

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Fresno Federal Courthouse
510 19th Street, Second Floor
Bakersfield, California

PRE-HEARING DISPOSITIONS

DAY: THURSDAY
DATE: OCTOBER 3, 2019
CALENDAR: 9:00 A.M. CHAPTERS 13 AND 12 CASES

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

1. [19-12709](#)-A-13 **IN RE: HANS YEAGER**
[RDW-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DESERT
HACIENDA HOMEOWNERS ASSOCIATION
8-20-2019 [\[19\]](#)

DESERT HACIENDA HOMEOWNERS
ASSOCIATION/MV
ROBERT WILLIAMS
REILLY WILKINSON/ATTY. FOR MV.

Final Ruling

Objection: Creditor's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4); written opposition required

Disposition: Sustained and confirmation denied

Order: Civil minute order

This is a continued hearing on the creditor's objection to confirmation. The court continued the hearing to allow the debtor to reply. Order, September 4, 2019, ECF # 29.

PLAN CONFIRMATION

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Creditor Desert Hacienda Homeowners Association ("DHHA") offers two principal objections to confirmation: (1) the plan understates the debtor's pre-petition arrears (\$4,861.16 rather than \$5,079.86); and (2) does not provide for ongoing monthly homeowners association dues (presently \$86.40 per month). According to DHHA this implicates both feasibility, 11 U.S.C. § 1325(a)(6), and impermissibly modifies a security interest in real property that is the debtor's principal residence, 11 U.S.C. § 1322(b)(2).

At the initial hearing on the objection this court offered the debtor the opportunity to respond to the creditor's objection by (1) filing written opposition not later than September 19, 2019; or (2) filing and serving a modified plan not later than September 26, 2019. Order at ECF # 29. The debtor has not done so and the objection will be sustained.

CIVIL MINUTES

The court shall issue a civil minute order that conforms substantially to the following form:

Creditor Desert Hacienda Homeowners Association's Objection to Confirmation of Plan has been presented to the court. Having considered the objection together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the objection is sustained; and

IT IS FURTHTER ORDERED that confirmation of the plan is denied.

2. [19-12010](#)-A-13 **IN RE: TORINO/GLORIA JACKSON**
[WDO-3](#)

MOTION TO CONFIRM PLAN
8-19-2019 [\[49\]](#)

TORINO JACKSON/MV
WILLIAM OLCOTT

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by the trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(1), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

3. [15-10914](#)-A-13 **IN RE: RICHARD/SUSAN BILL**
[RSW-4](#)

MOTION TO MODIFY PLAN
8-15-2019 [\[119\]](#)

RICHARD BILL/MV
ROBERT WILLIAMS

Final Ruling

Motion: Modify Chapter 13 Plan

Notice: LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by the trustee, approved by debtor's counsel.

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(2), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan modification is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. "[T]he only limits on modification are those set forth in the language of the Code itself, coupled with the bankruptcy judge's discretion and good judgment in reviewing the motion to modify." *In re Powers*, 202 B.R. 618, 622 (B.A.P. 9th Cir. 1996).

Chapter 13 debtors seeking plan modification have the burden of proving that all requirements of § 1322(a) and (b) and § 1325(a) have been met. See 11 U.S.C. §§ 1322(a)-(b), 1325(a), 1329(b)(1); see also *In re Powers*, 202 B.R. at 622 ("[Section] 1329(b)(1) protects the parties from unwarranted modification motions by ensuring that the proposed modifications satisfy the same standards as required of the initial plan."); see also *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994); *In re Andrews*, 49 F.3d 1404, 1408 (9th Cir. 1995).

The court finds that the debtor has sustained this burden of proof. The court will grant the motion and approve the modification.

4. [19-11931](#)-A-13 **IN RE: MARTINA DUL**
[RSW-2](#)

MOTION TO CONFIRM PLAN
8-5-2019 [\[35\]](#)

MARTINA DUL/MV
ROBERT WILLIAMS

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by the trustee, approved by debtor's counsel.

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(1), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

5. [19-12838](#)-A-13 **IN RE: GARY GOODMAN**
[JHW-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TD AUTO
FINANCE LLC
8-13-2019 [\[19\]](#)

TD AUTO FINANCE LLC/MV
PHILLIP GILLET
JENNIFER WANG/ATTY. FOR MV.

Final Ruling

The case having been dismissed, this objection will be overruled.

6. [12-19544](#)-A-13 **IN RE: JONG CHOI**
[DMG-4](#)

MOTION TO AVOID LIEN OF DISCOVER
8-28-2019 [\[76\]](#)

JONG CHOI/MV
D. GARDNER
WITHDRAWN

Final Ruling

The motion was withdrawn, the matter is dropped as moot.

7. [12-19544](#)-A-13 **IN RE: JONG CHOI**
[DMG-5](#)

MOTION TO AVOID LIEN OF US BANK
8-28-2019 [\[81\]](#)

JONG CHOI/MV
D. GARDNER
WITHDRAWN

Final Ruling

The motion was withdrawn, the matter is dropped as moot.

8. [19-13251](#)-A-13 **IN RE: OSCAR/MELISSA GARZA**
[WDO-1](#)

MOTION TO VALUE COLLATERAL OF AMERICREDIT FINANCIAL
SERVICES, INC.
8-20-2019 [\[16\]](#)

OSCAR GARZA/MV
WILLIAM OLCOTT

Final Ruling

Motion: Value Collateral [Personal Property; Motor Vehicle]

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the respondent is entered. The court considers the record, accepting well-pleaded facts as true.

TeleVideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 1987).

VALUATION OF COLLATERAL

Chapter 13 debtors may value collateral by noticed motion. Fed. R. Bankr. P. 3012. Section 506(a) of the Bankruptcy Code provides, "An allowed claim of a creditor secured by a lien on property in which the estate has an interest . . . is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property" and is unsecured as to the remainder. 11 U.S.C. § 506(a). For personal property, value is defined as "replacement value" on the date of the petition. *Id.* § 506(a)(2). For "property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." *Id.* The costs of sale or marketing may not be deducted. *Id.*

A debtor's ability to value collateral consisting of a motor vehicle is limited by the terms of the hanging paragraph of § 1325(a). See 11 U.S.C. § 1325(a) (hanging paragraph). Under this statute, a lien secured by a motor vehicle cannot be stripped down to the collateral's value if: (i) the lien securing the claim is a purchase money security interest, (ii) the debt was incurred within the 910-day period preceding the date of the petition, and (iii) the motor vehicle was acquired for the debtor's personal use. 11 U.S.C. § 1325(a) (hanging paragraph).

In this case, the debtor seeks to value collateral consisting of a motor vehicle described as a 2016 Sierra 1500 GMC Pickup. The debt secured by the vehicle was not incurred within the 910-day period preceding the date of the petition. The court values the vehicle at \$5,000.00.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to value collateral consisting of a motor vehicle has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The personal property collateral described as a 2016 Sierra 1500 GMC Pickup has a value of \$5,000.00. No senior liens on the collateral have been identified. The respondent has a secured claim in the amount of \$5,000.00 equal to the value of the collateral that is unencumbered by senior liens. The respondent has a general unsecured claim for the balance of the claim.

9. [19-12852](#)-A-13 **IN RE: JESUS/ROSA GODOY**
[NLL-1](#)

CONTINUED AMENDED OBJECTION TO CONFIRMATION OF PLAN BY
JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
8-23-2019 [\[25\]](#)

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION/MV
ROBERT WILLIAMS
NANCY LEE/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

10. [19-12852](#)-A-13 **IN RE: JESUS/ROSA GODOY**
[RSW-1](#)

MOTION TO VALUE COLLATERAL OF CHASE MORTGAGE
9-4-2019 [\[32\]](#)

JESUS GODOY/MV
ROBERT WILLIAMS

Tentative Ruling

Motion: Value Collateral [Real Property; Principal Residence]

Notice: LBR 9014-1(f)(2); no written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the respondent is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

VALUATION OF COLLATERAL

Chapter 13 debtors may strip off a wholly unsecured junior lien encumbering the debtor's principal residence. 11 U.S.C. §§ 506(a), 1322(b)(2); *In re Lam*, 211 B.R. 36, 40-42 (B.A.P. 9th Cir. 1997); *In re Zimmer*, 313 F.3d 1220, 1222-25 (9th Cir. 2002) (holding that the trial court erred in deciding that a wholly unsecured lien was within the scope of the antimodification clause of § 1322(b)(2) of the Bankruptcy Code). A motion to value the debtor's principal residence should be granted upon a threefold showing by the moving party. First, the moving party must proceed by noticed motion. Fed. R. Bankr. P. 3012. Second, the motion must be served on the holder of the secured claim. Fed. R. Bankr. P. 3012, 9014(a); LBR 3015-1(j). Third, the moving party must prove by admissible evidence that the debt secured by liens senior to the respondent's claim exceeds the value of the principal residence. 11 U.S.C. § 506(a); *Lam*, 211 B.R. at 40-42; *Zimmer*, 313 F.3d at 1222-25. "In

the absence of contrary evidence, an owner's opinion of property value may be conclusive." *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

The debtor requests that the court value real property collateral. The collateral is the debtor's principal residence located at 215 Jefferson Street, Taft, California.

The court values the collateral at \$49,612.00. The debt secured by liens senior to the respondent's lien exceeds the value of the collateral. Because the amount owed to senior lienholders (\$105,618.91) exceeds the collateral's value, the respondent's claim is wholly unsecured and no portion will be allowed as a secured claim. See 11 U.S.C. § 506(a).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to value real property collateral has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The real property collateral located at 215 Jefferson Street, Taft, California, has a value of \$49,612.00. The collateral is encumbered by senior liens securing debt that exceeds the collateral's value. The respondent has a secured claim in the amount of \$0.00 and a general unsecured claim for the balance of the claim.

11. [19-12953](#)-A-13 **IN RE: ELIANE GIFFORD**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.
MEYER
9-9-2019 [\[12\]](#)

ROBERT WILLIAMS

Final Ruling

The hearing on the objection is continued to November 7, 2019, at 9:00 a.m. to allow the debtor a second opportunity to appear at the meeting of creditors and the trustee his only opportunity to examine the debtor under oath. 11 U.S.C. § 343. Not later than October 24, 2019, the trustee will either (1) withdraw his objection to confirmation; or (2) specify the precise grounds for this objection. If the trustee elects not to withdraw the objection and articulates particular grounds for his continued objection, not later than

October 31, 2019, the debtor may file a reply to the trustee's supplemental grounds for objection. The court will issue a civil minute order.

12. [16-13854](#)-A-13 **IN RE: ANNE RODY**
[PK-2](#)

MOTION TO INCUR DEBT
8-29-2019 [\[52\]](#)

ANNE RODY/MV
PATRICK KAVANAGH

Final Ruling.

This motion will be continued to October 17, 2019 at 9:00 a.m. to coincide with plan modification (PK-3).

13. [19-12757](#)-A-13 **IN RE: STEVE GONZALES AND SANDY GONZALEZ**
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
8-19-2019 [\[16\]](#)

THOMAS MOORE

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan
Notice: LBR 3015-1(c)(4); no written opposition required
Disposition: Sustained and confirmation denied
Order: Civil minute order

This is a continued hearing on the creditor's objection to confirmation. The court continued the hearing to allow the debtor to reply. Order, September 4, 2019, ECF # 27.

PLAN CONFIRMATION

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Trustee objects to the plan on grounds of feasibility, liquidation, and disposable income. Trustee stated the debtors' schedules are

inconsistent, inaccurate, and unreliable that Trustee cannot determine what to object to at this time.

At the initial hearing on the objection this court offered the debtor the opportunity to respond to the creditor's objection by (1) filing written opposition not later than September 19, 2019; or (2) filing and serving a modified plan not later than September 26, 2019. Order at ECF # 27. The debtor has not done so and the objection will be sustained.

The debtors have not responded to the Trustee's objection and have not withdrawn their plan and proposed a modified plan.

CIVIL MINUTES

The court shall issue a civil minute order that conforms substantially to the following form:

Trustee's Objection to Confirmation of Plan has been presented to the court. Having considered the objection together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the objection is sustained.

14. [19-12757](#)-A-13 **IN RE: STEVE GONZALES AND SANDY GONZALEZ**
[MHM-3](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
9-3-2019 [\[23\]](#)

MICHAEL MEYER/MV
THOMAS MOORE

Final Ruling

The case having been dismissed, the objection will be overruled as moot.

15. [19-12961](#)-A-13 **IN RE: LEONARDO GONZALEZ**
[MHM-2](#)

CONTINUED MOTION TO DISMISS CASE
8-30-2019 [\[22\]](#)

MICHAEL MEYER/MV
SCOTT LYONS
RESPONSIVE PLEADING

Final Ruling

The motion to dismiss withdrawn by the moving party, the matter is dropped as moot.

16. [19-12790](#)-A-13 **IN RE: JOSE/ROSAMARIA LOPEZ**
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
8-20-2019 [\[15\]](#)

NEIL SCHWARTZ

Tentative Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4); written opposition required

Disposition: Sustained and confirmation denied

Order: Civil minute order

This is a continued hearing on the creditor's objection to confirmation. The court continued the hearing to allow the debtor to reply. Order, September 4, 2019, ECF # 21.

PLAN CONFIRMATION

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The trustee objections to confirmation, citing (1) the failure to submission of sufficient future earnings to fund the plan, 11 U.S.C. § 1322(a) (\$33,027.60 rather than the necessary \$46,298.79); (2) a plan in excess of the maximum duration of five years, 11 U.S.C. § 1322(d) (the plan will take 83.99 months to fund); and (3) projected disposable income, including (A) verifying whether the debtor are above or below median income; (B) over withholding on tax payments; and (C) continued 401k loan repayments.

At the initial hearing on the objection this court offered the debtor the opportunity to respond to the creditor's objection by (1) filing written opposition not later than September 19, 2019; or (2) filing and serving a modified plan not later than September 26, 2019. Order at ECF # 29. The debtor has not done so and the objection will be sustained.

CIVIL MINUTES

The court shall issue a civil minute order that conforms substantially to the following form:

Trustee's Objection to Confirmation of Plan has been presented to the court. Having considered the objection together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the objection is sustained.

17. [19-13199](#)-A-13 **IN RE: MICHAEL/ALICIA AGUIRRE**
[WDO-1](#)

MOTION TO VALUE COLLATERAL OF THE GOLDEN 1 CREDIT UNION
8-20-2019 [[15](#)]

MICHAEL AGUIRRE/MV
WILLIAM OLCOTT

Final Ruling

Motion: Value Collateral [Personal Property; Motor Vehicle]

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the respondent is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

VALUATION OF COLLATERAL

Chapter 13 debtors may value collateral by noticed motion. Fed. R. Bankr. P. 3012. Section 506(a) of the Bankruptcy Code provides, "An allowed claim of a creditor secured by a lien on property in which the estate has an interest . . . is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property" and is unsecured as to the remainder. 11 U.S.C. § 506(a). For personal property, value is defined as "replacement

value" on the date of the petition. *Id.* § 506(a)(2). For "property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." *Id.* The costs of sale or marketing may not be deducted. *Id.*

A debtor's ability to value collateral consisting of a motor vehicle is limited by the terms of the hanging paragraph of § 1325(a). See 11 U.S.C. § 1325(a) (hanging paragraph). Under this statute, a lien secured by a motor vehicle cannot be stripped down to the collateral's value if: (i) the lien securing the claim is a purchase money security interest, (ii) the debt was incurred within the 910-day period preceding the date of the petition, and (iii) the motor vehicle was acquired for the debtor's personal use. 11 U.S.C. § 1325(a) (hanging paragraph).

In this case, the debtor seeks to value collateral consisting of a motor vehicle described as 2012 Dodge Ram 1500. The debt secured by the vehicle was not incurred within the 910-day period preceding the date of the petition. The court values the vehicle at \$10,800.00.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to value collateral consisting of a motor vehicle has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The personal property collateral described as a 2012 Dodge Ram 1500 has a value of \$10,800.00. No senior liens on the collateral have been identified. The respondent has a secured claim in the amount of \$10,800.00. equal to the value of the collateral that is unencumbered by senior liens. The respondent has a general unsecured claim for the balance of the claim.