

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

September 27, 2022 at 2:00 p.m.

1. [22-22115](#)-C-13 SUZIE SZIJARTO ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-7-22 [[12](#)]
DEBTOR DISMISSED: 9/12/22

Final Ruling: No appearance at the September 27, 2022 hearing is required.

The above captioned case was dismissed on September 12, 2022. Dkt. 14. Therefore, the Order to Show Cause is discharged as moot.

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

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

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is dismissed as moot.

2. [17-25142](#)-C-13 VINCENT/JANICE AYULE MOTION TO DISMISS CASE
[RDG-1](#) John Sargetis 9-13-22 [[68](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 71.

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

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$17,740.23 delinquent in plan payments, which is supported by declaration. Dkt. 70.

The Motion also argues debtor's plan is overextended and the plan will take 68 months, and an additional \$17,740.23, to complete.

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

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

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

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

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

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

3. [22-21686](#)-C-13 CONNOR SCHAUER
Peter Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
8-11-22 [[16](#)]

Tentative Ruling:

The court issued this Order to Show Cause because debtor had not paid the filing fee installment payment on the due date of August 8, 2022. Dkt. 16.

A review of the docket shows the payment has still not been made. Additionally, the fee installment payment has come due and was not made. Dkt. 28.

Therefore, the Order to Show Cause is sustained, and the case is dismissed.

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

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

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is sustained, and the case is dismissed.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 18 days' notice was provided. Dkt. 27.

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

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on July 26, 2022.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkt. 21.

The Motion also argues debtor is \$240 delinquent in plan payments, which is supported by declaration. Dkt. 26.

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

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

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

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

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

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

5. [22-21394](#)-C-13 KATHY JONES
Peter Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-6-22 [[34](#)]

Final Ruling: No appearance at the September 27, 2022 hearing is required.

The court issued this Order To Show Cause because debtor had not paid the fee installment payment due on August 31, 2022. Dkt. 34.

A review of the docket shows that the installment has now been paid. Therefore, the Order To Show Cause is discharged.

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

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

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.