

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto
Hearing Date: Wednesday, September 14, 2016
Place: Department B – Courtroom #13
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

9:30 A.M.

1. [14-13200](#)-B-7 WAYNE/KAREN MARTIN
FW-3

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FEAR WADDELL,
P.C. FOR PETER L. FEAR,
TRUSTEES ATTORNEY(S)
8-9-16 [[62](#)]

PETER BUNTING/Atty. for dbt.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. The applicant has served as the trustee's attorney and the trustee has consented to the payment.

2. [14-13200](#)-B-7 WAYNE/KAREN MARTIN
JES-7
JAMES SALVEN/MV
PETER BUNTING/Atty. for dbt.

MOTION FOR COMPENSATION FOR
JAMES E. SALVEN, ACCOUNTANT(S)
8-15-16 [[69](#)]

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

3. [16-12507](#)-B-7 RICHARD/MARA MAXWELL
EAT-1
NATIONSTAR MORTGAGE LLC/MV
HILTON RYDER/Atty. for dbt.
DARLENE VIGIL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-12-16 [[13](#)]

The motion will be granted without oral argument for cause shown. Movant shall submit a proposed order as specified below. No appearance is necessary.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtors' default will be entered. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law.

The record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of California Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will be granted.

If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. §506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

4. [16-10214](#)-B-7 GLENN BEVER
JES-1
JAMES SALVEN/MV

MOTION TO SELL
8-1-16 [[56](#)]

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. The sale appears to be a reasonable exercise of the trustee's business judgment.

5. [15-12115](#)-B-7 GUY DEBBAS
JTW-2
JANZEN, TAMBERI & WONG/MV

MOTION FOR COMPENSATION FOR
JANZEN, TAMBERI & WONG,
ACCOUNTANT(S)
8-9-16 [[61](#)]

RILEY WALTER/Atty. for dbt.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. The applicant has served as the trustee's accountant and the trustee has consented to the payment.

6. [15-12140](#)-B-7 JOSE IBANEZ
PBB-4
JOSE IBANEZ/MV
PETER BUNTING/Atty. for dbt.

MOTION TO AVOID LIEN OF TD BANK
USA, N.A.
8-3-16 [[37](#)]

The motion will be denied without prejudice. The court will issue a civil minute order. No appearance is necessary.

The record does not establish that the motion was served on the named respondent in compliance with Federal Rule of Bankruptcy Procedure 7004(h) (FDIC Insured Depository Institution). *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). There is nothing to show that the motion was served on the respondent using certified service.

7. [16-13063](#)-B-7 AURORA CABRERA
BDB-1
AURORA CABRERA/MV
BENNY BARCO/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
8-29-16 [[9](#)]

This matter will be called as scheduled. Unless opposition is presented at the hearing, the court intends to grant the motion.

The Motion to Extend the Automatic Stay was properly set for hearing on the notice required by LBR 9014-1(f)(2). Consequently, the debtor, creditors, the trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Courts consider many factors - but here the basic issue to determine good faith under 11 U.S.C. § 362(c)(3) is, how is the debtor's situation different than her situation when she filed the dismissed case?

In this case the presumption of bad faith does not arise. "Where there is no presumption of bad faith and no party objects, a request to extend the stay should be liberally granted." *In re Elliott-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006), citing *In re Warneck*, 336 B.R. 181, 182 (Bankr.S.D.N.Y.2006).

Based on the moving papers and the record, and in the absence of opposition, the court is persuaded that the debtor's petition was filed in good faith and intends to grant the motion to extend the automatic stay.

The prior case was filed *pro se*, the documents and schedules were filed late, the debtor received a waiver of fees and subsequently failed to appear at her §341 meeting; in the current case the debtor has hired an attorney, paid the chapter 7 filing fee, and all of the documents and schedules have been filed.

The motion will be granted and the automatic stay extended for all purposes, as to all parties who received notice, unless terminated by further order of this court. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue a civil minute order.

8.	16-12278 -B-7	PEDRO/BLANCA CHAVEZ	OBJECTION TO DEBTOR'S CLAIM OF
	TMT-1		EXEMPTIONS
	TRUDI MANFREDO/MV		8-17-16 [17]

This hearing will proceed as a scheduling conference. Based on the respondent's opposition, if the matter is not resolved prior to the hearing, the court will enter the following ruling:

This matter is now deemed to be a contested matter. Pursuant to Federal Rule of Bankruptcy Procedure 9014(c), the federal rules of discovery apply to contested matters. The debtors shall make the subject property available for inspection on reasonable notice. The parties shall immediately commence formal discovery, exchange appraisals, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing.

9.	13-17082 -B-7	RONALD RUSHING	MOTION FOR COMPENSATION FOR
	FW-13		BERKSHIRE HATHAWAY HOMESERVICES
			CALIFORNIA REALTY, BROKER(S)
			8-9-16 [257]

SCOTT LYONS/Atty. for dbt.

The motion will be granted without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The applicant was employed as a broker to sell estate property. Due to circumstances beyond the broker's control the property was not sold, the debtor instead purchasing the non-exempt equity in the property from the estate. The court has reviewed the record and the applicant's declaration and is satisfied that the services of the broker were reasonably calculated to benefit the estate at the time they were rendered and that the compensation requested is reasonable under the circumstances.

10. [16-10284](#)-B-7 YOLANDA ARELLANO

YOLANDA ARELLANO/MV
OSCAR SWINTON/Atty. for dbt.

MOTION TO CONVERT CASE FROM
CHAPTER 7 TO CHAPTER 13
8-16-16 [[33](#)]

This motion will be denied without prejudice for multiple reasons. No appearance is necessary. The court will issue a civil minute order.

First, the form of the moving papers does not comply with the Local Rules of Practice for the Eastern District of California Bankruptcy Court. The proof of service fails to comply with LBR 9014-1(c), 9014-1(d)(2), 9014-1(d)(3), and 9014-1(e)(3).

Second, the motion was filed without admissible supporting evidence as required by LBR 9014-1(d)(7). Only debtors able to demonstrate good faith are eligible to file a case under chapter 13, including, in most cases, a conversion from another chapter to one under chapter 13. *Marrama v. Citizens Bank of Mass.*, 549 U.S. 365, 367 (2007). The debtor has not met her burden of proof.

11. [16-12684](#)-B-7 RUDOLPH/SHERRI HOWELL
NLG-1
FIRST TECH FEDERAL CREDIT
UNION/MV
GABRIEL WADDELL/Atty. for dbt.
NICHOLE GLOWIN/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
8-11-16 [[11](#)]

The motion will be granted without oral argument for cause shown. Movant shall submit a proposed order as specified below. No appearance is necessary.

This motion for relief from stay was fully noticed in compliance with the Local Rules of Practice and there was no opposition. The debtors' defaults will be entered. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law.

The record shows that cause exists to terminate the automatic stay.

The proposed order shall specifically describe the property or action to which the order relates. If the notice and motion requested a waiver of Federal Rule of Bankruptcy Procedure 4001(a)(3), that relief will be granted.

If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. §506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

Unless the court expressly orders otherwise, the proposed order shall not include any other relief. If the proposed order includes extraneous or procedurally incorrect relief that is only available in an adversary proceeding then the order will be rejected. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

12. [16-13184](#)-B-7 VIOLET BLAJOS

OBJECTION TO CERTIFICATION BY A
DEBTOR
9-9-16 [17]

RUSSELL REYNOLDS/Atty. for mv.

This matter will be called as scheduled. It appears from the record that the debtor may not be entitled to the benefit of the automatic stay with regards to the subject property.

11:00 A.M.

1. [16-12006](#)-B-7 RUDOLPH/KATHLEEN WILLIAMS REAFFIRMATION AGREEMENT WITH
CAVALRY SPV I, LLC
8-18-16 [[15](#)]

RAYMOND ISLEIB/Atty. for dbt.

Approval of the Reaffirmation Agreement will be denied. No appearance is necessary.

Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. Although the debtors' attorney executed the agreement, the attorney could not affirm that, (a) the agreement was not a hardship and, (b) the debtors would be able to make the payments. In addition, it appears from the agreement that the debt is not connected to property of the debtors.

2. [16-12086](#)-B-7 SIDNEY SCARBROUGH REAFFIRMATION AGREEMENT WITH
HARLEY-DAVIDSON CREDIT CORP
8-12-16 [[13](#)]

TIMOTHY SPRINGER/Atty. for dbt.

Approval of the Reaffirmation Agreement will be denied. No appearance is necessary.

Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. Although the debtor's attorney executed the agreement, the attorney could not affirm that, (a) the agreement was not a hardship and, (b) the debtor would be able to make the payments. In addition, it appears from the agreement that the debt is not connected to property of the debtor.

1:30 P.M.

1. [15-12702](#)-B-7 MARTIN STEBBEN
[16-1044](#)
FEAR V. CITI/CITIBANK SOUTH
DAKOTA, N.A.
ROBERT HAWKINS/Atty. for pl.

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
4-15-16 [[1](#)]

The status conference will be dropped from calendar. The clerk of the court will issue a notice of intent to dismiss for unreasonable delay and failure to prosecute if the plaintiff does not properly serve the complaint with a reissued summons within 30 days. No appearance is necessary.

Pursuant to the August 29, 2016, Memorandum re: Default Papers, a default was not entered because the summons and complaint were not served pursuant to FRBP 7004.

In a prior predisposition in this matter, prepared for the June 15, 2016, calendar, the court noted: "[T]he complaint does not state a claim for relief under the sole claim, §547, as it does not allege that the subject transfer resulted in the creditor receiving more than it would have properly received in a chapter 7 if the transfer had not been made." No amended complaint has been filed. For this reason the court could not enter a default judgment even if the clerk could have entered the default. The failure to plead a claim for relief forecloses entry of a default judgment by the court even if the default had been entered.

Finally, the reissued summons and complaint were served on the CEO of Citigroup, Michael Corbat, in Texas. The defendant in this case is Citi/Citibank South Dakota, N.A., which, according to Bloomberg, has been acquired by Citibank, N.A., still with an address in South Dakota.

2. [16-10016](#)-B-13 KEVIN DAVEY
[16-1074](#) EAT-1
DAVEY V. OCWEN LOAN SERVICING,
LLC ET AL

MOTION TO DISMISS ADVERSARY
PROCEEDING/NOTICE OF REMOVAL
AND/OR MOTION FOR A MORE
DEFINITE STATEMENT
8-4-16 [[35](#)]

UNKNOWN TIME OF FILING/Atty. for mv.

The motion to dismiss this defendant, Barrett Daffin Frappier Treder & Weiss, LLP, from the adversary proceeding will be granted, without prejudice, without oral argument based upon well-pled facts. The moving party shall submit a proposed order. No appearance is necessary.

This matter was fully noticed in compliance with the Local Rules of Practice and there is no opposition. Accordingly, the respondents' defaults will be entered. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters and is applicable to contested matters under Federal Rule of Bankruptcy Procedure 9014(c). Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)).

Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here. The complaint does not state a claim for relief, pursuant to FRCP 12(b)(6), against this defendant.

3. [15-12948](#)-B-7 RAYMOND RENTERIA
BMJ-2
ANTONETTE GUTIERREZ/MV

CONTINUED STATUS CONFERENCE RE:
MOTION TO CONFIRM VALIDITY OF
SETOFF RIGHT
5-2-16 [[43](#)]

HENRY NUNEZ/Atty. for dbt.
MARK POOCHIGIAN/Atty. for mv.
RESPONSIVE PLEADING

This matter will proceed as scheduled. The court directed the parties to submit a joint status report prior to this hearing, however the defendant did not join in the status report which was from the movant only.

The hearing will proceed as a scheduling conference. This matter is now deemed to be a contested matter. Pursuant to Federal Rule of Bankruptcy Procedure 9014(c), the federal rules of discovery apply to contested matters. The parties shall immediately commence formal discovery, meet and confer, set deposition dates if necessary, and be prepared for the court to set an early evidentiary hearing. The parties should be prepared to discuss dates for a pretrial conference in this matter. The defendant will need to explain why a joint status report was not submitted as ordered.

If the parties are in agreement, the court will sign an order authorizing submission of this controversy to BDRP.

4. [16-10169](#)-B-13 FRANK/MARY ANNE DORES
AMM-2
BUNNETT & CO., INC./MV
PETER FEAR/Atty. for dbt.
ANDREW MINEAR/Atty. for mv.

MOTION TO DISMISS CASE
8-17-16 [[161](#)]

This matter will be continued to September 29, 2016, at 1:30 p.m.

5. [16-10169](#)-B-13 FRANK/MARY ANNE DORES
AMM-3
BUNNETT & CO., INC./MV
PETER FEAR/Atty. for dbt.
ANDREW MINEAR/Atty. for mv.
STIPULATION & ORDER

MOTION TO COMPEL
8-18-16 [[164](#)]

Although the parties have stipulated, and the court has issued an order, to continuing this matter to September 29, 2016, at 1:30 p.m., it has been requested that the matter be called as scheduled.

6. [16-10169](#)-B-13 FRANK/MARY ANNE DORES MOTION TO COMPEL
AMM-4 8-17-16 [[169](#)]
BUNNETT & CO., INC./MV
PETER FEAR/Atty. for dbt.
ANDREW MINEAR/Atty. for mv.
STIPULATION & ORDER

Although the parties have stipulated, and the court has issued an order, to continuing this matter to September 29, 2016, at 1:30 p.m., it has been requested that the matter be called as scheduled.

7. [16-10169](#)-B-13 FRANK/MARY ANNE DORES CONTINUED AMENDED MOTION FOR
FW-1 RELIEF FROM AUTOMATIC STAY ,
BUNNETT & CO., INC./MV AMENDED MOTION TO CONFIRM
TERMINATION OR ABSENCE OF STAY
3-15-16 [[73](#)]

PETER FEAR/Atty. for dbt.
ANDREW MINEAR/Atty. for mv.
RESPONSIVE PLEADING

This matter will proceed as scheduled and, at the hearing, be continued to September 29, 2016, at 1:30 p.m.

8. [16-10169](#)-B-13 FRANK/MARY ANNE DORES CONTINUED MOTION FOR CONTEMPT
FW-1 1-28-16 [[7](#)]
FRANK DORES/MV
PETER FEAR/Atty. for dbt.

This matter will proceed as scheduled and, at the hearing, be continued to September 29, 2016, at 1:30 p.m.

9. [15-14470](#)-B-7 RAUL/RAQUEL REYES CONTINUED MOTION FOR ENTRY OF
[16-1029](#) TGM-1 DEFAULT JUDGMENT
FEAR V. REYES 6-9-16 [[16](#)]
TRUDI MANFREDO/Atty. for mv.

The motion will be granted. No appearance is necessary. The plaintiff shall submit a proposed order.

The defendants' default has already been entered. A default judgment will be entered based on the court's review of the record and well-pled facts. Federal Rule of Civil Procedure 55, made applicable by Federal Rule of Bankruptcy Procedure 7055, governs default matters. Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal* (826 F.2d 915, 917 (9th Cir., 1987)). Constitutional due process requires that a plaintiff make a prima facie showing that they are entitled to the relief sought. The plaintiff has done so here. The court notes that only one pre-transfer comparable was included with the plaintiff's expert's declaration and it was the most dissimilar. However, it appears from the court's review of the record and the evidence that the trustee is entitled to avoid the transfer of the debtor's interest in the subject real property.

10. [14-14593](#)-B-7 WAYNE HEAD
[16-1040](#)
FEAR V. HEAD
TRUDI MANFREDO/Atty. for pl.
RESPONSIVE PLEADING

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
4-7-16 [[1](#)]

The status conference will be vacated and may be reset by any party on 14 days' notice. The court will issue a civil minute order.
No appearance is necessary.

It appears this adversary proceeding has been settled. The clerk of the court may close the adversary proceeding without notice in 60 days unless the adversary proceeding has been set for a further status conference within that time. Either party may request an extension of this time up to 30 days by ex parte application for cause. After the adversary proceeding has been closed, the parties will have to file an application to reopen the adversary proceeding if further action is required.