

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

Honorable Christopher D. Jaime
Robert T. Matsui U.S. Courthouse
501 I Street, Sixth Floor
Sacramento, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: September 10, 2024

CALENDAR: 1:00 P.M. CHAPTER 13

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

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

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

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

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

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

September 10, 2024 at 1:00 p.m.

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1. [24-22700](#)-B-13 NATALIE PELTON OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Richard L. Jare PLAN BY LILIAN G. TSANG
Thru #2 8-13-24 [[43](#)]

Final Ruling

The *initial* Chapter 13 Plan filed July 1, 2024, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to September 17, 2024, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtor's plan is not feasible. Debtor's plan provides for attorney fees in the amount of \$2,000.00 to be paid at a monthly dividend of \$150.00. Pursuant to Local Bankruptcy Rule 2016-1(c)(4)(B), the payment of flat fees must be paid in equal monthly installments over the term of the plan. Debtor's plan is a 56-month plan. It is estimated that a monthly dividend of \$35.72 is necessary to pay the claim in full within Debtor's 56-month plan term.

Second, Debtor and creditor Exeter Finance entered into a stipulation valuing a 2018 Honda Accord at \$20,200.00. The plan proposes an average monthly dividend of \$376.50 to pay the claim of Exeter Finance, which would take 65 months to pay the claim. An average monthly dividend of \$425.00 is necessary to pay the claim in full within Debtor's 56-month plan term. Debtor's plan is not feasible as proposed.

Third, Debtor's Schedule I at line 13 states that Debtor's mother has health issues so she will need to take time off, and line 2 of Schedule I reflects on-going income of less than full paycheck per month. The Chapter 13 Trustee requests that Debtor provide copies of her state and federal income tax returns to the Trustee on or before April 30th of each year during the pendency of this case and modify the plan if needed. The court finds this to request to be appropriate.

The plan filed July 1, 2024, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), party in interest shall have until 5:00 p.m. on September 13, 2024, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on September 17, 2024, at 1:00 p.m. will be vacated.

September 10, 2024 at 1:00 p.m.

If a response is timely filed and served, the court will hear the objection on September 17, 2024, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the minutes.

The court will issue an order.

2. [24-22700](#)-B-13 NATALIE PELTON
[SKI-1](#) Richard L. Jare
OBJECTION TO CONFIRMATION OF
PLAN BY EXETER FINANCE LLC
8-7-24 [[36](#)]

Final Ruling

The *initial* Chapter 13 Plan filed July 1, 2024, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to September 17, 2024, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the plan incorrectly lists "N" under Purchase Money Security Interest as to creditor Exeter Finance LLC's interest in a 2018 Honda Accord ("Vehicle"). Additionally, the plan does not provide for post-petition, pre-confirmation adequate protection payments to creditor as required by 11 U.S.C. § 1326(a)(1)(C).

Second, the plan does not reflect the stipulation filed August 2, 2024, that values the Vehicle at \$20,200.00.

Third, the court takes judicial notice of the prime rate of interest as published in a leading newspaper. *Bonds, Rates & Credit Markets: Consumer Money Rates*, Wall St. J., September 7, 2024, http://online.wsj.com/mdc/public/page/mdc_bonds.html. The current prime rate is 8.50%. To set the appropriate rate, courts utilize the "formula approach" of *Till v. SCS Credit Corp.*, 124 S.Ct. 1951 (2004), which takes into consideration the national prime rate and adjusts it for a greater risk of default posed by a debtor. Courts have typically adjusted the interest rate by 1% to 3%. The court finds that an interest rate of 9.50% to be appropriate. If either party disputes the interest rate, it may request an evidentiary hearing in either the subsequent motion to confirm or any opposition/objection thereto. The request shall appear in the caption of the document in which it is made. If an evidentiary hearing is requested, the document(s) shall also identify the interest rate expert(s). The court may also appoint its own interest rate expert, Fed. R. Evid. 706(a), and if it does it may allocate the expert's compensation among the parties as appropriate. Fed. R. Evid. 706(c). All parties, attorneys, and witnesses will be required to appear in person for the evidentiary hearing. Telephonic and/or video appearances will not be permitted.

The plan filed July 1, 2024, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), party in interest shall have until 5:00 p.m. on September 13, 2024, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on September 17, 2024, at 1:00 p.m. will be vacated.

September 10, 2024 at 1:00 p.m.

If a response is timely filed and served, the court will hear the objection on September 17, 2024, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the minutes.

The court will issue an order.

3. [24-22501](#)-B-13 DULCY KELLY CONTINUED OBJECTION TO
[LGT](#)-1 Pro Se CONFIRMATION OF PLAN BY LILIAN
G. TSANG
7-29-24 [[17](#)]

CONTINUED TO 10/22/24 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 10/16/24.

Final Ruling

No appearance at the September 10, 2024, hearing is required. The court will issue an
order.

4. [24-22902](#)-B-13 CHRISTINE CHAN
[LGT](#)-1 Muoi Chea

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
8-13-24 [[14](#)]

WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a notice of dismissal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed July 2, 2024, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

5. [24-22919](#)-B-13 JACQUELINE/SHARON DIXON OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Peter G. Macaluso PLAN BY LILIAN G. TSANG
8-13-24 [[16](#)]

Final Ruling

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

All objections have been resolved and the court has determined that oral argument is not necessary. See Local Bankr. R. 1001-1(f), 9014-1(h). This matter will be decided on the papers. No appearance at the hearing is necessary.

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

The Chapter 13 Trustee objects to confirmation of the plan on grounds that copies of Jacqueline Dixon's ("Debtor") payment advices from Regional Transit are needed. Without this documentation, it cannot be determined whether Debtors' plan is feasible and pays all projected disposable income for the applicable commitment period to Debtors' general unsecured creditors. 11 U.S.C. § 1325(a)(6) and (b)(1).

Debtors filed a response stating that their counsel has forwarded the requested documentation to the Trustee.

The Trustee's objection having been resolved, the plan filed July 2, 2024, complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan is confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

6. [24-22824](#)-B-13 RAUL ZEPEDA OBJECTION TO CONFIRMATION OF
 [LGT](#)-1 George T. Burke PLAN BY LILIAN G. TSANG
 8-14-24 [[17](#)]

CONTINUED TO 9/24/24 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 9/18/24.

Final Ruling

No appearance at the September 10, 2024, hearing is required. The court will issue an
order.

7. [24-22725](#)-B-13 RYAN AMODEO AND OEURN OBJECTION TO CONFIRMATION OF
[LGT](#)-1 SNGUON PLAN BY LILIAN G. TSANG
Peter G. Macaluso 8-14-24 [[24](#)]

CONTINUED TO 9/24/24 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 9/18/24.

Final Ruling

No appearance at the September 10, 2024, hearing is required. The court will issue an
order.

8. [24-21946](#)-B-13 DANA BUCKINGHAM
[LGT](#)-1 T. Mark O'Toole

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
6-28-24 [[19](#)]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

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

Subsequent to the filing of the Chapter 13 Trustee's objection, the Debtor filed an amended plan on August 26, 2024. The confirmation hearing for the amended plan is scheduled for October 1, 2024. The earlier plan filed May 6, 2024, is not confirmed.

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

The court will issue an order.

9. [24-21452](#)-B-13 JUAN ABARCA AND THERESA MOTION TO CONFIRM PLAN
[LTF](#)-2 DOMINGUEZ-ABARCA 7-29-24 [[42](#)]
Lars Fuller

Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

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

The court's decision is to not confirm the first amended plan.

First, the plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). This is because Debtor's proposed monthly plan payment is \$1,006.13 but it would need to be at least \$1,046.43 to complete under a 60-month plan term.

Second, Debtor is delinquent \$1,474.52. If the Debtor is agreeable to increasing the monthly plan payment as noted above, then the delinquent amount that would need to be cured is \$1,635.72 to be current through August 2024.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

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

The court will issue an order.

10. [24-21959](#)-B-13 NERY LIMON
[GMW](#)-2 G. Michael Williams

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF GANZER & WILLIAMS
FOR G. MICHAEL WILLIAMS,
DEBTORS ATTORNEY(S)
7-15-24 [[34](#)]

DEBTOR DISMISSED: 06/05/24

Final Ruling

Before the court is a motion for compensation filed by the attorney ("Counsel") for the dismissed chapter 13 debtor, Nery Limon ("Debtor"). Counsel requests compensation of \$2,100.00 in fees and \$331.00 in expenses for a total of \$2,431.00.

The court has reviewed the motion and all related declarations and exhibits. The court has also reviewed and takes judicial notice of the docket in this chapter 13 case. See Fed. R. Evid. 201(c)(1). Oral argument is not necessary and will not assist in the decision-making process. See Local Bankr. R. 1001-1(f), 9014-1(h).

The court's decision is to grant the motion in part and deny the motion in part.

This chapter 13 case survived less than one month. It was filed on May 7, 2024. It was dismissed on June 5, 2024, for failure to timely file documents.

Counsel apparently agreed to accept \$6,000.00 from the Debtor as compensation in this case. Counsel accepted a \$3,500.00 retainer from the Debtor, leaving a balance due of \$2,500.00.

Although less than clear, it appears that Counsel elected to be compensated under the "no-look" flat fee paid through a chapter 13 plan and which includes all pre- and post-petition fees and costs for services provided in the case. See Local Bankr. R. 2016-1(c). The court discerns this from the *Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys* filed on May 7, 2024. See *Id.* ("Any attorney or firm electing compensation under [Local Bankr. R. 2016-1(c)] shall file an executed copy of Form EDC 3-096, *Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys.*").

As an initial matter, by accepting a \$3,500.00 retainer on a "no-look" flat fee of \$6,000.00, Counsel violated Local Bankr. R. 2016-1(c)(3) which prohibits an attorney from requesting and accepting a retainer of more than 25% of the agreed-upon "no-look" fee. Particularly troubling is that Local Rule 2016-1(c)(3), as amended, has been in effect for over one year and Counsel states in his declaration that he was unaware of it.

In any event, based on an agreed-upon "no-look" fee of \$6,000.00, Counsel should not have requested or accepted a retainer from the Debtor of more than \$1,500.00. That is what Counsel would have retained upon dismissal of this case, so that is what the court will limit Counsel's compensation to in this dismissed case. In other words, compensation is allowed only in the total amount of \$1,500.00. The retainer balance of \$2,000.00 shall be returned to the Debtor and proof of returned funds filed with the court, both by September 13, 2024.

The motion for compensation is ordered GRANTED IN PART AND DENIED IN PART for the reasons stated in the minutes.

The court will issue an order.

11. [24-22762](#)-B-13 JESSICA GONZALEZ OBJECTION TO CONFIRMATION OF
GB-1 Pro Se PLAN BY U.S. BANK NATIONAL
Thru #12 ASSOCIATION
8-9-24 [[19](#)]

CONTINUED TO 10/08/24 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 10/03/24.

Final Ruling

No appearance at the September 10, 2024, hearing is required. The court will issue an
order.

12. [24-22762](#)-B-13 JESSICA GONZALEZ OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Pro Se PLAN BY LILIAN G. TSANG
8-9-24 [[22](#)]

CONTINUED TO 10/08/24 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 10/03/24.

Final Ruling

No appearance at the September 10, 2024, hearing is required. The court will issue an
order.

13. [24-22866](#)-B-13 SHIRLEY JOHNSON
[LGT](#)-1 James L. Keenan

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
8-15-24 [[15](#)]

WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a notice of dismissal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

An order confirming plan was approved by the court on August 26, 2024.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

14. [24-22877](#)-B-13 NATALIE KEEFOVER
[JCW](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY WELLS FARGO BANK, N.A
7-22-24 [[17](#)]

Final Ruling

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

All objections have been resolved and the court has determined that oral argument is not necessary. See Local Bankr. R. 1001-1(f), 9014-1(h). This matter will be decided on the papers. No appearance at the hearing is necessary.

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

Wells Fargo Bank, N.A. ("Creditor") objects to confirmation on grounds that the plan fails to list its home equity loan. Creditor requests the home equity loan with monthly payments of \$520.49 be appropriately listed in Class 4 of the plan.

Debtor filed a response stating that she is amenable to including Creditor's claim in Class 4 of the plan in the amount of \$520.49 per month.

Given the aforementioned, the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed June 30, 2024, is confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

15. [24-22879](#)-B-13 ALLISON MELLO MCSHEA AND OBJECTION TO CONFIRMATION OF
[LGT](#)-1 ZACHARY MCSHEA PLAN BY LILIAN G. TSANG
Leo G Spanos 8-13-24 [[14](#)]

Final Ruling

The *initial* Chapter 13 Plan filed June 30, 2024, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to September 17, 2024, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

The plan may not be feasible under 11 U.S.C. § 1325(a)(6). Debtor Zachary McShea ("Debtor") testified at the meeting of creditors that he has lost his job at Boldy Grow Media LLC and is currently without employment. Debtors have failed to file amended Schedules I and J to accurately reflect their current budget. Until Debtors file amended schedules, it cannot be determined whether Debtors' plan is feasible and proposed in good faith. 11 U.S.C. § 1325(a)(3).

The plan filed June 30, 2024, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), party in interest shall have until 5:00 p.m. on September 13, 2024, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtors, the Debtors' attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on September 17, 2024, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on September 17, 2024, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the minutes.

The court will issue an order.

16. [24-22684](#)-B-13 ANDREW GILTON
[LGT](#)-1 Steven A. Alpert

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
8-14-24 [[16](#)]

CONTINUED TO 9/24/24 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 9/18/24.

Final Ruling

No appearance at the September 10, 2024, hearing is required. The court will issue an
order.

17. [24-22791](#)-B-13 MARY BETH SCHAUER
[KMM](#)-1 Charles L. Hastings
Thru #18 OBJECTION TO CONFIRMATION OF
PLAN BY TOYOTA MOTOR CREDIT
CORPORATION
8-14-24 [[13](#)]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

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

Subsequent to the filing of Toyota Motor Credit Corporation's objection, the Debtor filed an amended plan on September 3, 2024. The confirmation hearing for the amended plan must still be scheduled. Nonetheless, the earlier plan filed June 26, 2024, is not confirmed.

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

The court will issue an order.

18. [24-22791](#)-B-13 MARY BETH SCHAUER
[LGT](#)-1 Charles L. Hastings
OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
8-14-24 [[17](#)]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

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

Subsequent to the filing of the Chapter 13 Trustee's objection, the Debtor filed an amended plan on September 3, 2024. The confirmation hearing for the amended plan must still be scheduled. Nonetheless, the earlier plan filed June 26, 2024, is not confirmed.

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

The court will issue an order.

19. [24-22798](#)-B-13 MICHAEL SORENSEN OBJECTION TO CONFIRMATION OF
Thru #20 Muoi Chea PLAN BY ALLY BANK
8-14-24 [[23](#)]

Final Ruling

A stipulation between creditor Ally Bank and debtor Michael Sorensen was approved on September 2, 2024, that resolved the objection to confirmation. Therefore, the objection is overruled as moot.

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

The court will issue an order.

20. [24-22798](#)-B-13 MICHAEL SORENSEN OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Muoi Chea PLAN BY LILIAN G. TSANG
8-13-24 [[19](#)]

Final Ruling

The Chapter 13 Trustee having filed a notice of dismissal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed June 28, 2024, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

21. [23-23459](#)-B-13 HOWARD BINDER
[HWW](#)-5 Hank W. Walth

CONTINUED OBJECTION TO CLAIM OF
SUNRUN INC, CLAIM NUMBER 7
8-3-24 [[71](#)]

Final Ruling

This matter was continued from September 3, 2024, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, September 6, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 75, sustaining the objection to claim, shall become the court's final decision. The continued hearing on September 10, 2024, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.