



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

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**October 22, 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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1. [23-23636](#)-C-13 LISA/SEAN BYRD MOTION TO MODIFY PLAN  
[PGM](#)-4 Peter Macaluso 9-11-24 [[105](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 41 days' notice was provided. Dkt. 111.

**The Motion to Modify is denied.**

The debtors filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 109) filed on September 11, 2024.

The Chapter 13 Trustee filed an Opposition (Dkt. 112) on October 8, 2024, opposing confirmation on the following grounds:

1. The debtors are delinquent in plan payments; and
2. The debtors have failed to provide current pay advices and amend their Schedules I and J to reflect their incomes with their new employers.

The debtors filed a response (dkt. 114) on October 15, 2024 asserting they would be current on plan payments at the time of the hearing, and would submit current pay advices and amend their Schedules I and J.

**DISCUSSION**

The debtors are \$1,545.00 delinquent in plan payments. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The debtor has not provided the trustee with all required pay advices. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is denied, and the plan is not confirmed.

**October 22, 2024 at 1:30 p.m.**

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 debtors, Lisa Byrd and Sean Byrd, 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 denied, and the plan is not confirmed.

2. [23-23944](#)-C-13 ERIC/DANIELLE ELLEDGE MOTION TO INCUR DEBT  
[TLA](#)-2 Thomas Amberg 10-4-24 [[28](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 18 days' notice was provided. Dkt. 32.

**The Motion to Incur Debt is granted.**

The debtors filed this Motion seeking authority to enter into a purchase agreement for a 2020 Honda Pilot.

The proposed financing is in the principal amount of 29,240.65, paid at 10.49% interest over a 72 month term. Monthly payments are proposed to be \$548.96.

The court finds that the proposed credit, based on the unique facts and circumstances of this case, is reasonable. There being no opposition from any party in interest and the terms being reasonable, the Motion is granted.

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 Incur Debt filed by Eric Elledge and Danielle Elledge 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 counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved submit the proposed order to the court.

3. [24-21883](#)-C-13 SANDRA GIL  
WW-1 Mark Wolff

MOTION TO CONFIRM PLAN  
9-3-24 [[31](#)]

**Tentative Ruling:**

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. 36.

**The Motion to Confirm is denied.**

The debtor filed this Motion seeking to confirm the First Amended Chapter 13 Plan (Dkt. 35) filed on September 3, 2024.

The Chapter 13 Trustee filed an Opposition (Dkt. 39) on September 10, 2024, opposing confirmation on the following grounds:

1. The debtor's schedules and plan appear to contain a typographical error concerning the model year for the debtor's Honda Civic;
2. The plan misclassifies the claim of Rocket Mortgage as a Class 2 claim;
3. The plan provides for a payment term of longer than 5 years; and
4. The plan is not feasible.

**DISCUSSION**

The plan mathematically requires a payment of \$1,190.55 per month, which is greater than the proposed \$1,015.00 payment.

The debtor has not demonstrated the plan is feasible because the claims filed in the case are greater than scheduled. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not 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, Sandra Gil, 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 denied, and the plan is not confirmed.