

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Modesto, California

**October 22, 2019 at 10:30 a.m.**

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**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

**1. Matters resolved without oral argument:**

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Lindsey Peratis, the Courtroom Deputy, at (916) 930-4473 at least one hour prior to the scheduled hearing.

- 2. The court will not continue any short cause evidentiary hearings scheduled below.**
- 3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.**
- 4. If no disposition is set forth below, the matter will be heard as scheduled.**

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|------|---------------------------------------|---------------------|--|
| 1.   | <a href="#"><u>18-90904</u></a> -B-13 | DANIEL/ROBIN SEXTON | OBJECTION TO CLAIM OF<br>DEPARTMENT STORES NATIONAL<br>BANK, CLAIM NUMBER 13-1<br>9-12-19 [ <a href="#"><u>26</u></a> ]  |
| <br> |                                       |                     |  |
| 2.   | <a href="#"><u>19-90706</u></a> -B-13 | GILBERT/NUEMI MAXEY | OBJECTION TO CONFIRMATION OF<br>PLAN BY RUSSELL D. GREER,<br>CHAPTER 13 TRUSTEE<br>9-25-19 [ <a href="#"><u>23</u></a> ] |

**October 22, 2019 at 10:30 a.m.**

3. [19-90307](#)-B-13 JAY WHITAKER  
[AHN](#)-3

MOTION TO CONFIRM PLAN  
9-10-19 [[83](#)]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

4. [19-90707](#)-B-13 JUAN MUNOZ-GALVEZ AND  
[RDG](#)-1 LINDA MUNOZ

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER,  
CHAPTER 13 TRUSTEE  
9-25-19 [[20](#)]

**Final ruling:**

Objection withdrawn by moving party. Matter removed from calendar.

5. [17-90812](#)-B-13 PAMELA LOOPER  
[PGM](#)-3

MOTION TO MODIFY PLAN  
5-27-19 [[108](#)]

6. [17-90013](#)-B-13 EDWARD/LINDA GABRIEL  
[JAD](#)-3

CONTINUED MOTION TO MODIFY PLAN  
7-26-19 [[74](#)]

**Final ruling:**

The relief requested in the motion is supported by the record, the trustee having withdrawn his opposition, and no other timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

7. [19-90813](#)-B-13 ADAM URANGO AND SYLVIA MOTION TO VALUE COLLATERAL OF  
[MC-1](#) MARTINEZ URANGO INTERNAL REVENUE SERVICE  
10-7-19 [[18](#)]

8. [19-90415](#)-B-13 LEWIS/JOSEFA HAMPTON MOTION TO CONFIRM PLAN  
[BSH](#)-3 9-12-19 [[35](#)]

**Tentative ruling:**

This is the debtors' motion to confirm their first amended chapter 13 plan. The First Amended Plan and declarations filed in support of the motion to confirm the plan have not been signed by the debtors or the debtors' attorney. As such, the motion will be denied by minute order. Alternatively, the court will continue the hearing to allow moving party to correct the service defect.

9. [16-90219](#)-B-13 SHARON HAMILTON MOTION FOR RELIEF FROM  
[GMW](#)-2 AUTOMATIC STAY  
9-24-19 [[159](#)]

HIGH POINTE, LLC VS.

**Final ruling:**

Based on the Stipulation filed by the parties (Dckt. 172), the hearing on the Motion is continued to November 5, 2019 at 10:30a.m.

10. [18-90923](#)-B-13 ESTHER CORTEZ OBJECTION TO CLAIM OF  
[RDG](#)-3 BENEFICIAL STATE BANK, CLAIM  
NUMBER 6  
9-12-19 [[92](#)]

11. [18-90924](#)-B-13 MOSES/TONYA SMITH  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
9-12-19 [[65](#)]

12. [19-90724](#)-B-13 JONATHAN LITTLE  
[APN](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY CREDITOR TOYOTA MOTOR  
CREDIT CORPORATION  
9-25-19 [[17](#)]

13. [19-90724](#)-B-13 JONATHAN LITTLE  
[APN](#)-2

OBJECTION TO CONFIRMATION OF  
PLAN BY CREDITOR TOYOTA MOTOR  
CREDIT CORPORATION  
9-25-19 [[22](#)]

14. [19-90724](#)-B-13 JONATHAN LITTLE  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY TRUSTEE RUSSELL D.  
GREER 9-25-19 [[27](#)]

15. [19-90225](#)-B-13 RAMON/CELINA JARA  
[TOG](#)-2

OBJECTION TO CLAIM OF LAKEVIEW  
LOAN SERVICING, LLC, CLAIM  
NUMBER 8-1  
8-30-19 [[58](#)]

**Final ruling:**

The matter is resolved without oral argument. The court's record indicates Lakeview Loan Servicing, LLC's filed a statement of non-opposition to this objection on October 8, 2019 and the objection is supported by the record. Accordingly, the court will issue a minute order sustaining the debtors' objection to the claim of Lakeview Loan Servicing, LLC, Claim No. 8-1. No appearance is necessary.

16. [19-90225](#)-B-13 RAMON/CELINA JARA  
[TOG](#)-3

MOTION TO CONFIRM PLAN  
8-30-19 [[63](#)]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

17. [19-90627](#)-B-13 RALPH/KIMBERLEY MCCARDLE  
[RK-1](#)

MOTION TO CONFIRM PLAN  
9-2-19 [[21](#)]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

18. [11-93432](#)-B-13 OSVALDO/ILIANA IBARRA MOTION TO AVOID LIEN OF  
[TOG-2](#) AMERICAN EXPRESS CENTURION BANK  
9-23-19 [[101](#)]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtor is entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

19. [14-90041](#)-B-13 LEVERT/PAMELA RIDENOUR MOTION FOR RELIEF FROM  
[AP-1](#) AUTOMATIC STAY  
9-11-19 [[43](#)]  
WELLS FARGO BANK, N.A. VS.

**Final ruling:**

This matter is resolved without oral argument. This is Wells Fargo Bank, N.A.'s motion for relief from automatic stay. The court records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and the property is not necessary for an effective reorganization. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

20. [16-90349](#)-B-13 WARREN/LYNETTE MCGHEE CONTINUED MOTION TO MODIFY PLAN  
[JAD-2](#) 8-15-19 [[32](#)]

21. [15-90855](#)-B-13 PHILLIP/NECY LOPEZ MOTION TO MODIFY PLAN  
[JAD](#)-2 9-12-19 [[93](#)]
22. [17-90258](#)-B-13 MICHAEL OKARMUS MOTION TO MODIFY PLAN  
[TLC](#)-2 9-3-19 [[40](#)]
23. [19-90660](#)-B-13 VERONICA ORTEGA OBJECTION TO DEBTOR'S CLAIM OF  
[RDG](#)-2 EXEMPTIONS  
9-10-19 [[21](#)]
24. [19-90463](#)-B-13 LLOYD/RENEE BETTENCOURT MOTION TO CONFIRM PLAN  
[MDA](#)-1 8-30-19 [[30](#)]

25. [17-90564](#)-B-13 DANIEL/GERARDEE DONNAN CONTINUED MOTION TO DISMISS  
[EGS](#)-3 CASE  
8-12-19 [[125](#)]

**The court will use this hearing as a status conference.**

26. [17-90564](#)-B-13 DANIEL/GERARDEE DONNAN CONTINUED STATUS CONFERENCE  
[JAD](#)-5 AFTER REMAND RE: OBJECTION TO  
CLAIM OF BAYVIEW LOAN  
SERVICING, LLC, CLAIM NUMBER 8  
2-16-18 [[62](#)]

**The court will use this hearing as a status conference.**

27. [17-90564](#)-B-13 DANIEL/GERARDEE DONNAN MOTION TO MODIFY PLAN  
[JAD](#)-6 9-12-19 [[144](#)]

**The court will use this hearing as a status conference.**

28. [19-90569](#)-B-13 BIMLESH SINGH MOTION TO CONFIRM PLAN  
[JAD](#)-3 9-6-19 [[55](#)]



29. [19-90569](#)-B-13 BIMLESH SINGH  
[JAD](#)-4  
OBJECTION TO CLAIM OF  
HOMEOWNERS FIRST, LLC, CLAIM  
NUMBER 4  
9-4-19 [[51](#)]

30. [19-90569](#)-B-13 BIMLESH SINGH  
[JKR](#)-1  
MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
8-13-19 [[37](#)]  
HOMEOWNERS FIRST, LLC VS.

31. [19-90375](#)-B-13 SALVADOR/EMELI RODRIGUEZ  
[TOG](#)-1  
MOTION TO CONFIRM PLAN  
9-16-19 [[39](#)]

32. [19-90385](#)-B-13 MIGUEL GUTIERREZ  
[TOG](#)-3  
MOTION TO CONFIRM PLAN  
9-5-19 [[52](#)]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

33. [19-90690](#)-B-13 LUCY REYES  
[PLG](#)-1

MOTION TO VALUE COLLATERAL OF  
ALLY BANK  
10-8-19 [[17](#)]

34. [19-90690](#)-B-13 LUCY REYES  
[PLG](#)-2

MOTION TO VALUE COLLATERAL OF  
HYUNDAI MOTOR FINANCE  
10-8-19 [[22](#)]

35. [19-90690](#)-B-13 LUCY REYES  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
9-25-19 [[14](#)]

36. [19-90193](#)-B-13 JOSE/CLAUDIA ACEVES  
[JCK](#)-1

MOTION TO MODIFY PLAN  
8-29-19 [[49](#)]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.