

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime  
Chief Bankruptcy Judge  
Sacramento, California

October 21, 2025 at 1:00 p.m.

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1. [25-24616](#)-B-13 PAUL ADGERSON MOTION FOR RELIEF FROM  
[JCW](#)-1 Mikalah Liviakis AUTOMATIC STAY  
9-19-25 [[12](#)]

HONDA LEASE TRUST VS.

**Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion for relief from automatic stay.

Honda Lease Trust ("Movant") seeks relief from the automatic stay with respect to an asset identified as a 2020 Honda Accord Sedan (the "Vehicle"). The moving party has provided the Declaration of James Rich to introduce into evidence the documents upon which it bases the claim and the obligation owed by the Debtor.

The Rich Declaration states that the Vehicle is a lease, which expired pre-petition on January 2024 with a balance remaining in the amount of \$23,789.29 without purchase or return of the Vehicle. In addition, Debtor does not list the Vehicle in his chapter 13 plan.

**Discussion**

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay since the Debtor and the estate have not made post-petition payments. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

Additionally, once a movant under 11 U.S.C. § 362(d)(2) establishes that a debtor or estate has no equity, it is the burden of the debtor or trustee to establish that the collateral at issue is necessary to an effective reorganization. *United Savings Ass'n of Texas v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S. 365, 375-76 (1988); 11 U.S.C. § 362(g)(2). Based upon the evidence submitted, the court determines that there is no equity in the Vehicle for either the Debtor or the Estate. 11 U.S.C. § 362(d)(2). And no opposition or showing having been made by the Debtor or the Trustee, the court determines that the Vehicle is not necessary for any effective reorganization in this Chapter 13 case.

The court shall issue an order terminating and vacating the automatic stay to allow creditor, its agents, representatives and successors, and all other creditors having

October 21, 2025 at 1:00 p.m.

lien rights against the Vehicle, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

There also being no objections from any party, the 14-day stay of enforcement under Rule 4001(a)(3) is waived.

No other or additional relief is granted by the court.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

2. [25-23218](#)-B-13 VERA DEL MONTE CONTINUED OBJECTION TO  
[LGT](#)-1 Mary D. Anderson CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
8-15-25 [[16](#)]

CONTINUED TO 11/18/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS  
SET FOR 11/05/25.

**Final Ruling**

No appearance at the October 21, 2025, hearing is required. The court will issue an  
order.

3. [25-22520](#)-B-13 ALEXANDER LIOTTA  
[SW-1](#) James A. Shepherd

MOTION TO CONFIRM PLAN  
9-11-25 [[30](#)]

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

4. [25-23726](#)-B-13 PATRICIA GUILFORD MOTION TO CONFIRM PLAN  
[BSH](#)-2 Brian S. Haddix 8-18-25 [[21](#)]  
**Thru #5**

**Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. 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 not confirm the plan.

First, Debtor's plan provides for \$0.00 towards priority claims. However, the proof of claim file by the Internal Revenue Service asserts that the Debtor owes \$10,917.64 in priority tax debt. As such, the plan fails to provide for the full payment, in deferred cash payments, of all claims entitled to priority under § 507 of this title. 11 U.S.C. § 1322(a).

Second, Section 2.01 of the plan lists a monthly plan payment of \$2,310.00 for a duration of 60 months. Debtor's case was filed on July 21, 2025, and August was month 1. Pursuant to the plan, Debtor is delinquent \$2,310.00 and the Debtor has paid \$0.00 to date. 11 U.S.C. §1325(a)(6)

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

5. [25-23726](#)-B-13 PATRICIA GUILFORD MOTION TO VALUE COLLATERAL OF  
[BSH](#)-4 Brian S. Haddix SANTANDER CONSUMER USA INC.  
9-17-25 [[38](#)]

**Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to value the secured claim of Santander Consumer USA Inc. at \$15,975.00.

Debtor moves to value the secured claim of Santander Consumer USA Inc. ("Creditor"). Debtor is the owner of a 2020 Jeep Cherokee Latitude 2WD ("Vehicle"). The Debtor seeks to value the Vehicle at a replacement value of \$15,975.00 as of the petition filing date. As the owner, Debtor's opinion of value is evidence of the asset's value. See Fed. R. Evid. 701; see also *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

### **Proof of Claim Filed**

The court has reviewed the Claims Registry for this bankruptcy case. Claim No. 3-1 filed by Santander Consumer USA, Inc. is the claim which may be the subject of the present motion.

### **Discussion**

The lien on the Vehicle's title secures a purchase-money loan incurred on February 24, 2020, which is more than 910 days prior to filing of the petition, to secure a debt owed to Creditor with a balance of approximately \$21,178.94. Therefore, the Creditor's claim secured by a lien on the asset's title is under-collateralized. The Creditor's secured claim is determined to be in the amount of \$15,975.00. See 11 U.S.C. § 506(a). The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is granted.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

6. [25-24126](#)-B-13 MICHAEL/JANAINA FONSECA OBJECTION TO CONFIRMATION OF  
[LGT](#)-1 Mark A. Wolff PLAN BY LILIAN G. TSANG  
9-26-25 [[16](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed August 6, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to continue the hearing to October 28, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

First, an amended Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys form must be filed using the correct version [EDC 3-096 (Rev. 2/26/2025)].

Second, an amended Statement of Financial Affairs must be filed to reflect income from self-employment cleaning services.

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

### **Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on October 24, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtors, the Debtors' attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 28, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on October 28, 2025, at 1:00 p.m.

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

The court will issue an order.

7. [25-23531](#)-B-13 KRISTOPHER COOPER  
[LGT](#)-1 David C. Johnston

CONTINUED MOTION TO DISMISS  
CASE  
8-29-25 [[18](#)]

CONTINUED TO 11/19/25 AT 1:00 P.M.

**Final Ruling**

No appearance at the October 21, 2025, hearing is required. The court will issue an order.



8. [25-24139](#)-B-13 SILVIA GARCIA OBJECTION TO CONFIRMATION OF  
[LGT](#)-1 Julius J. Cherry PLAN BY LAKEVIEW LOAN  
**Thru #10** SERVICING, LLC  
9-30-25 [[21](#)]

CONTINUED TO 11/04/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 10/22/25.

**Final Ruling**

No appearance at the October 21, 2025, hearing is required. The court will issue an order.

9. [25-24139](#)-B-13 SILVIA GARCIA OBJECTION TO CONFIRMATION OF  
[LGT](#)-1 Julius J. Cherry PLAN BY LILIAN G TSANG  
9-26-25 [[16](#)]

CONTINUED TO 11/04/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 10/22/25.

**Final Ruling**

No appearance at the October 21, 2025, hearing is required. The court will issue an order.

10. [25-24139](#)-B-13 SILVIA GARCIA OBJECTION TO CONFIRMATION OF  
[SKI](#)-1 Julius J. Cherry PLAN BY AMERICREDIT FINANCIAL  
SERVICES, INC.  
9-10-25 [[12](#)]

CONTINUED TO 11/04/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 10/22/25.

**Final Ruling**

No appearance at the October 21, 2025, hearing is required. The court will issue an order.

11. [25-24339](#)-B-13 DAVID/LETICIA HIGARES  
[JDS](#)-4 Seth L. Hanson

OBJECTION TO CONFIRMATION OF  
PLAN BY NEWREZ LLC  
9-19-25 [[17](#)]

### **Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 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 Bankr. R. 9014-1(f)(1)(C). Although debtors David Higare and Leticia Higare filed a written reply to the objection, there was no certificate of service accompanying the filed documents and, therefore, insufficient service on the objecting creditor.

The court has determined that oral argument is not necessary. See Local Bankr. R. 1001-1(f), 9014-1(h). This matter will be decided on the papers. No appearance at the hearing is necessary.

The court's decision is to overrule the objection and confirm the plan.

Objecting creditor NewRez LLC dba Shellpoint Mortgage Servicing holds a deed of trust secured by the Debtor's residence. The creditor asserts \$4,838.03 in pre-petition arrearages but has not yet filed a proof of claim. Although the creditor states that it will file a proof of claim prior to the claims bar deadline, the creditor provides no evidence to support the amount of claimed pre-petition arrears. The creditor does not provide a declaration from any individual who maintains or controls the bank's loan records or any other supporting evidence. Without a proof of claim or evidence to support its assertion, the creditor's objection is overruled.

The plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed August 18, 2025, is confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

12. [25-23849](#)-B-13 DAVID GRAHAM CONTINUED OBJECTION TO  
[LGT](#)-1 Steven A. Alpert CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
9-11-25 [[12](#)]

CONTINUED TO 11/18/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS  
SET FOR 11/06/25.

**Final Ruling**

No appearance at the October 21, 2025, hearing is required. The court will issue an  
order.

13. [25-23756](#)-B-13 CHRISTINA MORONES  
[JCW](#)-1 Pro Se  
**Thru #15**

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY U.S.  
BANK TRUST COMPANY, NATIONAL  
ASSOCIATION  
9-17-25 [[46](#)]

#### **Final Ruling**

The *initial* Chapter 13 Plan filed July 24, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to continue the hearing to October 28, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

Objecting creditor U.S. Bank Trust Company, National Association holds a deed of trust secured by Debtor's residence. The creditor has filed a timely proof of claim, no. 14-1, in which it asserts \$63,383.75 in pre-petition arrearages. The plan does not propose to cure these arrearages. Because the plan does not provide for the surrender of the collateral for this claim, the plan must provide for full payment of the arrearage and maintenance of the ongoing note installments. See 11 U.S.C. §§ 1322(b)(2), (b)(5) and 1325(a)(5)(B). Because it fails to provide for the full payment of arrearages, the plan cannot be confirmed.

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

#### **Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on October 24, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 28, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on October 28, 2025, at 1:00 p.m.

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

The court will issue an order.

14. [25-23756](#)-B-13 CHRISTINA MORONES  
[LGT](#)-1 Pro Se

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
9-12-25 [[40](#)]

#### **Final Ruling**

The *initial* Chapter 13 Plan filed July 24, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to continue the hearing to October 28, 2025, at 1:00 p.m.,

conditionally sustain the objection, and deny confirmation of the plan.

First, Debtor has not scheduled all debts required to be scheduled pursuant to 11 U.S.C. § 521(a) including the secured claim from U.S. Bank Trust Company N.A. and unsecured claims from LVNV Funding, Quantum 3 Group LLC, U.S. Department of Education, TD Bank USA, Jefferson Capital Systems, LLC, and Web Bank.

Second, with respect to each allowed secured claim provided for by the plan, the plan fails to provide for the value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed amount of such claim. 11 U.S.C. § 1325(a) (5) (B) (ii).

Third, Debtor is delinquent \$600.00. A total of \$600.00 has come due through and including September 2025, and the Debtor has paid a total of \$0.00 to date. An additional plan payment of \$300.00 will come due on October 25, 2025.

Fourth, the correct Statement of Financial Affairs for individuals [Official Form 107] needs to be filed.

Fifth, Debtor must file amended Schedule A/B to accurately list all of Debtor's property interests as of the filing of the petition, amended Schedule I to include rental income from a second property and expenses, and amended Schedule J to include the ongoing mortgage payment for the rental property.

Sixth, Debtor must file amended Schedule C to provide the actual dollar amount for all exemptions.

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

#### **Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c) (4) and 9014-1(f) (2), any party in interest shall have until 5:00 p.m. on October 24, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c) (4), 9014-1(f) (2) (C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 28, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on October 28, 2025, at 1:00 p.m.

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

The court will issue an order.

15. [25-23756](#)-B-13 CHRISTINA MORONES  
[RAS](#)-1 Pro Se

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY  
9-17-25 [[43](#)]

#### **Final Ruling**

The *initial* Chapter 13 Plan filed July 24, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this

is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to continue the hearing to October 28, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

Objecting creditor Deutsche Bank National Trust Company holds a deed of trust secured by Debtor's residence. The creditor has filed a timely proof of claim, no. 12-1, in which it asserts \$53,637.78 in pre-petition arrearages. The plan does not propose to cure these arrearages. Because the plan does not provide for the surrender of the collateral for this claim, the plan must provide for full payment of the arrearage and maintenance of the ongoing note installments. See 11 U.S.C. §§ 1322(b)(2), (b)(5) and 1325(a)(5)(B). Because it fails to provide for the full payment of arrearages, the plan cannot be confirmed.

Additionally, Debtor's Schedule J shows a net income that is insufficient to pay the monthly arrears and ongoing note installments. 11 U.S.C. § 1325(a)(6).

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

#### **Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on October 24, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 28, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on October 28, 2025, at 1:00 p.m.

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

The court will issue an order.

16. [25-22758](#)-B-13 GERARDO MEDEL  
[HWW](#)-5 Hank W. Walth

MOTION TO CONFIRM PLAN  
9-11-25 [[55](#)]

**Final Ruling**

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed September 11, 2025, will be confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

17. [25-24360](#)-B-13 BAO XIONG  
[LGT](#)-1 Muoi Chea

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
9-26-25 [[18](#)]

WITHDRAWN BY M.P.

**Final Ruling**

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed September 1, 2025, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.



18. [25-22962](#)-B-13 JAWANA EVANS  
[DAT](#)-2 David Anh Trinh

MOTION TO CONFIRM PLAN  
9-9-25 [[55](#)]

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed by the Chapter 13 Trustee ("Trustee"). A response was filed by debtor Joseph Olheiser ("Debtor").

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. 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 permit the requested modification and confirm the modified plan.

The Trustee objects to confirmation of the plan on grounds that the percentage to unsecured creditors changes and requests that this change be in the order confirming since Debtor will be in month 59 of a 60-month term, the most recently filed Schedules I and J were the original schedules filed some 58 months ago and feasibility of the plan cannot be assessed, and the certificate of service - while complying with the 35-days' notice requirement - does not comply with Local Bankr. R. 9014-1(e)(1)(2) because service of all pleading and documents was not made on or before the date they were filed with the court but was instead filed two weeks later.

Debtor filed a response stating that amended Schedules I and J are not required because the motion to modify does not seek a change in the amount of payments and the plan payment is still within Debtor's net monthly income. Debtor states that the purpose of the modification is to change the unsecured percentage to resolve the "overextension" caused by the discrepancy between estimated claims and actual unsecured claims.

Additionally, Debtor states that the court has authority to modify the local rules pursuant to Local Bankr. R. 1001-1(f) and to "accommodate the needs" of a case pursuant to Local Bankr. R. 9014-1(e)(1). Debtor states that the non-compliance with Local Bankr. R. 9014-1(e)(1) was the result of Debtor's counsel's mistake and that Debtor should not be punished. In this case, the Debtor is in month 59 of his repayment plan, he is not delinquent in plan payments, he has met the liquidation requirement, the modified plan does not change his monthly payments, and no creditors have objected. Debtor contends that the substantive rights of the creditors have not been prejudiced and creditors had 57 days' notice of the hearing and none of them have objected. The court agrees with Debtor.

Given the aforementioned, the modified plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

20. [25-24069](#)-B-13 SERGIO LEDEZMA GUERRERO CONTINUED OBJECTION TO  
[LGT](#)-1 Donald Iwuchukwu CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
9-11-25 [[12](#)]

CONTINUED TO 11/04/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS  
SET FOR 10/22/25.

**Final Ruling**

No appearance at the October 21, 2025, hearing is required. The court will issue an  
order.

21. [25-23970](#)-B-13 CANDANCE GREGOIRE-PIERSON CONTINUED OBJECTION TO  
[LGT](#)-1 AND TIMOTHY PIERSON CONFIRMATION OF PLAN BY LILIAN  
James L. Keenan G. TSANG  
9-16-25 [[12](#)]

**Final Ruling**

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed July 31, 2025, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

### **Final Ruling**

The *initial* Chapter 13 Plan filed August 28, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to October 28, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). Based on calculations, Debtor's plan payment will need to be at least \$3,277.59 per month for 60 months in order for Debtor's plan to be feasible

Second, the plan fails to provide for the value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is at least the amount that would be paid on such claim if the estate of the Debtor was liquidated under a Chapter 7. 11 U.S.C. § 1325(a)(4).

Third, Debtor will not be able to make all payments under the plan and comply with the plan. 11 U.S.C. § 1325(a)(6). Schedule J filed on August 28, 2025, lists a monthly net income of -\$3,358.58. However, monthly payments to secured creditors total \$3,277.59 with Trustee compensation and expense. Debtor's plan payment is only \$1,481.21 per month. Accordingly, the plan is not feasible.

Fourth, an amended Disclosure of Compensation of Attorney for Debtor must be filed for consistency and accuracy.

Fifth, the plan misclassifies the claim of U.S. Bank National Association in Class 1 for the first and second mortgages. Proof of claims have been filed for both secured claims showing that neither reflect any pre-petition arrearages. Therefore, these claims do not belong in Class 1.

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

### **Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on October 24, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 28, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on October 28, 2025, at 1:00 p.m.

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

The court will issue an order.

23. [25-24273](#)-B-13 ALEJANDRO RAMIREZ  
[LGT](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
9-26-25 [[17](#)]

CONTINUED TO 11/18/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS  
SET FOR 11/05/25.

**Final Ruling**

No appearance at the October 21, 2025, hearing is required. The court will issue an  
order.

24. [25-23376](#)-B-13 CHRISTINE/JERRY BRYANT CONTINUED OBJECTION TO  
[LGT](#)-1 Peter G. Macaluso CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
8-15-25 [[12](#)]

CONTINUED TO 11/04/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS  
SET FOR 10/23/25.

**Final Ruling**

No appearance at the October 21, 2025, hearing is required. The court will issue an  
order.

25. [25-23484](#)-B-13 KIRK WENZEL CONTINUED OBJECTION TO  
[LGT](#)-1 Pro Se CONFIRMATION OF PLAN BY LILIAN  
**Thru #26** G. TSANG  
9-2-25 [[20](#)]

CONTINUED TO 11/18/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS  
SET FOR 11/05/25.

**Final Ruling**

No appearance at the October 21, 2025, hearing is required. The court will issue an  
order.

26. [25-23484](#)-B-13 KIRK WENZEL CONTINUED OBJECTION TO  
[RAS](#)-1 Pro Se CONFIRMATION OF PLAN BY ATHENE  
ANNUITY AND LIFE COMPANY  
7-31-25 [[17](#)]

CONTINUED TO 11/18/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS  
SET FOR 11/05/25.

**Final Ruling**

No appearance at the October 21, 2025, hearing is required. The court will issue an  
order.



GARY YOUNG VS.

### **Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion for relief from automatic stay.

Gary Young ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 15747 French Town Road, Brownsville, California (the "Property"). Movant has provided the Declaration of Gary Young to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

The Young Declaration states that there is a current tax debt of \$49,267.85 and that there is an arrearage on the Note in the amount of \$183,498.02. Additionally, the septic system does not work and repair costs are estimated to be between \$50,000 and \$100,000. The Property is in a remote location, with a small 896-square-foot house, and debtor Kenneth Vavuris ("Debtor") has not lived there or been able to rent it out for over three years.

Nonopposition was filed by the Chapter 13 Trustee. No response was filed by Debtor.

From the evidence provided to the court, and only for purposes of this motion, the total debt secured by this Property is determined to be \$339,267.00 as stated in Movant's papers. The value of the Property is scheduled at \$522,300 by Debtor. However, this value does not reflect the non-operating septic system that needs repair, that the Property has remained vacant for years, that Debtor has been unable to rent or sell the Property, that Debtor has failed to pay loan payments or real property taxes for over 5 years, and Debtor has no feasible plan filed nor has employed a broker to sell the property. As such, Movant asserts his position continues to deteriorate.

### **Discussion**

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay, including defaults in post-petition payments which have come due. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

Additionally, once a movant under 11 U.S.C. § 362(d)(2) establishes that a debtor or estate has no equity, it is the burden of the debtor or trustee to establish that the collateral at issue is necessary to an effective reorganization. *United Savings Ass'n of Texas v. Timbers of Inwood Forest Associates. Ltd.*, 484 U.S. 365, 375-76 (1988); 11 U.S.C. § 362(g)(2). Based upon the evidence submitted, it appears that there is no equity in the Property. Moreover, the Debtor has failed to establish that the Property is necessary to an effective reorganization. *First Yorkshire Holdings, Inc. v. Pacifica L 22, LLC (In re First Yorkshire Holdings, Inc.)*, 470 B.R. 864, 870 (Bankr. 9th Cir. 2012).

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having

lien rights against the Property, to conduct a nonjudicial foreclosure sale pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, at the nonjudicial foreclosure sale to obtain possession of the Property.

The 14-day stay of enforcement under Rule 4001(a)(3) is not waived.

No other or additional relief is granted by the court.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

28. [25-24288](#)-B-13 LEONARDO/EYMI SOTO  
[JCW](#)-1 Brian S. Haddix  
**Thru #29**

OBJECTION TO CONFIRMATION OF  
PLAN BY CAPITAL ONE AUTO  
FINANCE  
10-2-25 [[16](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed August 14, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to October 28, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

Capital One Auto Finance ("Creditor"), lienholder of a 2025 Honda CR-V Utility, objects to confirmation of the plan on the grounds the plan fails to pay the applicable prime plus interest rate. Creditor contends that debtors Leonardo Soto and Eymi Soto ("Debtors") must pay the present value of the secured claim by paying a discount rate of interest measured by the formula rate expressed by the United States Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). Creditor objects to confirmation of a plan that pays less than the prime interest rate plus at least 2.000%.

Debtors filed a response arguing that neither 11 U.S.C. § 1325(a)(5)(B)(ii) nor *Till* mandates the Wall Street Journal prime rate as the base. Debtors state that a court may start with a risk-free Treasury rate and add a larger premium or start with some-risk prime rate and add a smaller premium. Debtors contend that the legally relevant question is the resulting rate, not the starting index. Debtors cite to *Farm Credit Servs. of Am. v. Topp (In re Topp)*, 75 F.4th 959, 961-63 (8th Cir. 2023), where the Eighth Circuit Court of Appeals approved a Treasury-plus formula (20-year Treasury + 2%) and held that there is "no legal significance" to choosing Treasury versus prime as the starting point so long as the formula approach is followed and the ultimate rate fairly compensates for risk. Based on that decision, Debtors assert that since the 20-year Treasury yield was 4.86% on the date the petition was filed, a 6.30% interest rate as proposed in the plan is appropriate since it accounts for a 1.44% risk premium.

### **Discussion**

Debtors offer no evidence that the lower Treasury rate is appropriate in a car loan or that the rate has ever been used in a typical car loan. As stated *In re McCoy*, 657 B.R. 260 (Bankr. N.D. Ill. 2024), treasury bills are backed by the Full Faith and Credit of the United States and a Treasury rate is therefore more appropriate for loans carrying very little risk of non-payment. The average car loan in bankruptcy obviously does not fit into that category. *Id.* at 263.

By contrast, courts frequently reference the prime rate in setting an appropriate interest rate for secured debts under a Chapter 13 plan. See *In re Drake*, 638 B.R. 96, 99 (Bankr. N.D. Ill. 2022) ("for most secured claims, the appropriate interest rate is the prime rate, adjusted to account for the risk of nonpayment"); *In re Santiago*, 541 B.R. 8, 13-14 (Bankr. D.P.R. 2015) (finding 4.75% interest rate for a 2012 Kia Sportage 4D, comprised of prime rate, plus 1.5% risk factor, appropriate under 11 U.S.C. § 1325(a)(5)(B)(ii)); *In re Marks*, 394 B.R. 198, 206 (Bankr. N.D. Ill. 2008) ("The proper method for determining the interest rate for a motor vehicle loan under a chapter 13 plan . . . begins with the prime rate. . . .") (citing *Till*, 541 U.S. at 479-80). *In re McCoy* at 263.

As between the two proposed base rates, the court concludes that the more appropriate base rate for a car-loan debt in a bankruptcy is the prime rate.<sup>1</sup>

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<sup>1</sup>This does not completely close the door to use of the Treasury rate. See *Farm Credit Bank of Spokane v. Fowler (In re Fowler)*, 903 F.2d 694 (9th Cir. 1990). However, it may be that the Treasury rate is more appropriate for

The court takes judicial notice of the prime rate of interest as published in a leading newspaper. *Bonds, Rates & Credit Markets: Consumer Money Rates*, Wall St. J., August 14, 2025, [http://online.wsj.com/mdc/public/page/mdc\\_bonds.html](http://online.wsj.com/mdc/public/page/mdc_bonds.html). The prime rate at the time of petition filing was 7.50%. To set the appropriate rate, courts utilize the "formula approach" of *Till v. SCS Credit Corp.*, 124 S.Ct. 1951 (2004), which takes into consideration the national prime rate and adjusts it for a greater risk of default posed by a debtor. Courts have typically adjusted the interest rate by 1% to 3%. The court finds that an interest rate of 8.50% to be appropriate. If either party disputes the interest rate, it may request an evidentiary hearing in either the subsequent motion to confirm or any opposition/objection thereto. The request shall appear in the caption of the document in which it is made. If an evidentiary hearing is requested, the document(s) shall also identify the interest rate expert(s). The court may also appoint its own interest rate expert, Fed. R. Evid. 706(a), and if it does it may allocate the expert's compensation among the parties as appropriate. Fed. R. Evid. 706(c). All parties, attorneys, and witnesses will be required to appear in person for the evidentiary hearing. Telephonic and/or video appearances will not be permitted.

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

### **Conditional Nature of this Ruling**

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on October 24, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtors, the Debtors' attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 28, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on October 28, 2025, at 1:00 p.m.

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

The court will issue an order.

29.	<a href="#">25-24288</a> -B-13 <a href="#">LGT</a> -1	LEONARDO/EYMI SOTO Brian S. Haddix	OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 10-1-25 [ <a href="#">13</a> ]
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### **Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 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 Bankr. R. 9014-1(f)(1)(C). Debtors Leonardo Soto and Eymi Soto ("Debtors") filed a reply, and the Chapter 13

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longer term loans typically dealt with in Chapter 11 plans. See *Cent. Pac. Bank v. Indus. West Commerce Ctr. LLC* (In re *Indus. West Commerce Ctr. LLC*), 2011 WL 3300187, \*7 fn. 12 (9th Cir. BAP, May 24, 2011); *2010-1; CRE Venture, LLC v. VDG Chicken, LLC* (In re *VDG Chicken, LLC*), 2011 WL 3299089, \*8 (9th Cir. BAP, April 11, 2011).

Trustee filed a response.

All objections have been resolved and the court has determined that oral argument is not necessary. See Local Bankr. R. 1001-1(f), 9014-1(h). This matter will be decided on the papers. No appearance at the hearing is necessary.

The court's decision is to overrule the objection but deny confirmation of the plan for reasons stated at Item #28, JCW-1.

The Trustee objects to confirmation of the plan on grounds that Debtors will have additional "projected disposable income" when retirement-plan loans mature during the 60-month term and the plan does not step up payments. Debtors filed a response and the Trustee filed a reply. The Trustee does not oppose Debtors redirecting their loan payment amounts toward their 401k retirement plans for the entire remaining duration of the plan, and requests that this language be included in any order confirming. The Trustee also requests additional language in the order confirming within 30 days after each retirement loan payoff.

While the Trustee's objections are resolved, Debtors' plan is not confirmable for reasons stated at Item #28, JCW-1. Therefore, the plan filed August 14, 2025, does not comply with 11 U.S.C. §§ 1322 and 1325(a) and is not confirmed.

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

The court will issue an order.

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

31. [25-24394](#)-B-13 ISAAC GUZMAN  
[LGT](#)-1 Natali A. Ron

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
9-26-25 [[12](#)]

WITHDRAWN BY M.P.

**Final Ruling**

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed August 19, 2025, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

32. [25-22498](#)-B-13 VILMA DELEON-MIRANDA AND CONTINUED AMENDED OBJECTION TO  
[LGT](#)-1 JOSE MIRANDA-VACA CONFIRMATION OF PLAN BY LILIAN  
Peter G. Macaluso G. TSANG  
7-3-25 [[19](#)]

CONTINUED TO 11/04/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS  
SET FOR 10/22/25.

**Final Ruling**

No appearance at the October 21, 2025, hearing is required. The court will issue an  
order.



33. [25-22850](#)-B-13 SORAYA GARCIA  
[JCK](#)-2 Kathleen H. Crist

CONTINUED MOTION TO CONFIRM  
PLAN  
8-27-25 [[34](#)]

### **Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition and responses were filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. 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 not confirm the first amended plan.

Form 122C-2 at line 45 reflects Debtor has \$1,219.49 in projected disposable income to pay to general unsecured creditors per month, or \$73,169.40 over the 60-month plan duration. Debtor's chapter 13 plan only pays a total of \$15,943.52 to general unsecured creditors, or 23%. Based on the schedules filed, the monthly projected disposable income of \$1,219.49 as calculated by Form 122C-2 is required to be paid into the plan for the benefit of the general unsecured claims. See *Hamilton v. Lanning (In re Lanning)*, 560 U.S. 505 (2010).

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.