

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Wednesday, September 24, 2014
Place: Department B – Courtroom #12
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.

10:00 A.M.

1. [14-13900](#)-B-7 DEBBIE LUTHER MOTION TO AVOID LIEN OF LVNV
SL-1 FUNDING LLC
DEBBIE LUTHER/MV 8-14-14 [[12](#)]
STEPHEN LABIAK/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

2. [14-13900](#)-B-7 DEBBIE LUTHER MOTION TO AVOID LIEN OF CAL
SL-2 WEST FUNDING LLC
DEBBIE LUTHER/MV 8-14-14 [[17](#)]
STEPHEN LABIAK/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

3. 14-13101-B-7 VONNETTE WRIGHT CONTINUED MOTION TO DISMISS
UST-1 CASE PURSUANT TO 11 U.S.C.
TRACY DAVIS/MV SECTION 707(B)
7-18-14 [14]

SCOTT LYONS/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.
RESPONSIVE PLEADING

4. [14-13003](#)-B-7 EDDIE GRINNER OPPOSITION RE: TRUSTEE'S MOTION
PFT-1 TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341 (A) MEETING
OF CREDITORS
8-5-14 [\[14\]](#)

5. [09-19215](#)-B-7 SEVERINA PARKER
TGM-3
SEVERINA PARKER/MV
TRUDI MANFREDO/Atty. for dbt.

MOTION TO AVOID LIEN OF
SPRINGLEAF FINANCIAL, INC.
8-25-14 [[50](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

6. [09-19215](#)-B-7 SEVERINA PARKER
TGM-4
SEVERINA PARKER/MV
TRUDI MANFREDO/Atty. for dbt.

MOTION TO AVOID LIEN OF HSBC
FINANCE CORPORATION
8-25-14 [[54](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

7. [10-19825](#)-B-7 FRANCISCO/MARIA PARREIRA
JTW-2
JANZEN, TAMBERI AND WONG/MV

RILEY WALTER/Atty. for dbt.

MOTION FOR COMPENSATION FOR
JANZEN, TAMBERI AND WONG,
ACCOUNTANT(S)
7-1-14 [[310](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

8. [12-15129](#)-B-7 KRISTAL/ROBERT WILLIAMS
RHT-5
ROBERT HAWKINS/MV
SUSAN HEMB/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

MOTION TO ABANDON
8-21-14 [[108](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

9. [11-63430](#)-B-7 KAY MESMAN
JTW-2
JANZEN, TAMBERI AND WONG/MV

PETER BUNTING/Atty. for dbt.

MOTION FOR COMPENSATION FOR
JANZEN, TAMBERI AND WONG,
ACCOUNTANT(S).
7-1-14 [[80](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

10. [12-60332](#)-B-7 PAUL/PAULA NICORA
DRJ-4
TRUDI MANFREDO/MV
JOSEPH ARNOLD/Atty. for dbt.
DAVID JENKINS/Atty. for mv.

MOTION TO SELL
9-2-14 [[48](#)]

11. [13-15437](#)-B-7 IRMA MACHADO
KDG-2
IRMA MACHADO/MV

MOTION TO AVOID LIENS OF
BERNARDINO MORALES; ELIAS AND
ESTELLA MACIEL; THE REAL ESTATE
COMMISSIONER OF THE STATE OF
CALIFORNIA; AMERICAN EXPRESS
BANK, FSB; AND ROBERTO R.
SOLORIO
8-26-14 [[27](#)]

HAGOP BEDOYAN/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' default will be entered and the motion will be granted as stated below without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

The judicial lien of Bernardino Morales will be fixed against the Cromwell Avenue property in the amount of \$4,422 as of the commencement of the bankruptcy case plus post-judgment interest thereafter. All other liens will be avoided pursuant to 11 USC § 522(f) in their entirety.

12. [13-15437](#)-B-7 IRMA MACHADO
KDG-3
IRMA MACHADO/MV

MOTION TO AVOID LIENS OF
BERNARDINO MORALES; ELIAS AND
ESTELLA MACIEL; THE REAL ESTATE
COMMISSIONER OF THE STATE OF
CALIFORNIA; AMERICAN EXPRESS
BANK, FSB; AND ROBERTO R.
SOLORIO
8-26-14 [[32](#)]

HAGOP BEDOYAN/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

13. [13-15437](#)-B-7 IRMA MACHADO
KDG-4
IRMA MACHADO/MV

MOTION TO AVOID LIENS OF
BERNARDINO MORALES; ELIAS AND
ESTELLA MACIEL; THE REAL ESTATE
COMMISSIONER OF THE STATE OF
CALIFORNIA; AMERICAN EXPRESS
BANK, FSB; AND ROBERTO R.
SOLORIO
8-26-14 [[37](#)]

HAGOP BEDOYAN/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

14. [14-13243](#)-B-7 BONITA WALDRON

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
8-14-14 [[31](#)]

15. [12-60444](#)-B-7 CARLOS/MARIA GUTIERREZ
TOG-18
CARLOS GUTIERREZ/MV
THOMAS GILLIS/Atty. for dbt.

MOTION TO COMPEL ABANDONMENT
9-4-14 [[195](#)]

16. [14-12562](#)-B-7 FELIX/ANGELINA GONZALEZ
TMT-2
TRUDI MANFREDO/MV

MOTION TO EMPLOY GOULD AUCTION
AND APPRAISAL COMPANY AS
AUCTIONEER, AUTHORIZING SALE OF
PROPERTY AT PUBLIC AUCTION AND
AUTHORIZING PAYMENT OF
AUCTIONEER FEES AND EXPENSES
8-25-14 [[44](#)]

GARY HUSS/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

17. [14-13782](#)-B-7 MICHAEL/DENAE WILLIS
JES-1
JAMES SALVEN/MV

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
8-28-14 [[11](#)]

18. [11-18591](#)-B-7 ROY/RUTH VERA
CWC-3
CARL COLLINS/MV

MOTION FOR COMPENSATION FOR
CARL W. COLLINS, TRUSTEE'S
ATTORNEY(S), FEE: \$4910.50,
EXPENSES: \$106.45.
1-13-14 [[46](#)]

PETER BUNTING/Atty. for dbt.

This matter has already been decided by a final order entered on August 28, 2014. No appearance is necessary.

10:30 A.M.

1. [14-13000](#)-B-7 ELIZABETH SALAZAR
APN-1
BMW BANK OF NORTH AMERICA/MV
PETER BUNTING/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-19-14 [[15](#)]

This motion for relief from the automatic stay will be denied as moot. The debtor(s) is (are) an individual(s). The record does not show that the personal property collateral for this secured claim was redeemed or surrendered within the applicable time set by § 521(a)(2). Similarly, the record does not reflect that the loan was reaffirmed or that the movant denied a request to reaffirm the loan on the original contract terms. Therefore, pursuant to 11 U.S.C. § 362(h), the collateral is no longer property of the estate and the automatic stay has already terminated by operation of law. Movant may submit an order denying the motion, and confirming that the automatic stay has already terminated on the grounds set forth above. No attorney fees will be awarded in relation to this motion. No appearance is necessary.

2. [14-13915](#)-B-7 PAUL FRANKEL AND
NCK-1 ELIZABETH BEALONIS
LANE PROPERTY MANAGEMENT/MV
NOEL KNIGHT/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
9-10-14 [[21](#)]

The motion will be continued to October 8, 2014, at 10:30 a.m., for a final hearing and the submission of an amended proof of service. The form of the proof of service does not comply with LBR 9014-1(d)(1) (see Local Rules, Appendix II, EDC.002-901, Revised Guidelines for the Preparation of Documents (4)(e)). The court will prepare a minute order. No appearance is necessary.

11:00 A.M.

1. [14-12751](#)-B-7 VIRGINIA GUZMAN

REAFFIRMATION AGREEMENT WITH
CAPITAL ONE AUTO FINANCE
8-29-14 [[16](#)]

NELLIE AGUILAR/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtor's attorney signed the reaffirmation agreement certifying that he or she has explained the agreement to the debtor, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. The bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

2. [14-13653](#)-B-7 DAVID/NICOLE SCHULTEIS

REAFFIRMATION AGREEMENT WITH
WELLS FARGO DEALER SERVICES
8-27-14 [[10](#)]

KENNETH JORGENSEN/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtors' attorney signed the reaffirmation agreement certifying that he or she has explained the agreement to the debtors, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. The bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

3. [14-13183](#)-B-7 JEANETTE CARLISLE

REAFFIRMATION AGREEMENT WITH
CERASTES, LLC
9-2-14 [[21](#)]

WILLIAM COLLIER/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. The debtor's attorney signed the reaffirmation agreement certifying that he or she has explained the agreement to the debtor, but did not check the box to state an opinion that the reaffirmed debt will not create an undue hardship. The bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

In addition, this debt appears to relate to property that does not belong to the debtor.