



**UNITED STATES BANKRUPTCY COURT**  
Eastern District of California

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**October 9, 2024 at 1:30 p.m.**

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Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/RemoteAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

**Unauthorized Recording is Prohibited:** Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued medical credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

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**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Christopher M. Klein

Bankruptcy Judge

Sacramento, California

**October 9, 2024 at 1:30 p.m.**

1. [21-23815](#)-C-13 SARAH RICHEY  
Richard Jare

MOTION FOR PAYMENT OF UNCLAIMED  
FUNDS IN THE AMOUNT OF \$  
3553.05 WITH SARAH RICHEY  
8-7-24 [[66](#)]

**No Tentative Ruling:**

The Motion has been set for hearing by the clerk of the court.  
Dkt. 67.

**The Motion for Payment of Unclaimed Funds is ~~XXXXXXXXXX~~.**

Debtor, Sarah Richey, ("Creditor") moves for an order for payment of unclaimed funds. Dkt. 67. Debtor filed her voluntary petition on November 5, 2021, which was dismissed for unreasonable delay that is prejudicial to creditors. Dkt. 49. The case was dismissed after debtor was unable to confirm a plan and paying a total of \$12,000.00. Trustee's Final Report and Account, dkt. 59. The Trustee made disbursements totaling \$8,446.95, which left a balance of \$3,553.05. Debtor now seeks payment in that amount.

**APPLICABLE LAW**

Pursuant to 11 U.S.C. § 1326(a)(2), if a plan is not confirmed, the Trustee shall return any such payments not previously paid and not yet due and owing to creditors to the debtor.

**DISCUSSION**

At the hearing ~~XXXXXXXXXX~~

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 for Payment of Unclaimed funds by Debtor, Sarah Richey, 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 is ~~XXXXXXXXXXXX~~

**October 9, 2024 at 1:30 p.m.**

2. [23-24524](#)-C-13 RUNXIU WANG  
[GJP](#)-3 Anh Nguyenn

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
8-12-24 [[55](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 57 days' notice was provided. Dkt. 59.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

**The Objection to Claimed Exemptions is sustained.**

Creditor 626 Jackson Street LLC (Creditor) filed this Objection objecting to the debtor's claimed exemptions pursuant to Cal. Code Civ. Proc. § 704.070 because the debtor appears to have exempted more than the maximum amount allowed, or more than the debtor's earnings during the 30-day period prior to the filing of the debtor's petition.

Additionally, Creditor objects to the debtor's claimed exemption pursuant to Cal. Code Civ. Proc. § 704.220 because the debtor is "stacking" the exemption on top of the § 704.070 paid earnings exemption.

**DISCUSSION**

Section 703.580 of the California Code of Civil Procedure allocates the burden of proof in state-law exemption proceedings. Cal. Civ. Proc. Code § 703.580(b). The bankruptcy appellate panel in this circuit has concluded that "where a state law exemption statute specifically allocates the burden of proof to the debtor, Rule 4003(c) does not change that allocation." *In re Diaz*, 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016). In this exemption proceeding in bankruptcy, therefore, the debtor bears the burden of proof.

The debtor by not having responded to the motion or provided any evidence supporting the claims of exemption has not met the debtor's burden. Therefore, the Objection is sustained.

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 Objection to Claimed Exemptions filed by 626 Jackson Street LLC having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that Objection is sustained.

3. [23-24141](#)-C-13 NICHOLAS TEYKAERTS AND MOTION TO MODIFY PLAN  
[TLA](#)-5 KATIE JACKSON 8-21-24 [[47](#)]  
Thomas Amberg

**Final Ruling:** No appearance at the October 9, 2024 hearing is required.  
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The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 49 days' notice was provided. Dkt. 53.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

**The Motion to Modify is granted.**

The debtors filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

The Chapter 13 Trustee initially opposed the motion (dkt. 56), but then withdrew her opposition. Dkt. 59. Therefore, no other opposition to the Motion has been filed.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is confirmed.

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 Confirm filed by the debtors, Nicholas Teykaerts and Katie Jackson, 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 is granted, the Modified Chapter 13 Plan (Dkt. 51) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

**Final Ruling:** No appearance at the October 9, 2024 hearing is required.  
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The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 55 days' notice was provided. Dkt. 38.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

**The Motion to Confirm is granted.**

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 37) filed on August 15, 2024.

No opposition to the Motion has been filed.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

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 Confirm filed by the debtor, Vasilios Tsigaris, 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 is granted, the debtor's Amended Chapter 13 Plan (Dkt. 37) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

5. [23-23279](#)-C-13 MIRIAM KNIGHT  
[CYB](#)-2 Candace Brooks

MOTION TO MODIFY PLAN  
9-3-24 [[44](#)]

No Tentative Ruling

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. However, a Proof of Service has not been filed with the Motion.

**The Motion to Modify is xxxxxxxxxxxx**

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

At the hearing xxxxxxxxxxxx

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 Modify filed by the debtor, Miriam Knight, 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 is xxxxxxxxxxxx



6. [24-22386](#)-C-13 HEATHER GIRARD  
[LGT](#)-1 Richard Jare

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
7-18-24 [[17](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 33 days' notice was provided. Dkt. 20.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The Meeting of Creditors has not yet concluded;
2. Attorney's fees are not in compliance with Local Rule 2016-1(c)(4)(B).
3. The amount of Debtor's claimed homestead exemption exceeds the statutory maximum amount;
4. Debtor has not amended her monthly income to accurately reflect her current budget;
5. Debtor has not provided the additional documents requested by the Trustee.

**DISCUSSION**

The hearing on his motion was continued to allow for the Meeting of Creditor's to be completed and for the debtor to resolve the Trustee's other issues.

A review of the docket shows that debtor and counsel appeared at the continued meeting of creditor on September 19 and the Meeting has been concluded as to Debtor. Therefore, this is no longer a basis for objection.

The debtor has filed an amended Schedule C (dkt. 22) exempting \$500,000.00 of her residence at 120 Oak Canyon Way, Folsom, CA. Therefore, this no longer appears to be an issue.

Local Rule 2016-1(c)(4)(B) states that the Chapter 13 trustee shall pay debtor's counsel equal monthly installments over the term of the plan. This rule was effective November 1, 2023. General Order 23-08 Order Adopting Revisions to Local Bankruptcy Rules. The plan's provision to pay a monthly dividend of \$250.00 does not follow the local rule on payment of counsel's fees, this is reason to deny confirmation.

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, 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 Objection is sustained.