

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Thursday, September 24, 2015
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.

9:00 A.M.

1. [15-11311](#)-B-7 CHRISTOPHER/KERRI TYSON CONTINUED STATUS CONFERENCE RE:
[15-1082](#) COMPLAINT
SMITH V. TYSON 7-1-15 [[1](#)]
MELISSA SMITH/Atty. for pl.
2. [15-11311](#)-B-7 CHRISTOPHER/KERRI TYSON MOTION TO DISMISS ADVERSARY
[15-1082](#) SL-1 PROCEEDING/NOTICE OF REMOVAL
SMITH V. TYSON 8-5-15 [[9](#)]
SCOTT LYONS/Atty. for mv.
RESPONSIVE PLEADING

10:00 A.M.

1. [09-13200](#)-B-7 WADE/GAIL HANSON
RH-6
JAMES SALVEN/MV

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH HELEN GARDNER,
STEVE ESPINOSA AND CHARLES
CLABOM
8-14-15 [[64](#)]

JUSTIN HARRIS/Atty. for dbt.
ROBERT HAWKINS/Atty. for mv.

The motion will be denied without prejudice. No appearance is necessary. The trustee requests approval of the compromise of a purported "controversy" with Helen Gardner, Steve Espinosa, and Charles Claborn, identified as fellow shareholders with the debtors in a corporation, "H&C Land Company." However the nature of that controversy is not described in the moving papers and there is no discussion regarding the application of the A & C Properties factors. The motion states that the estate will receive \$5,000 from the "compromise" but it is not clear what this is for. The debtors' schedules value his interest in the H&C Land Company at approximately \$645,000.

It appears that the trustee has already obtained an order approving the sale of two parcels of property that are identified in this motion as belonging, not to the debtor, but to H&C Land Company, which fact was not disclosed to the court in that motion to sell. It also appears from the schedules and the docket that, in the context of this motion, the estate's interest is limited to the debtors' shares in the H&C Land Company.

The court notes that this case was filed over six years ago. The only adversary proceeding was concluded over five years ago. The trustee employed an accountant and an attorney in October 2009, and there is no explanation why nothing else has happened in this case from late in 2010, when the court granted a motion for relief from stay related to the debtors' residence, and August of 2014, when the court granted a motion to employ a real estate broker to sell two of the properties identified in this motion as property of the corporation.

2. [15-12820](#)-B-7 DIANA CORIA
RHT-1

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
8-20-15 [[15](#)]

3. [15-11321](#)-C-7 EVERARDO/LUVIA RAMIREZ

MARK ZIMMERMAN/Atty. for dbt.

ORDER TO SHOW CAUSE
9-3-15 [[34](#)]

Based on the response from debtors' counsel, this matter will be withdrawn and dropped from calendar. No appearance is necessary.

4. [15-11321](#)-C-7 EVERARDO/LUVIA RAMIREZ MOTION TO REOPEN CHAPTER 7
BANKRUPTCY CASE
EVERARDO RAMIREZ/MV 8-28-15 [[32](#)]
MARK ZIMMERMAN/Atty. for dbt.

This matter will be dropped from calendar. The case has been reopened and the discharge has been entered. No appearance is necessary.

5. [12-60025](#)-B-7 NANCY SAECHAO CONTINUED MOTION TO AVOID LIEN
MAZ-2 OF CITIBANK (SOUTH DAKOTA) NA
NANCY SAECHAO/MV 8-1-15 [[48](#)]
MARK ZIMMERMAN/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.

6. [15-10929](#)-B-7 NENG CHANG AND YANG MOUA MOTION TO SELL
JES-1 8-14-15 [[21](#)]
JAMES SALVEN/MV
JAMIE XIONG-VANG/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.

7. [15-12134](#)-B-7 VICTOR/VALECIA GARCIA
DWE-1
CITIMORTGAGE, INC./MV
GEOFFREY ADALIAN/Atty. for dbt.
DANE EXNOWSKI/Atty. for mv.
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-21-15 [[13](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules. The debtors filed a notice of non-opposition and the chapter 7 trustee did not file a responsive pleading. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. 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 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 Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* 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. No appearance is necessary.

8. [15-13436](#)-A-7 ROBERT HANCER
SL-1
ROBERT HANCER/MV
STEPHEN LABIAK/Atty. for dbt.
RECUSAL ORDER 9/9/15

MOTION TO COMPEL ABANDONMENT
9-3-15 [[8](#)]

This matter will be dropped from calendar. The case has been reassigned to Judge Clement in Department A. No appearance is necessary.

9. [15-11243](#)-B-7 JOHN/MARIA FLORES
JES-1
JAMES SALVEN/MV
JEFF REICH/Atty. for dbt.

MOTION TO SELL
8-19-15 [[16](#)]

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. [15-12645](#)-B-7 KENNETH KIEWER
VVF-1
AMERICAN HONDA FINANCE
CORPORATION/MV
JOEL WINTER/Atty. for dbt.
VINCENT FROUNJIAN/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-25-15 [[11](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. 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 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 Cal. Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* 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. No appearance is necessary.

11. [15-12553](#)-B-7 KEVIN/TERRI CASEY
JES-1

OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
8-16-15 [[15](#)]

SCOTT LYONS/Atty. for dbt.

12. [15-12556](#)-B-7 HELEN AVILES
JES-1
JAMES SALVEN/MV
SCOTT LYONS/Atty. for dbt.

MOTION TO SELL
8-19-15 [[18](#)]

The motion will be denied without prejudice. The original pleadings were incomplete and did not show that the notice and the moving papers had been served on anyone. It appears from the amended proof of service that the notice was not served on the creditors until September 16, 2015, only eight days before the hearing. No appearance is necessary.

13. [15-12764](#)-B-7 CT SURFACING, INC.
WW-1
CT SURFACING, INC./MV
HILTON RYDER/Atty. for dbt.

MOTION TO DISMISS CASE
8-31-15 [[17](#)]

This matter was noticed as a preliminary hearing. No opposition was required in advance of the hearing. The court intends to grant the motion and dismiss the case for cause shown unless a party in interest appears in opposition. If there is opposition, the court will continue this matter for a final hearing on October 8, 2015, at 10:00 a.m. and set a bar date for filing and serving the written opposition. In either case, the court will enter a civil minute order. No appearance is necessary on September 24, 2015.

14. [13-17082](#)-B-7 RONALD RUSHING
TMT-2
TRUDI MANFREDO/MV

SCOTT LYONS/Atty. for dbt.
PETER FEAR/Atty. for mv.

MOTION TO EMPLOY BERKSHIRE
HATHAWAY HOMESERVICES
CALIFORNIA REALTY AS BROKER(S)
8-18-15 [[211](#)]

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.

15. [14-14998](#)-B-7 SILARDO/OLIVIA CHAVANA
APN-1
CAPITAL ONE AUTO FINANCE/MV
MARK ZIMMERMAN/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.
DISCHARGED

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-14-15 [[77](#)]

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.

16. 15-12781-B-7 SARA AKBARPOUR
PFT-1

NOTICE OF HEARING AND
OPPOSITION RE: TRUSTEE'S MOTION
TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
8-18-15 [15]

DISMISSED

This matter will be dropped from calendar without a disposition. The case has already been dismissed. The debtor failed to appear for the meeting of creditors and the trustee filed a motion to dismiss the case. The debtor's response was due not later than September 10, 2015. No response was filed and the case was dismissed by the court on September 15, 2015. The debtor filed a late response, on September 16, 2015, after the case had already been dismissed. The debtor's response offers no explanation for her failure to appear at the creditors meeting or her failure to timely respond to the trustee's motion. No appearance is necessary.

11:00 A.M.

1. [15-12520](#)-B-7 MIGUEL CARRILLO

PRO SE REAFFIRMATION AGREEMENT
WITH WELLS FARGO BANK N.A.
9-3-15 [[15](#)]

THOMAS GILLIS/Atty. for dbt.

The court intends to deny approval of the reaffirmation agreement and the hearing will be dropped from calendar. Debtor was represented by counsel when he entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor(s) attorney attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). In this case, the debtor's attorney affirmatively represented that he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

In addition, 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. No appearance is necessary at this hearing.

2. [15-12435](#)-B-7 DIANE NUNEZ

PRO SE REAFFIRMATION AGREEMENT
WITH LES SCHWAB TIRE CENTERS OF
CENTRAL CA, INC.
8-26-15 [[18](#)]

3. [15-12951](#)-B-7 KAO VANG AND HOUA VUE

REAFFIRMATION AGREEMENT WITH
BANK OF AMERICA
8-31-15 [[11](#)]

VARDUHI PETROSYAN/Atty. for dbt.

The court intends to deny approval of the reaffirmation agreement and the hearing will be dropped from calendar. Debtor was represented by counsel when he entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor(s) attorney attesting to the referenced items before the agreement will have legal effect." *In re Minardi*, 399 B.R. 841, 846 (Bankr. N.D. Ok, 2009) (emphasis in original). In this case, the debtor's attorney affirmatively represented that he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

In addition, 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. No appearance is necessary at this hearing.

4. [15-12698](#)-B-7 FREDERICK/MARY WEISS PRO SE REAFFIRMATION AGREEMENT
WITH WELLS FARGO BANK N.A. -
2013 HYUNDAI VELOSTER
9-3-15 [[23](#)]

5. [15-12698](#)-B-7 FREDERICK/MARY WEISS PRO SE REAFFIRMATION AGREEMENT
WITH WELLS FARGO BANK N.A. -
2012 HYUNDAI SONATA
9-3-15 [[21](#)]

1:30 P.M.

1. [11-18400](#)-B-13 RICARDO/LORI RAMIREZ MOTION TO DISMISS CASE
MHM-2 8-13-15 [[71](#)]
MICHAEL MEYER/MV
THOMAS ARMSTRONG/Atty. for dbt.
WITHDRAWN

The trustee's motion has been withdrawn. No appearance is necessary.

2. [10-14801](#)-C-13 RICHARD ROSENTHAL OBJECTION TO DISCHARGE BY
MHM-1 MICHAEL H. MEYER
MICHAEL MEYER/MV 8-19-15 [[59](#)]
SCOTT LYONS/Atty. for dbt.
WITHDRAWN

The trustee's objection has been withdrawn. No appearance is necessary.

3. [15-11610](#)-B-13 JORGE CANO AND LORENA ORDER TO SHOW CAUSE - FAILURE
CHAVEZ TO PAY FEES
8-31-15 [[37](#)]
THOMAS GILLIS/Atty. for dbt.
FEE PAID IN FULL ON 9/4/15

The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.

4. [15-12220](#)-B-13 MYSTI MEDINA OBJECTION TO CONFIRMATION OF
KK-1 PLAN BY GREEN TREE SERVICING
GREEN TREE SERVICING LLC/MV LLC
8-21-15 [[59](#)]
PERRY POPOVICH/Atty. for dbt.
KATELYN KNAPP/Atty. for mv.
DISMISSED

This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

5. [15-12220](#)-B-13 MYSTI MEDINA MOTION TO DISMISS CASE
MHM-2 8-19-15 [[48](#)]
MICHAEL MEYER/MV
PERRY POPOVICH/Atty. for dbt.
DISMISSED

This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

6.	15-12220 -B-13 MYSTI MEDINA PDP-1 MYSTI MEDINA/MV PERRY POPOVICH/Atty. for dbt. DISMISSED	MOTION TO CONVERT CHAPTER 13 TO CHAPTER 11 CASE 8-27-15 [73]
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This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

7.	11-16631 -B-13 TONY/ELISA CARLOS MHM-4 MICHAEL MEYER/MV PETER FEAR/Atty. for dbt. RESPONSIVE PLEADING	MOTION TO DISMISS CASE 8-13-15 [85]
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The trustee's motion has been withdrawn. No appearance is necessary.

8.	15-11432 -B-13 CHRISTINA GARCIA TCS-1 CHRISTINA GARCIA/MV TIMOTHY SPRINGER/Atty. for dbt. RESPONSIVE PLEADING	CONTINUED MOTION TO VALUE COLLATERAL OF AMERICREDIT FINANCIAL SERVICES, INC. 7-22-15 [22]
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9.	15-11732 -B-13 FABIAN SISNEROS RS-2 FABIAN SISNEROS/MV RICHARD STURDEVANT/Atty. for dbt. RESPONSIVE PLEADING	MOTION TO CONFIRM PLAN 8-13-15 [51]
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This motion will be denied without prejudice. The record does not show that the notice, motion, and plan, were served on all creditors. No appearance is necessary.

10.	15-12132 -B-13 KEVIN/MACKENZIE FERREIRA MHM-1 MICHAEL MEYER/MV C. HUGHES/Atty. for dbt. RESPONSIVE PLEADING	MOTION TO DISMISS CASE 8-19-15 [30]
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The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules. The debtor's response is not supported by evidence that all of the deficiencies identified in the trustee's motion have been cured and the trustee's motion has not been withdrawn. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

11. [12-13538](#)-B-13 TYRONE PARKS AND LISA MOTION TO APPROVE LOAN
GH-3 STAR-PARKS MODIFICATION
TYRONE PARKS/MV 8-14-15 [[96](#)]
GARY HUSS/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument. The court does not approve or disapprove the terms of a mortgage modification outside of a chapter 13 plan. See *In re Wofford*, 449 B.R. 362 (Bankr. W.D. Wis. 2011). However, the court will authorize the debtor(s) to enter into a modification agreement on terms to be negotiated between the debtor(s) and the mortgagee so long as modification of the mortgage does not interfere with the debtor(s) duties and trustee's administration of the chapter 13 plan. The moving party shall submit a proposed order. No appearance is necessary.

12. [10-62653](#)-B-13 RACHELLE ZAYICEK MOTION TO SELL
JDR-2 8-21-15 [[51](#)]
RACHELLE ZAYICEK/MV
JEFFREY ROWE/Atty. for dbt.

13. [15-10859](#)-B-13 DAVID/LISA WOODS MOTION TO VACATE DISMISSAL OF
PGM-1 CASE
DAVID WOODS/MV 8-25-15 [[42](#)]
JIN KIM/Atty. for dbt.
C. HUGHES/Atty. for mv.
DISMISSED, RESPONSIVE
PLEADING

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 court will enter a civil minute order. No appearance is necessary.

14. [15-12664](#)-B-13 MARIBETH LIM CONTINUED MOTION TO DISMISS
MHM-1 CASE
MICHAEL MEYER/MV 8-19-15 [[26](#)]

This matter was continued from September 3, 2015, for a final hearing. The debtor has failed to file a responsive pleading. Accordingly, the motion will be granted without oral argument. The case will be dismissed for cause shown in the moving papers, including unreasonable delay that is prejudicial to creditors. No appearance is necessary.

15. [15-12873](#)-B-13 CHANTELE COLEMAN
WILMINGTON TRUST, NA/MV
PETER BUNTING/Atty. for dbt.
DANIEL FUJIMOTO/Atty. for mv.

OBJECTION TO CONFIRMATION OF
PLAN BY WILMINGTON TRUST, NA
9-1-15 [[24](#)]

This matter will be continued to October 22, 2015, at 1:30 p.m. The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. The court will prepare and enter a civil minute order. No appearance is necessary.

16. [15-12279](#)-B-13 MICHAEL MARMOLEJO
PBB-1
MICHAEL MARMOLEJO/MV
PETER BUNTING/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN
8-6-15 [[22](#)]

17. [15-12279](#)-B-13 MICHAEL MARMOLEJO
PBB-2
MICHAEL MARMOLEJO/MV
PETER BUNTING/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
REAL TIME RESOLUTIONS, INC.
8-10-15 [[32](#)]

This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary.

This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.

18. [15-12680](#)-B-13 DAVID BAER
MHM-1
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.
WITHDRAWN

MOTION TO DISMISS CASE
8-20-15 [[31](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

19. [15-12683](#)-B-13 LUCIANO/MANDY GALVEZ
MHM-1
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO DISMISS CASE
8-19-15 [[25](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

20. [15-13384](#)-A-13 ARTHUR/KAREN GONZALES
VRP-1
ARTHUR GONZALES/MV
VARDUHI PETROSYAN/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
9-11-15 [[10](#)]

21. [15-12886](#)-B-13 OSCAR RAMOS

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
8-27-15 [[18](#)]

DAVID JENKINS/Atty. for dbt.
FEE PAID

22. [15-12689](#)-B-13 MARK HANSEN
MHM-1
MICHAEL MEYER/MV

MOTION TO DISMISS CASE
8-31-15 [[22](#)]

This matter will be dropped from calendar without a disposition. The debtor has voluntarily converted the case to chapter 7. No appearance is necessary.

23. [15-12591](#)-B-13 CHRISTOPHER NIEBLAS
EAT-1
FEDERAL NATIONAL MORTGAGE
ASSOCIATION/MV
FRANCISCO ALDANA/Atty. for dbt.
DARLENE VIGIL/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-27-15 [[42](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. 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 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 Cal. Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* 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.

The motion for relief under §362(d)(4) is denied. As the owner of the property the movant is not eligible for relief under §362(d)(4). *In re Ellis*, 523 B.R. 673 (9th Cir. BAP, 2014). No appearance is necessary.

24. [15-12591](#)-B-13 CHRISTOPHER NIEBLAS
MHM-1
MICHAEL MEYER/MV
FRANCISCO ALDANA/Atty. for dbt.

MOTION TO DISMISS CASE
8-20-15 [[31](#)]

25. [15-12591](#)-B-13 CHRISTOPHER NIEBLAS
SAS-1
PAN AMERICAN BANK/MV

FRANCISCO ALDANA/Atty. for dbt.
STEVEN SILVER/Atty. for mv.

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY PAN
AMERICAN BANK
8-17-15 [[23](#)]

This matter will be continued to October 8, 2015, at 1:30 p.m. to be heard with the debtor's motion to value the bank's collateral. The court will prepare a minute order. No appearance is necessary.

26. [11-16997](#)-B-13 HEATH/MICHELLE NEWTON
MHM-1
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.

MOTION TO DISMISS CASE
8-13-15 [[102](#)]

The trustee's motion has been withdrawn. No appearance is necessary.

27. 15-13626-B-13 BRUCE/CORINNA COOKE
MAZ-1
BRUCE COOKE/MV
MARK ZIMMERMAN/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY
9-16-15 [11]

2:30 P.M.

1. [15-13167](#)-B-12 DOUG KOPHAMER FARMS MOTION TO EMPLOY LEONARD K.
LKW-1 WELSH AS ATTORNEY(S)
DOUG KOPHAMER FARMS/MV 9-9-15 [[26](#)]
LEONARD WELSH/Atty. for dbt.

This matter will be rescheduled to September 29, 2015, at 9:30 a.m., before Judge Lastreto, in Bakersfield. No appearance is necessary.

2. [15-13167](#)-B-12 DOUG KOPHAMER FARMS MOTION FOR JOINT ADMINISTRATION
LKW-2 9-9-15 [[19](#)]
DOUG KOPHAMER FARMS/MV
LEONARD WELSH/Atty. for dbt.

This matter will be rescheduled to September 29, 2015, at 9:30 a.m., before Judge Lastreto, in Bakersfield. No appearance is necessary.

3. [15-13167](#)-B-12 DOUG KOPHAMER FARMS MOTION TO BORROW
LKW-3 9-9-15 [[32](#)]
DOUG KOPHAMER FARMS/MV
LEONARD WELSH/Atty. for dbt.

This matter will be rescheduled to September 29, 2015, at 9:30 a.m., before Judge Lastreto, in Bakersfield. No appearance is necessary.

4. [15-13168](#)-B-12 DOUGLAS/JONA KOPHAMER MOTION TO EMPLOY LEONARD K.
LKW-1 WELSH AS ATTORNEY(S)
DOUGLAS KOPHAMER/MV 9-9-15 [[24](#)]
LEONARD WELSH/Atty. for dbt.

This matter will be rescheduled to September 29, 2015, at 9:30 a.m., before Judge Lastreto, in Bakersfield. No appearance is necessary.

5. [15-13168](#)-B-12 DOUGLAS/JONA KOPHAMER MOTION FOR JOINT ADMINISTRATION
LKW-2 9-9-15 [[17](#)]
DOUGLAS KOPHAMER/MV
LEONARD WELSH/Atty. for dbt.

This matter will be rescheduled to September 29, 2015, at 9:30 a.m., before Judge Lastreto, in Bakersfield. No appearance is necessary.