



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

September 8, 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.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued medical credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

September 8, 2026 at 11:00 a.m.

1.	26-23904 -C-13	KRISTIN LEHN	OBJECTION TO CONFIRMATION OF
	DPC -1	Robert W. Fong	PLAN BY DAVID P. CUSICK
			8-18-26 [22]

Thru #2

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 21 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. Plan is overextended;
2. Debtor may not have filed the 2025 tax returns; and
3. Plan relies on motion to value.

DISCUSSION

At a prior hearing, the debtor's motion to value was granted. Therefore, that issue is resolved.

Because claims are greater than scheduled, the plan will take 83 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

It appears that the debtor has not filed all required tax returns. 11 U.S.C. §§ 1308, 1325(a)(9). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(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

September 8, 2026 at 11:00 a.m.

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.

2. [26-23904](#)-C-13 KRISTIN LEHN
[JCW](#)-1 Robert W. Fong

OBJECTION TO CONFIRMATION OF
PLAN BY CAPITAL ONE AUTO
FINANCE
8-18-26 [[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 21 days' notice was provided. Dkt. 29.

The Objection to Confirmation of Plan is overruled.

Creditor Capital One Auto Finance ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not pay the full replacement value of the collateral.

DISCUSSION

Debtor and creditor resolved the valuation issue at a prior hearing agreeing to a full replacement value of \$20,660.00. Therefore, creditor's objection has been resolved.

No other grounds for objection remaining, but the Trustee's objection must be resolved before confirmation. Therefore, the Objection is overruled, but plan cannot be confirmed at this time.

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 Capital One Auto Finance, 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.

3. [26-23805](#)-C-13 ABEL SANCHEZ
[DPC](#)-1 Jerry R. Lowe

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
8-19-26 [[16](#)]

Thru #4

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 20 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is sustained.
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The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is delinquent in plan payments;
2. Plan is overextended;
3. Debtor has not provided business documents;
4. Debtor did not disclose a prior case that was filed in 2023;
5. Schedules I & J are inaccurate; and
6. Creditor has a pending objection.

DISCUSSION

The debtor has not made a plan payment and is \$9,990.68 delinquent in plan payments. Declaration, Dkt. 18. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Because claims are greater than scheduled, the plan will take 102 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).

The debtor has supplied insufficient information relating to the his income and expenses to assist the Chapter 13 Trustee in determining the value of the feasibility of the plan. Debtor fails to report the court ordered domestic support obligation he pays monthly.

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.

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. 15.

The Objection to Confirmation of Plan is sustained.

Creditor Santander Bank, N.A. ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

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

DISCUSSION

Creditor opposes confirmation on the basis that the plan proposes paying its claim at 7.75% 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 Santander Bank, N.A., 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.

SCOTT WINSTON BIGGS AND
DANNA STEPHENSON BIGGS,
TRUSTEES OF THE BIGGS FAMILY
REVOCABLE TRUST DATED
FEBRUARY 10, 2009 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 25 days' notice was provided. Dkt. 17.

The Motion for Relief from the Automatic Stay is granted.

Scott Winston Biggs and D'Anna Stephenson Biggs, Trustees of the Biggs Family Revocable Trust Dated February 10, 2009 ("Movant") filed this Motion seeking relief from the automatic stay as to the property commonly known as 3289 Homestead Lane, Santa Rosa, California (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the borrower, Peter Bailey, under the loan agreement with the Movant has defaulted on the terms of the loan. Declaration, Dkt. 14.

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 and multiple bankruptcy filings affecting the Property.

Movant asserts that Peter Bailey has previously filed two cases that affect the Property. This is also debtor's second case that affects the Property, and on the eve of debtor's first case, Peter Bailey, executed a grant deed that purported to transfer 98% interest in the property to debtor without consideration or approval by Movant or a court.

The Chapter 13 Trustee filed a response representing he knows of no reason to oppose the motion. Dkt. 20.

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 borrower has defaulted on the terms of the loan agreement.

The court also finds 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 and multiple bankruptcy filings affecting the Property.

This is debtor's second case affecting the property. Debtor previously filed Case No. 26-21621 on March 25, 2026, which was dismissed on April 13, 2026 for failure to timely file documents. The borrower under the loan agreement with Movant purportedly transferred a 98% interest in the property to debtor on August 1, 2026, after the borrower's second case was dismissed in the Bankruptcy Court, Northern District of California.

Co-Debtor Stay

Additionally, Movant has provided sufficient grounds to grant relief from the co-debtor stay under 11 U.S.C. § 1301(a). Movant has established, pursuant to 11 U.S.C. § 1301(a), that it would be irreparably harmed if relief from the co-debtor stay were not granted because the borrower has defaulted on the loan and the court has determined that the filing of the case is part of a scheme to hinder, delay, and defraud Movant.

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 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 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 Scott Winston Biggs and D'Anna Stephenson Biggs, Trustees of the Biggs Family Revocable Trust Dated February 10, 2009 ("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,

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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 3289 Homestead Lane, Santa Rosa, 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 is also granted pursuant to 11 U.S.C. § 362(d)(4), the court having found that 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 and multiple bankruptcy filings affecting the Property. If recorded in compliance with applicable State laws governing notices of interests or liens in real property, this order shall be binding in any other case under this title purporting to affect the Property filed not later than 2 years after the date of the entry of this Order.

IT IS FURTHER ORDERED that the request to terminate the co-debtor stay of 11 U.S.C. § 1301(a) is granted to the same extent as provided in the forgoing paragraph granting relief from the automatic stay arising under 11 U.S.C. § 362(a).

IT IS FURTHER ORDERED that to the extent the Motion seeks relief from the automatic stay as to the debtor, the discharge having been granted in this case, the Motion is denied as moot pursuant to 11 U.S.C. § 362(c)(2)(C) as to Debtor.

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived for cause.

No other or additional relief is granted.

Thru #7

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 21 days' notice was provided. Dkt. 18.

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 has not included his business income in his gross monthly income.

DEBTOR'S OPPOSITION

The debtor filed an Opposition on August 28, 2026. Dkt. 24. Debtor asserts that he is in the process of winding down his business because it was no longer profitable.

DISCUSSION

The debtor has supplied insufficient information relating to the debtor's business to assist the Chapter 13 Trustee in determining the feasibility of the plan. Debtor has not explained the cessation of the business or its profitability to allow the Trustee to determine the extent the business provides additional monthly income.

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. [26-23608](#)-C-13 CHUNYU OU
[KMM](#)-1 Mohammad M. Mokarram

OBJECTION TO CONFIRMATION OF
PLAN BY WILMINGTON SAVINGS FUND
SOCIETY, FSB
8-20-26 [[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 19 days' notice was provided. Dkt. 22.

The Objection to Confirmation of Plan is sustained.

Creditor Wilmington Savings Fund Society, FSB ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not cure the default on Creditor's claim and fully provide for the claim.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on September 2, 2026. Dkt. 27. Debtor asserts that the higher amount in Creditor's claim can still be paid through the proposed plan. Debtor has also indicated that he is willing to increase the interest rate on the claim to 8.5%.

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).

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 Wilmington Savings Fund Society, FSB, 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.

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 21 days' notice was provided. Dkt. 29.

The Objection to Confirmation of Plan is overruled.

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

1. Debtor's Schedule I does not include all of debtor's income;
2. Debtor has not filed all tax returns.

DEBTOR'S OPPOSITION

The debtor filed an Opposition on August 31, 2026. Dkt. 32. Debtor represents she has filed an amended Schedule I. She asserts that she is not required to file income taxes and has filed a declaration attesting to that fact. Dkt. 31.

DISCUSSION

Debtor has resolved the trustee's issues by filing an Amended Schedule I and declaration attesting to her not having to file tax returns.

No other grounds for objection remaining, it appears the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Objection is overruled, 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 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 overruled, and the debtor's Chapter 13 Plan (Dkt. 3), 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.

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 28 days' notice was provided. Dkt. 26.

The Motion to Dismiss is ~~XXXXXXXXXX~~

At the prior hearing on July 28, 2026, to allow debtor to serve the amended schedules, which debtor served on the same day. Dkt. 43. The debtor, Trustee, and Movant agreed to continue discussions to modify the plan that would include a higher dividend to unsecured creditors.

Jose Velazquez, debtor's estranged spouse, ("Movant") filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor has not disclosed all of her assets, including assets that she has purportedly made claims to in divorce proceedings.

Chapter 13 Trustee filed a response (dkt. 29) on June 30, 2026, asserting the following:

(1) debtor is delinquent a partial payment under the confirmed plan;

(2) the plan was confirmed on April 21, 2026, after no one objected, including the Trustee and Movant;

(3) the plan pays a 0% dividend to general unsecured creditors and the debtor's schedules as filed do not demonstrate any non-exempt equity listed in the assets of the estate. However, the trustee notes that if there are non-exempt assets that are undisclosed then this case should be converted to chapter 7.

A review of the docket shows that debtor has amended her Schedules A/B and C twice since the filing of the case.

Movant filed a response (Dkt. 41) on July 21, 2022 with the following support for dismissing the case:

(1) Although the property may be subject to divorce proceedings, the debtor made an assertion of interest in the property but did not schedule the property;

(2) Debtor cherry picks which assets are part of the divorce proceedings;

(3) Debtor admits the property is community property;

(4) Debtor amended her schedules 45 days after plan confirmation, did not serve the amended schedule A/B on creditors, and did not list all undisclosed assets;

(5) Trustee and creditors were prejudiced by the nondisclosure; and

(6) Conversion to chapter 7 does not benefit creditors because of the divorce proceedings and the division of assets and equalization of debt.

At the hearing xxxxxxxxx

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 Dismiss the Chapter 13 case filed by Jose Velazquez, 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 Dismiss is xxxxxxxx

10. [26-23613](#)-C-13 LANCE GRAVILLE
[DPC](#)-1 Gabriel E. Liberman

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
8-12-26 [[14](#)]

Thru #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 27 days' notice was provided. Dkt. 17.

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 is overextended;

DISCUSSION

Because claims are greater than scheduled), the plan will take 82 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

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.

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 26 days' notice was provided. Dkt. 20.

The Objection to Confirmation of Plan is sustained.

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

1. Plan does not pay the correct amount of interest on Creditor's claim.

DISCUSSION

Creditor opposes confirmation on the basis that the plan proposes paying its claim at 6.5% 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 Ally 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.

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 21 days' notice was provided. Dkt. 18.

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.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. 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).

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.

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. 11.

The Motion to Extend the Automatic Stay is granted.

Charlie and Christina Boggs ("Debtor") 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 Debtor's second bankruptcy petition pending in the past year. Debtor's prior bankruptcy case was dismissed on July 30, 2026, after Debtor did not make all required plan payments. Order, Bankr. E.D. Cal. No. 25-26773, Dkt. 32. 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 Charlie Boggs became unemployed in 2026, but has now regained full employment.

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 Charlie and Christina Boggs 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.

14. [26-23914](#)-C-13 PAUL/CHANTELL HOWARD
[DPC](#)-1 Mikalah Liviakis

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
8-18-26 [[14](#)]

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 21 days' notice was provided. Dkt. 17.

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 is overextended.

DISCUSSION

Because the IRS's claim is greater than scheduled, the plan will take 76 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

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.

15. [21-20925](#)-C-13 KRISTEN LARSEN
[BLG](#)-4 Chad M. Johnson

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF BANKRUPTCY LAW
GROUP, PC FOR CHAD M JOHNSON,
DEBTORS ATTORNEY(S)
7-31-26 [[74](#)]

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 39 days' notice was provided. Dkt. 78.

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 Allowance of Professional Fees is granted.

Debtor's attorney filed this third and final request seeking approval of compensation for attorney services provided to Kristen Larsen.

Fees are requested for the period April 1, 2022, through September 8, 2026. The movant requests fees in the amount of \$6,284.00 and costs in the amount of \$90.63.

The Chapter 3 Trustee filed non-opposition on August 19, 2026, representing that all fees have been disbursed through the confirmed plan.

DISCUSSION

The court finds that the hourly rates are reasonable and that the movant effectively used appropriate rates for the services provided. Final fees and prior interim fees in the amount of \$6,284.00 are approved pursuant to 11 U.S.C. § 330 and authorized to be paid by the Chapter 13 trustee under the confirmed plan from the available plan funds in a manner consistent with the order of distribution in a Chapter 13 case.

Final costs and prior interim fees in the amount of \$90.63 are approved pursuant to 11 U.S.C. § 330 and authorized to be paid by the Chapter 13 trustee under the confirmed plan from the available funds of the Estate in a manner consistent with the order of distribution in a Chapter 13 case.

The Chapter 13 trustee has already made the payments through the plan and the fees and costs are approved as previously awarded.

The movant is authorized the following amounts as compensation to this professional in this case:

Fees	\$6,284.00
------	------------

Costs and Expenses \$90.63

pursuant to this Motion and prior interim fees of \$6,284.00 and interim costs of \$90.63 as final fees pursuant to 11 U.S.C. § 330 in this case.

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 Allowance of Fees and Expenses filed by Chad Johnson of the Bankruptcy Law Group, P.C. ("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 Movant is allowed the following fees and expenses as a professional of the Estate:

Movant, a professional employed by Kristen Larsen,

Fees in the amount of \$6,284.00
Expenses in the amount of \$90.63,

as the final allowance of fees and expenses pursuant to 11 U.S.C. § 330 as counsel for the debtor Kristen Larsen.

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 21 days' notice was provided. Dkt. 29.

The Objection to Confirmation of Plan is sustained.
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The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is not current on domestic support obligation ("DSO") payments;
2. Schedule I does not accurately reflect debtor's current employment status or current income;
3. Schedule J does not accurately reflect debtor's current expenses;
4. Debtor's current income will not support plan payments.

DISCUSSION

The debtor is \$2,799.00 delinquent in DSO payments. Declaration, Dkt. 28. That is reason to deny confirmation. See 11 U.S.C. § 1325(a)(8).

The debtor has supplied insufficient information relating to his income and expenses to assist the Chapter 13 Trustee in determining the the feasibility of the plan. Debtor fails to accurately report his current income and expenses on Schedules I & J.

The debtor has not demonstrated the plan is feasible because it does not appear debtor has the necessary net monthly income to make the plan payments. 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 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.

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 28 days' notice was provided. Dkt. 168.

The Motion to Dismiss is granted, and the case is dismissed.

At the prior hearing debtor's counsel asserted that he needed a little more time to seek modification of the current plan.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on May 29, 2026. The Motion also argues debtor is \$17,681.57 delinquent in plan payments, which is supported by declaration. Dkt. 167.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkt. 151.

Failure to confirm a plan and maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form:

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

The Motion to Dismiss the Chapter 13 case 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 Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

18. [26-23527](#)-C-13 ANGEL/KARINA GARCIA
[DPC](#)-1 Richard L. Jare

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
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 prior hearing was continued because of a docketing error of the trustee's Objection.

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

1. That debtor has not filed all tax returns;
2. The plan is overextended;
3. The Debtors' Right and Responsibilities of Chapter 13 Debtors and Their Attorneys is not the required Eastern District form, which includes additional language that does not conform to the local rules.

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).

Because claims are greater than scheduled, the plan will take 75 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

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 ANGEL/KARINA GARCIA
[RAS](#)-1 Richard L. Jare

CONTINUED 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.

At the prior hearing, debtor and Creditor represented that the Creditor was considering amending its POC (No. 31-1) and withdrawing its objection. At this point, the court does not see that an amended POC has yet been filed.

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.

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.

At the prior hearing debtor's counsel represented debtor was gathering further documents and amending debtor's Schedule I & J.

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. [26-24130](#)-C-13 ENSWIDA ROFLOX-MUSCI
[RAS](#)-1 Peter Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY U.S. BANK TRUST
NATIONAL ASSOCIATION
8-6-26 [[12](#)]

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 33 days' notice was provided. Dkt. 14.

The Objection to Confirmation of Plan is overruled.

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

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

DEBTOR'S OPPOSITION

Debtor filed an Opposition on August 31, 2026. Dkt. 24. Debtor confirms that Creditor's claim is provided for as a Class 1 claim and should be reflected as such rather than Rushmore Service.

DISCUSSION

The plan appears to provide for Creditor's claim and will be corrected as such.

No other grounds for objection remaining, it appears the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Objection is overruled, 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 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 overruled, and the debtor's Chapter 13 Plan (Dkt. 10), is confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

Final Ruling: No appearance at the September 8, 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 28 days' notice was provided. Dkt. 37.

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 filed this Motion seeking authority to modify their mortgage.

The proposed financing is in the principal amount of \$196,566.57, paid at 6.75% over a 40 year term. Monthly payments are proposed to be \$1,186.00 plus escrow amount of \$604.10.

The Chapter 13 Trustee filed non-opposition on August 24, 2026. Dkt. 38.

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 Amy and Donald Carson 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.

Final Ruling: No appearance at the September 8, 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 43 days' notice was provided. Dkt. 76.

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 25, 2026. Dkt. 80.

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, Mary Jane McIntyre, 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. 74) 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.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 21 days' notice. The Proof of Service shows that 19 days' notice was provided. Dkt. 58.

The Motion to Sell is granted.

Debtor filed this Motion pursuant to 11 U.S.C. §§ 363 and 1303 seeking to sell property commonly known as 4568 9th Ave., Sacramento, California ("Property").

The proposed purchaser of the Property is Andrew White, and the proposed purchase price is \$330,000.00.

DISCUSSION

At the time of the hearing, the court announced the proposed sale and requested that all other persons interested in submitting overbids present them in open court. At the hearing, the following overbids were presented in open court: ~~xxxxxxxxxxxxxxxxxx~~.

Based on the evidence before the court, the court determines that the proposed sale is in the best interest of the Estate because debtor will use the proceeds to the plan.

Broker's Commission

Movant has estimated that a four percent broker's commission from the sale of the Property will equal approximately \$13,200.00. As part of the sale in the best interest of the Estate, the court permits Movant to pay the broker an amount not more than four percent commission.

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 Sell Property filed by Donald Schaub ("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. 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.

IT IS FURTHER ORDERED that Movant is authorized to pay a real estate broker's commission in an amount not more than four percent of the actual purchase price upon consummation of the sale.

25. [26-23736](#)-C-13 TINA JIMENEZ
[EAT](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY COMPUTERSHARE TRUST
COMPANY, N.A.
8-12-26 [[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 27 days' notice was provided. Dkt. 28.

The Objection to Confirmation of Plan is sustained.

Creditor Computershare Trust Company, N.A. ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not provide for the prepetition arrears on 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.

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).

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 Computershare Trust Company, N.A., 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.

Thru #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 49 days' notice was provided. Dkt. 40.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 37) filed on July 21, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 49) on August 25, 2026, opposing confirmation on the following grounds:

1. Plan relies on a motion to value that has not been filed;
and
2. Debtor is delinquent in plan payments.

DISCUSSION

The plan proposes valuing the secured claim of Red Target/Hatkoff Minassian ALC. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

The debtor is \$5,519.00 delinquent in plan payments. Declaration, Dkt. 50. 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, Darrell Veasley, 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.

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. 56.

The Motion to Avoid Judicial Lien is granted.

This Motion requests an order avoiding the judicial lien of Red Target LLC ("Creditor") against property of the debtor commonly known as 557 Kingbird Cir., Vacaville, California ("Property").

A judgment was entered against the debtor in favor of Creditor in the amount of \$68,682.76. Exhibit 4, Dkt. 55. An abstract of judgment was recorded with Solano County on December 16, 2024, that encumbers the Property. *Id.*

Pursuant to Debtor's Schedule A, the subject real property has an approximate value of \$810,000.00, of which the debtor's total interest is \$405,000.00, as of the petition date. Dkt. 1. The unavoidable and senior liens that total \$747,432.00 as of the commencement of this case are stated on Debtor's Schedule D. Dkt. . Debtor has claimed an exemption pursuant to California Code of Civil Procedure § 704.730 in the amount of \$350,000.00 on Amended Schedule C. Dkt. 42.

The Chapter 13 Trustee filed non-opposition on September 1, 2026. Dkt. 57.

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 Darrell Veasley 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 Red Target LLC, California Superior Court for Los Angeles County Case No. 24STCV01092, recorded on December 16, 2024, with the Solano County Recorder, against the real property commonly known as 557 Kingbird Cir., Vacaville, 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.

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 61 days' notice was provided. Dkt. 83.

The Motion to Dismiss is granted, and the case is dismissed.

The prior hearing was continued to see if debtor had made the payment.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$602.00 delinquent in plan payments, which is supported by declaration. Dkt. 82.

Debtor filed an opposition (Dkt. 84) on June 2, 2026, asserting that debtor has made a payment and is now current on plan payments.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

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 Dismiss the Chapter 13 case 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 Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

Final Ruling: No appearance at the September 8, 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 61 days' notice was provided. Dkt. 54.

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 25, 2026. Dkt. 58.

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, Robin Kincaid, 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. 51) 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.

Final Ruling: No appearance at the September 8, 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. 27.

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. 24) filed on July 28, 2026.

The Chapter 13 trustee filed a non-opposition on August 18, 2026. Dkt. 29.

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, James Rose Jr., 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. 24) 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.

31. [26-23542](#)-C-13 ARUN SAMUJH
[ALG](#)-2 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY HENRY A. THOMAS,
TRUSTEE OF THE H.A. THOMAS
TRUST DATED 2/12/2007
8-13-26 [[29](#)]

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 26 days' notice was provided. Dkt. 31.

The Objection to Confirmation of Plan is sustained.

Creditor Henry A. Thomas, Trustee of the H.A. Thomas Trust Dated 2/12/2007 ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The debtor, who is not the borrower on the loan that is basis for Creditor's claim, improperly modifies the terms of the loan;
2. The plan has not been filed in good faith;
3. The plan does not fully provide for Creditor's claim; and
4. The plan is not feasible.

DISCUSSION

The plan proposes a \$0 payment and yet schedules payments for Creditor's claim as Class 1 claim. 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).

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 Henry A. Thomas, Trustee of the H.A. Thomas Trust Dated 2/12/2007, 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.

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 27 days' notice was provided. Dkt. 28.

The Objection to Confirmation of Plan is sustained.
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The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not propose a plan payment;
2. Plan is not feasible; and
3. Plan fails the liquidation test.

DISCUSSION

The plan proposes a \$0 payment and yet schedules payments for a Class 1 claim. 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 plan mathematically requires a payment of \$6,214.00 per month, which is greater than the proposed \$0.00 payment.

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

The debtor has non-exempt assets totaling \$1,210.00. 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).

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.

Final Ruling: No appearance at the September 8, 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. 49.

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. 46) filed on August 4, 2026.

The Chapter 13 trustee filed a non-opposition on August 25, 2026. Dkt. 51.

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, Sengphet and Syphong Phimmasene, 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. 46) 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.

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 41 days' notice was provided. Dkt. 74.

The Motion to Dismiss is denied without prejudice.

Since the prior hearing on this motion, debtor was able to confirm a modified plan. Dkt. 108.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$6,185.00 delinquent in plan payments, which is supported by declaration. Dkt. 73.

Debtor filed opposition (dkt. 77) on May 12, 2026, asserting that he assumes two separate loan modifications will be granted.

Because debtor is actively prosecuting the case and has modified the plan, the Motion is denied without prejudice.

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 Dismiss the Chapter 13 case 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 Motion to Dismiss is denied without prejudice.

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. 29.

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 is granted.

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

No opposition to the Motion has been filed, but the docket shows a proof of service of the Chapter 13 Trustee's opposition to modify. Dkt. 30.

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 debtors, Daniel and Stacie Chastain, 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. 27) 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.

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 27 days' notice was provided. Dkt. 19.

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 plan is overextended; and
2. Debtors net monthly income does not include tax refunds over \$2,000.00.

DEBTORS' OPPOSITION

The debtors filed an Opposition on August 27, 2026. Dkt. 20. Debtors assert their 2025 tax returns show that the debtors do not have a tax liability for the 2025 tax year.

Debtors agree to provide any tax refund amounts over \$2,000.00 to the Trustee.

DISCUSSION

Because the IRS's claim is greater than scheduled, the plan will take 58 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

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.

Final Ruling: No appearance at the September 8, 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 43 days' notice was provided. Dkt. 25.

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 debtors 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 25, 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 debtors, Kelby Menjivar and Virginia Menjivar-Barragan, 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. 23) 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.

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 21 days' notice was provided. Dkt. 22.

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 has not signed the plan;
2. Debtor has not provided business documents;
3. Plan misclassifies secured claims;
4. Plan requires a higher plan payment;
5. Plan fails the liquidation test; and
6. Debtor has filed duplicate plans.

DISCUSSION

The debtor has not filed all business documents including, six months of bank account statements. 11 U.S.C. §§ 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).

Section 3.07 instructs that all delinquent secured claims that mature after completion of the plan are to be included in Class 1. It appears that debtor has misclassified claims in Class 1 as claims without any arrearages.

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

The debtor has non-exempt assets totaling \$163,883.00. The plan provides for a 81% 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.

Thru #40

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. 93.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 92) filed on July 21, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 110) on August 25, 2026, opposing confirmation on the following grounds:

1. Debtor is delinquent in plan payments;
2. Plan is overextended; and
3. Debtor has filed an objection to claim that has not yet been decided.

United Wholesale Mortgage, LLC filed opposition (Dkt. 103) on August 14, 2026, opposing confirmation because the plan appears to incorrectly provide the address of United's collateral.

U.S. Bank National Association filed opposition (Dkt. 108) on August 24, 2026, opposing confirmation because the plan is not feasible.

DISCUSSION

The debtor is \$16,253.88 delinquent in plan payments. Declaration, Dkt. 111. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Because claims are greater than scheduled, the plan will take 61 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 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,

Phonesavanh Nonhprasith, 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.

No Tentative Ruling:

The Motion has been set on Local Rule 3007-1(b)(1) procedure which requires 44 days' notice. The Proof of Service shows that only 35 days' notice was provided. Dkt. 99.

The Objection to Proof of Claim is ~~xxxxxxxxxx~~

Debtor filed this Objection arguing that Proof of Claim, No. 8, filed by U.S. Bank National Association as Trustee for Velocity Commercial Capital Loan Trust 2021-3 ("Claimant") should be disallowed, or alternatively reduce or condition the allowance, because Claimant has not demonstrated its right to enforce the loan. Debtor further asserts that the claim improperly includes the acceleration balance.

The Chapter 13 Trustee filed a response (Dkt. 106) asserting that an amended claim was filed on August 10, 2026, which closely tracks the amounts debtor asserts in the most recent plan.

U.S. Bank National Association as Trustee for Velocity Commercial Capital Loan Trust 2021-3 filed opposition (Dkt. 113) asserting that it properly accelerated the loan upon default by the debtor under the note and not upon the debtor transferring the property to an LLC. Debtor has not offered any evidence in dispute of the amount owed, and Claimant has demonstrated it is the owner of the loan documents. Claimant asserts it has provided an itemized statement of interest, fees and expenses.

Section 502(a) provides that a claim supported by a Proof of Claim is allowed unless a party in interest objects. Once an objection has been filed, the court may determine the amount of the claim after a noticed hearing. 11 U.S.C. § 502(b). It is settled law in the Ninth Circuit that the party objecting to a proof of claim has the burden of presenting substantial evidence to overcome the prima facie validity of a proof of claim, and the evidence must be of probative force equal to that of the creditor's proof of claim. Wright v. Holm (In re Holm), 931 F.2d 620, 623 (9th Cir. 1991); see also United Student Funds, Inc. v. Wylie (In re Wylie), 349 B.R. 204, 210 (B.A.P. 9th Cir. 2006). Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, and requires financial information and factual arguments. In re Austin, 583 B.R. 480, 483 (B.A.P. 8th Cir. 2018). Notwithstanding the prima facie validity of a proof of claim, the ultimate burden of persuasion is always on the claimant. In re Holm, 931 F.2d at p. 623.

Once a party has objected to a proof of claim, the creditor asserting the claim may not withdraw the claim except on order of the court. Fed. R. Bankr. P. 3006.

At the hearing ~~xxxxxxxxxx~~

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 Claim filed in this case by the Phonesavanh Nonhprasith, 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 Proof of Claim Number 8 of U.S. Bank National Association as Trustee for Velocity Commercial Capital Loan Trust 2021-3 is ~~xxxxxxxxxx~~

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 27 days' notice was provided. Dkt. 15.

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 is overextended;
2. Debtor has not provided business documents;
3. Debtor misclassifies a secured claim; and
4. The plan shows that debtor's attorney will not get paid.

DISCUSSION

Because claims are greater than scheduled, the plan will take 65 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).

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 3.08 instructs that all secured claims that mature before completion of the plan are to be included in Class 2. BMW Financial Services filed a Proof of Claim that represents that its claim will mature before the plan is completed. Therefore, the claim must be included in Class 2 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 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. [26-23758](#)-C-13 CHRISTOPHER MOCHAN OBJECTION TO CONFIRMATION OF
[DPC](#)-1 Mohammad M. Mokarram PLAN BY DAVID P. CUSICK
8-18-26 [[13](#)]

Final Ruling: No appearance at the September 8, 2026 hearing is required.

The parties having stipulated to dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Federal Rules of Bankruptcy Procedure 9014 and 7041, **the Motion was dismissed with a court order, and the matter is removed from the calendar.**

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 46 days' notice was provided. Dkt. 33.

The Motion to Confirm is denied.

Since the prior hearing, the Chapter 13 Trustee filed a status report representing that debtor has not made an August payment and is currently delinquent \$3,914.28. Dkt. 45.

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 17) filed on April 15, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 40) on July 14, 2026, opposing confirmation on the following grounds:

1. Debtor is delinquent in plan payments.

DISCUSSION

The debtor is \$1,360.71 delinquent in plan payments. Declaration, Dkt. 41. 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, Lisa McFall, 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.

44. [26-23960](#)-C-13 GOWAN MCLIN
[BRL](#)-1 Peter G. Macaluso

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
8-8-26 [[16](#)]

TROY WINSLOW 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 31 days' notice was provided. Dkt. 22.

The Motion for Relief from the Automatic Stay is xxxxxx.

Troy S. Winslow and Robin L. Winslow, Trustee's of the Troy S. Winslow and Robin L. Winslow Family Trust Dated 11/15/1991 ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's property commonly known as 5513 Moonlight Way, Elk Grove, California (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is in default on the loan and has been untruthful as to the ownership of the property or who the borrower with the Movant is. Declaration, Dkt. 18. Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(2) because the total debt secured by the Property, \$581,309.754, leaves little equity in the Property, which has a value of \$600,000.00. *Id.*

TRUSTEE'S RESPONSE

The Chapter 13 Trustee filed non-opposition on August 25, 2026. Dkt. 37.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on August 25, 2026. Dkt. 39. Debtor asserts that debtor is the borrower of the loan. The property is the family home, which has equity in the property and debtor has the disposable income to satisfy the claim.

DISCUSSION

At the hearing xxxxxxxxxx

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 Troy S. Winslow and Robin L. Winslow, Trustee's of the Troy S. Winslow and Robin L. Winslow Family Trust Dated 11/15/1991 ("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 for relief from automatic stay provisions of 11 U.S.C. § 362(a) ~~xxxxxxxxxx~~

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.

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. 17.

The Motion to Extend the Automatic Stay is denied.

Husayn Jonathon Campbell ("Debtor") 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 Debtor's third bankruptcy petition pending in the past year. Debtor's prior bankruptcy cases were:

(1) Case No. 26-20137, dismissed on February 10, 2026, after Debtor did not timely file all documents. Order, Bankr. E.D. Cal. No. 26-20137, Dkt. 18.

(2) Case No. 26-21435, dismissed on June 10, 2026, after Debtor did not make any plan payments. Order, Bankr. E.D. Cal. No. 26-21435, Dkt. 51.

Therefore, pursuant to 11 U.S.C. § 362(c)(4)(A), the provisions of the automatic stay did not go into effect upon the filing of the case.

The Chapter 13 Trustee filed opposition on August 27, 2026, noting the two prior filings and asserting that the debtor is not eligible to be a debtor under chapter 13 because of the amount of the unsecured claims.

Upon motion of a party in interest and after notice and hearing made with 30 days, the court may impose the automatic stay. 11 U.S.C. § 362(c)(4)(B). For purposes of requests under § 362(b)(4)(B) to impose a stay in such a case, the subsequent case, as to all creditors, is "presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)." 11 U.S.C. § 362(c)(4)(B) & (D).

This being debtor's third case within one year the automatic stay did not go into effect upon the filing of the petition. The debtor has not rebutted the presumption that the case was not filed in good faith by clear and convincing evidence.

The Motion is denied.

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 Husayn Jonathon Campbell 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 extend the automatic stay is denied because there is no automatic stay that is eligible to be extended.

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 27 days' notice was provided. Dkt. 15.

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 is overextended; and
2. Debtor's Schedule I is inaccurate.

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 supplied insufficient information relating to the debtor's income to assist the Chapter 13 Trustee in determining the feasibility of the plan. Debtor fails to report the IHSS income on the Schedule I.

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.

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 29 days' notice was provided. Dkt. 76.

The Motion to Dismiss is granted, and the case is dismissed.

At the prior hearing, debtor's counsel asserted debtor would be filing an amended plan. At this point an amended plan has not been filed.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor is \$9,950.00 delinquent in plan payments, which is supported by declaration. Dkt. 71.

Debtor filed an opposition (Dkt. 80) on August 11, 2026, asserting that debtor will be current on or before the hearing.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form

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

The Motion to Dismiss the Chapter 13 case 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 Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

48. [26-23874](#)-C-13 LINDA MEZZANATTO
[AP-1](#) Mark Shmorgon

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-6-26 [[12](#)]

FINANCE OF AMERICA REVERSE
LLC VS.

Thru #51

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 33 days' notice was provided. Dkt. 18.

The Motion for Relief from the Automatic Stay is xxxxxx.

Finance of America Reverse LLC ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's property commonly known as 6838 Olive Tree Way, Citrus Heights, California (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the borrower on the "Reverse Mortgage" loan is deceased and was the sole borrower. Movant asserts the loan is in default and the entire balance on the loan is due.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on August 11, 2026. Dkt. 29. Debtor asserts that she has entered into an agreement to sell the Property and anticipates escrow will close on or before October 15, 2026.

TRUSTEE'S RESPONSE

The Chapter 13 Trustee filed a response on August 25, 2026. Dkt. 39. The Trustee represents has a pending plan, which Movant has filed an Objection to Confirmation. The Trustee notes there is equity in the property and suggests a continuance of the hearing to the same date the Objection to Confirmation is set to be heard.

DISCUSSION

At the hearing xxxxxxxxxx

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 Finance of America Reverse 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 for Relief from the automatic stay is xxxxxxxxxx

49. [26-23874](#)-C-13 LINDA MEZZANATTO
[AP-2](#) Mark Shmorgon

OBJECTION TO CONFIRMATION OF
PLAN BY FINANCE OF AMERICA
REVERSE LLC
8-18-26 [[34](#)]

No 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 21 days' notice was provided. Dkt. 36.

The Objection to Confirmation of Plan is ~~xxxxxxx~~

Creditor Finance of America Reverse LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not provide for the full value of Creditor's claim.

DISCUSSION

At the hearing ~~xxxxxxxxxx~~

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 Finance of America Reverse LLC, 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 ~~xxxxx~~

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. 23.

The Motion to Employ is granted.

Debtor Linda Mezzanatto seeks to employ Vylla Homes, Inc. with herself acting as a broker for the estate pursuant to Bankruptcy Code Sections 328(a) and 330.

Debtor argues the employment of the broker is necessary to sell her property commonly known as 6838 Olive Tree Way, Citrus Heights, California. The motion represents that the broker fee would be 0% to Linda Mezzanatto and 2% to the buyers agent.

The Declaration of Linda Mezzanatto filed in support of the Motion attests to the experience of herself and Vylla Homes, Inc. Dkt. 22. Linda Mezzanatto also filed a declaration in which she waives any conflict she may have with Vylla Homes, Inc. Dkt. 21.

The Chapter 13 Trustee filed a response representing he does not have any opposition with the motion as proposed with 0% fee paid to the Linda Mezzanatto or Vylla Homes, Inc. as the seller's agent.

DISCUSSION

Pursuant to § 327(a), a trustee or debtor in possession is authorized, with court approval, to engage the services of professionals, including attorneys, to represent or assist the trustee in carrying out the trustee's duties under Title 11. To be so employed by the trustee or debtor in possession, the professional must not hold or represent an interest adverse to the estate and be a disinterested person.

Section 328(a) authorizes, with court approval, a trustee or debtor in possession to engage the professional on reasonable terms and conditions, including a retainer, hourly fee, fixed or percentage fee, or contingent fee basis. Notwithstanding such approved terms and conditions, the court may allow compensation different from that under the agreement after the conclusion of the representation, if such terms and conditions prove to have been improvident in light of developments not capable of being anticipated at the time of fixing of such terms and conditions.

Taking into account all of the relevant factors in connection with the employment and compensation of the broker. Approval of any commission is subject to the provisions of 11 U.S.C. § 328 and review of the fee at the time of final allowance of fees for the professional.

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 Employ filed by Linda Mezzanatto 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 Employ is granted, and debtor is authorized to employ Linda Mezzanatto of Vylla Homes, Inc. as a broker for the estate on the terms and conditions as set forth in the motion.

IT IS FURTHER ORDERED that no compensation is permitted except upon court order following an application pursuant to 11 U.S.C. § 330 and subject to the provisions of 11 U.S.C. § 328.

Tentative Ruling:

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

The Motion to Sell is granted.

Debtor filed this Motion pursuant to 11 U.S.C. §§ 363 and 1303 seeking to sell property commonly known as 6838 Olive Tree Way, Citrus Heights, California ("Property").

The proposed purchasers of the Property are Michael and Angela Palumbo, and the proposed purchase price is \$493,000.00.

The Chapter 13 Trustee filed non-opposition on August 25, 2026. Dkt. 43.

DISCUSSION

At the time of the hearing, the court announced the proposed sale and requested that all other persons interested in submitting overbids present them in open court. At the hearing, the following overbids were presented in open court: ~~XXXXXXXXXXXXXXXXXX~~.

Based on the evidence before the court, the court determines that the proposed sale is in the best interest of the Estate because the borrower on the first mortgage on the property is deceased and the sale will allow the debtor to pay off the loan in full and pay all filed claims in the case at 100%.

Broker's Commission

Movant has estimated that a two percent broker's commission from the sale of the Property will equal approximately \$9,995.98. As part of the sale in the best interest of the Estate, the court permits Movant to pay the broker an amount not more than two percent commission.

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 Sell Property filed by Linda Mezzanatto ("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. 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.

IT IS FURTHER ORDERED that Movant is authorized to pay a real estate broker's commission in an amount not more than two percent of the actual purchase price upon consummation of the sale.

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 only 20 days' notice was provided. Dkt. 22.

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of Travis Credit Union's ("Creditor") claim secured by the debtor's property commonly known as 2016 Ford Explorer (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was 9,671.00. Declaration, Dkt. 20.

The Chapter 13 Trustee filed non-opposition on August 24, 2026. Dkt. 28.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred in May 2023, 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 \$9,671.00. There are no senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be \$9,671.00. 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 Travis Credit Union ("Creditor") secured by property commonly known as 2016 Ford Explorer (the "Property") is determined to be a secured claim in the amount of \$9,671.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

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 21 days' notice was provided. Dkt. 16.

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 is delinquent in plan payments;
3. Plan relies on a motion to value that has not been filed;
and
4. Plan fails the liquidation test

DEBTOR'S MOTION TO DISMISS

The court notes here that debtor filed a Motion to Dismiss case pursuant to 11 U.S.C. § 1307(b) on August 27, 2026, which has not been acted on because the Motion has not been properly served pursuant to Federal Rule of Bankruptcy Procedure 1017(f)(2), which requires the motion to be filed and served according to Federal Rule of Bankruptcy Procedure 9013.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. 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 is \$3,917.00 delinquent in plan payments. Declaration, Dkt. 15. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan proposes valuing the secured claim of Exeter Finance. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

The debtor has non-exempt assets totaling \$34,311.00. 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).

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.

Final Ruling: No appearance at the September 8, 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 39 days' notice was provided. Dkt. 34.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 32) filed on July 31, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 35) on August 18, 2026, opposing confirmation on the following grounds:

1. Plan fails the liquidation test;
2. The monthly debtor's attorney's fee is too high;
3. Plan relies on a motion to value that has not been filed;
and
4. Debtor did not file an exhibit that is referred to in the motion.

Debtor filed a response (Dkt. 42) on August 19, 2026, conceding the plan is not confirmable and the motion should be denied.

DISCUSSION

The debtor has non-exempt assets totaling \$7,100.00. 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).

Local Rule 2016-1(c)(4)(B) 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 in monthly dividend of \$155.18 does not follow the local rule on payment of counsel's fees, this is reason to deny confirmation.

The plan proposes valuing the secured claim of Prestige Financial Services, LLC. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

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, Alice Jo Reddy, 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.

55. [26-20789](#)-C-13 WILLIE WATSON
[HLG](#)-1 Peter Macaluso

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
6-2-26 [[73](#)]

EMMA LAVERNE WILLIAMS,
JESSICA WILLIAMS VS.

Thru #57

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 42 days' notice was provided. Dkt. 76.

The Motion for Relief from the Automatic Stay is ~~xxxxxx~~.

Jessica and Emma Williams ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's property without specifying address or description of the property.

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because this is debtor's fourth petition, which was filed in bad faith in order to stop a foreclosure on his property.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on June 30, 2026. Dkt. 87. Debtor asserts that the judgment against him was based on actions of his son. And, the previous cases were filed by Attorney George Jones who was authorized to file the case by Willie Watson.

Debtor's counsel contends that debtor could satisfy the judgment with a reverse mortgage or deed of trust that conveys the property upon his death.

TRUSTEE'S RESPONSE

The Chapter 13 Trustee filed a response asserting that it is not in the best interests of the debtor or estate to grant this motion at this time. The Trustee contends that the debtor should be given an opportunity to object to the claims filed and confirm a plan.

DISCUSSION

As an initial matter, the court notes that this is Movant's fourth out of five motions that have used the same docket control number. Local Rule 9014-1(c)(3) requires the attorney for the moving party to use the attorney's, or law firm's, initials followed by a number, with a new number for each new motion. The Local Rule provides an example of how this should be done.

Additionally, Movant's papers references Exhibits A-J, but a review of the docket does not show that any Exhibits were filed with this motion.

At the hearing xxxxxxxxx

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 Jessica and Emma Williams("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 xxxxxxxxx

56. [26-20789](#)-C-13 WILLIE WATSON
[HLG](#)-1 Peter Macalsuo

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY JESSICA
WILLIAMS AND EMMA LAVERNE
WILLIAMS
6-4-26 [[79](#)]

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 42 days' notice was provided. Dkt. 82.

The Objection to Confirmation of Plan is sustained.

Creditor Jessica and Emma Williams ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not provide for Creditor's claim; and
2. Plan was filed in bad faith;

DEBTOR'S OPPOSITION

Debtor filed an Opposition on June 16, 2026. Dkt. 86. Debtor asserts that he will be filing an objection to claim. Additionally, debtor contends that he has been financially abused by his son.

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. The Plan indicates that debtor will file an objection to claim, but at this point debtor has not done so.

Notwithstanding whether the plan provides for the claim 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).

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 Jessica and Emma 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 Objection is sustained.

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 62 days' notice was provided. Dkt. 60.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 59) filed on May 13, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 83) on June 8, 2026, opposing confirmation on the following grounds:

1. Plan relies on objections to claims that have not yet been filed; and
2. Plan fails the liquidation test.

DISCUSSION

The plan relies on Objections to Claims that have not yet been filed. Before the court enters an order on the Objections, the plan's feasibility is uncertain.

The debtor has non-exempt assets totaling \$1,500,000.00. The plan provides for a 1.5% 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, Willie Watson, Sr., 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.

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 54 days' notice was provided. Dkt. 173.

The Motion to Dismiss is granted, and the case is dismissed.

The prior hearing was continued because debtor represented that he was going to make a payment to be current and counsel would be filing a modified plan. Nothing has been filed in the case by debtor since the prior hearing.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor is \$8,536.00 delinquent in plan payments, which is supported by declaration. Dkt. 172.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

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 Dismiss the Chapter 13 case 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 Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

Final Ruling: No appearance at the September 8, 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 36 days' notice was provided. Dkt. 70.

The Motion to Dismiss is denied without prejudice as moot

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$890.00 delinquent in plan payments, which is supported by declaration. Dkt. 69.

A review of the docket shows the debtor filed a notice of conversion, and the case was converted to Chapter 7 on September 1, 2026 Dkts. 74 & 78.

Debtor may convert a Chapter 13 case to a Chapter 7 case at any time. 11 U.S.C. § 1307(a). The right is nearly absolute, and the conversion is automatic and immediate. Fed. R. Bankr. P. 1017(f)(3); In re Bullock, 41 B.R. 637, 638 (Bankr. E.D. Penn. 1984); In re McFadden, 37 B.R. 520, 521 (Bankr. M.D. Penn. 1984). Debtor's case was converted to a proceeding under Chapter 7 by operation of law once the Notice of Conversion was filed on September 1, 2026. McFadden, 37 B.R. at 521.

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 Dismiss the Chapter 13 case 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 Motion to Dismiss is denied without prejudice as moot.

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 27 days' notice was provided. Dkt. 26.

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. Plan fails the liquidation test; and
3. Plan is overextended.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. 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 non-exempt assets totaling \$33,346.00. The plan provides for a 14.7% 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 claims are greater than scheduled, the plan will take 70 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

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.