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to overrule the objection as moot and confirm the plan.

Creditor Toyota Motor Credit Corporation objects to confirmation of the plan on grounds that the interest rate of 6.25% is appropriate and not the 3.25% provided for in the plan. Debtors filed a response stating that they accept that its proof of claim in the amount of \$20,827.72 be paid at an interest rate of 6.25%. Debtors state that this minor adjustment will be included in the order confirming, that this will not affect payment to other creditors, and the plan is still feasible.

The plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed June 21, 2021 is confirmed.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED and counsel for the Debtors 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.¹

The court will issue an order.

¹The court notes that an order confirming plan was entered August 11, 2021.

4. [21-90014](#)-B-13 JESUS/MARTHA MUNOZ
[RDG](#)-3 Brian S. Haddix

CONTINUED MOTION TO DISMISS
CASE
8-11-21 [[47](#)]

Final Ruling

This matter was continued from August 31, 2021, to allow any party in interest to file by September 3, 2021, at 5:00 p.m. an opposition or response to the motion to dismiss case. No opposition or response was timely filed. The court's ruling conditionally granting the motion to dismiss case at dkt. 51 shall become the court's final decision. The continued hearing on September 7, 2021, at 1:00 p.m. is vacated.

The court will issue an order.