

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

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: October 11, 2022

CALENDAR: 1:00 P.M. CHAPTER 13

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 and no appearance is necessary. 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 seven (7) days of the final hearing on the matter.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Modesto, California

October 11, 2022 at 1:00 p.m.

1.	22-90256 -B-13	DWAYNE SIMMONS	OBJECTION TO CONFIRMATION OF
	RDG -1	Arete Kostopoulos	PLAN BY RUSSELL D GREER
			9-21-22 [16]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to overrule the objection as moot.

Subsequent to the filing of the Chapter 13 Trustee's objection, the Debtor filed an amended plan on September 30, 2022. The confirmation hearing for the amended plan has not been set. Nonetheless, the earlier plan filed July 29, 2022, is not confirmed.

The order overruling the objection shall state that the Debtor shall file, set, and serve a motion to confirm the amended plan by October 14, 2022.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

October 11, 2022 at 1:00 p.m.

2. [22-90259](#)-B-13 MARTHA MARTIN
[KMM](#)-1 T. Mark O'Toole
Thru #3

OBJECTION TO CONFIRMATION OF
PLAN BY GULF HARBOUR
INVESTMENTS CORPORATION
9-8-22 [[20](#)]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

Because the plan is not confirmable and the objection is not one that may be resolved in the confirmation order, further briefing is not necessary. See Local Bankr. R. 9014-1(f)(2)(C). The court has also determined that oral argument will not assist in the decision-making process or resolution of the objection. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to sustain the objection and deny confirmation of the plan for reasons stated at Item #3, RDG-1.

The plan filed August 11, 2022, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

3. [22-90259](#)-B-13 MARTHA MARTIN
[RDG](#)-1 T. Mark O'Toole

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D GREER
9-21-22 [[25](#)]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

Because the plan is not confirmable and the objection is not one that may be resolved in the confirmation order, further briefing is not necessary. See Local Bankr. R. 9014-1(f)(2)(C). The court has also determined that oral argument will not assist in the decision-making process or resolution of the objection. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to sustain the objection and deny confirmation of the plan.

Debtor's plan classifies Specialized Loan Servicing, LLC as a Class 1 creditor with pre-petition arrears of \$17,500.00 to be paid at zero percent interest and a monthly dividend of \$291.67. Specialized Loan Servicing, LLC's proof of claim no. 4-1 indicates that the amount necessary to cure any default as of the date of the petition is \$73,144.28. Debtor's plan proposes payments of \$660.00 for 60 months for a base plan payment of \$39,600.00. Therefore, Debtor's plan is not feasible pursuant to 11 U.S.C. §1325(a)(6).

The plan filed August 11, 2022, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

4. [22-90153](#)-B-13 DIANE DOKKHAM CONTINUED OBJECTION TO CLAIM OF
[CRG](#)-3 Carl R. Gustafson CAVALRY SPV I, LLC, CLAIM
Thru #7 NUMBER 1
8-25-22 [[46](#)]

Final Ruling

This matter was continued from October 4, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, October 8, 2022. Nothing was filed. Therefore, the court's conditional ruling at dkt. 80, sustaining the objection to claim, shall become the court's final decision. The continued hearing on October 11, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED and the claim is DISALLOWED for reasons stated in the minutes.

The court will issue an order.

5. [22-90153](#)-B-13 DIANE DOKKHAM CONTINUED OBJECTION TO CLAIM OF
[CRG](#)-4 Carl R. Gustafson PINNACLE CREDIT SERVICES, LLC,
CLAIM NUMBER 2
8-25-22 [[50](#)]

Final Ruling

This matter was continued from October 4, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, October 8, 2022. Nothing was filed. Therefore, the court's conditional ruling at dkt. 81, sustaining the objection to claim, shall become the court's final decision. The continued hearing on October 11, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED and the claim is DISALLOWED for reasons stated in the minutes.

The court will issue an order.

6. [22-90153](#)-B-13 DIANE DOKKHAM CONTINUED OBJECTION TO CLAIM OF
[CRG](#)-5 Carl R. Gustafson MERRICK BANK, CLAIM NUMBER 3
8-25-22 [[54](#)]

Final Ruling

This matter was continued from October 4, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, October 8, 2022. Nothing was filed. Therefore, the court's conditional ruling at dkt. 82, sustaining the objection to claim, shall become the court's final decision. The continued hearing on October 11, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED and the claim is DISALLOWED for reasons stated in the minutes.

The court will issue an order.

7. [22-90153](#)-B-13 DIANE DOKKHAM
[CRG](#)-6 Carl R. Gustafson

CONTINUED OBJECTION TO CLAIM OF
LVNV FUNDING, LLC, CLAIM NUMBER
5
8-25-22 [[62](#)]

Final Ruling

This matter was continued from October 4, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, October 8, 2022. Nothing was filed. Therefore, the court's conditional ruling at dkt. 83, sustaining the objection to claim, shall become the court's final decision. The continued hearing on October 11, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED and the claim is DISALLOWED for reasons stated in the minutes.

The court will issue an order.