

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

September 30, 2014 at 9:31 A.M.

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1. [14-20226](#)-B-13 NEERAJ/KALYANI KUMAR MOTION FOR RELIEF FROM
JCW-1 AUTOMATIC STAY
8-27-14 [[133](#)]
U.S. BANK, N.A. VS.

Disposition Without Oral Argument: Oral argument will not aid the court in rendering a decision on this matter.

The motion is continued to October 14, 2014, at 9:31 a.m., to be considered after the hearing on the debtors' motion to vacate the dismissal of the bankruptcy case which occurred by order entered September 23, 2014.

2. [13-22541](#)-B-13 TIMOTHY HAMILTON MOTION FOR RELIEF FROM
RDW-1 AUTOMATIC STAY, MOTION FOR
RELIEF FROM CO-DEBTOR STAY
AND/OR MOTION FOR ADEQUATE
PROTECTION
9-2-14 [[27](#)]
SPRINGLEAF FINANCIAL
SERVICES, INC. VS.

Tentative Ruling: The motion is dismissed as moot. The debtor's confirmed chapter 13 plan (Dkt. 10), confirmed by order entered May 13, 2013 (Dkt. 20) already provides for relief from the automatic stay of 11 U.S.C. § 362 and the co-debtor stay of 11 U.S.C. § 1301 with respect to the movant's claim secured by real property located at 200 Bouvard Street, West Point, California (APN 008-022-037) (the "Property").

The debtor's plan provides for the movant's secured claim as a class 4 claim. Pursuant to section 2.11 of the plan, treatment in class 4 of the plan provides that upon confirmation, "all bankruptcy stays are modified to allow the holder of a Class 4 secured claim to exercise its rights against its collateral and any nondebtor in the event of a default under applicable law or contract." The movant alleges without dispute that the debtor is in default under the terms of the loan agreement secured by the Property.

The court acknowledges that on September 5, 2014, the movant filed an amended notice which purports to continue the hearing on the motion to

October 14, 2014. The filing of the amended notice alone is insufficient to continue the hearing; all continuances must be approved by the court. LBR 9014-1(j).

The court will issue a minute order.

3. [11-38555](#)-B-13 JOSEPH/CHANTAL BLAKE MOTION FOR RELIEF FROM
MAS-1 AUTOMATIC STAY
9-4-14 [[53](#)]
OTTO MILLER VS.

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.