

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

October 25, 2016 at 10:00 a.m.

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 Nancy Williams, the Courtroom Deputy, at (916) 930-4580 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.

1.	16-90600-D-13	VALERIE AVITIA	MOTION TO CONFIRM PLAN
	BSH-1		9-8-16 [44]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the moving party failed to serve either of the creditors who have filed claims in this case and failed to serve any of the creditors listed on the schedules. It appears the matrix attached to the proof of service is from a different case.

As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

2. 16-90700-D-13 SAMANTHA FITZGERALD OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
9-26-16 [13]
3. 16-90219-D-13 SHARON HAMILTON MOTION TO CONFIRM PLAN
DCJ-1 9-13-16 [49]
4. 11-94222-D-13 SHELLEY SHAHEN CONTINUED MOTION TO MODIFY PLAN
DCJ-6 7-5-16 [107]
5. 11-92734-D-13 OTONIEL/EUNICE ORTIZ MOTION TO VALUE COLLATERAL OF
CJY-3 NATIONSTAR MORTGAGE, LLC
9-22-16 [46]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Nationstar Mortgage, LLC at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Nationstar Mortgage, LLC's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

6. 14-91539-D-13 HEATHER POLETE MOTION TO MODIFY PLAN
MSN-3 9-9-16 [57]

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.

7. 14-90243-D-13 RODNEY/LYDIA NICHELSON MOTION TO MODIFY PLAN
CJY-1 9-8-16 [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.

8. 13-90645-D-13 JAMES/MARCIA ALLARD MOTION TO MODIFY PLAN
CJY-1 9-9-16 [28]

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.

9. 16-90545-D-13 MICHELLE TETENS CONTINUED OBJECTION TO
MWP-1 CONFIRMATION OF PLAN BY MARK
VAN VEEN AND RAPID EQUITY
FUNDING
8-11-16 [23]

10. 16-90645-D-13 TIMOTHY MARTIN CONTINUED MOTION TO CONFIRM
MF-1 PLAN
8-12-16 [27]
11. 16-90645-D-13 TIMOTHY MARTIN MOTION FOR COMPENSATION BY THE
MF-2 LAW OFFICE OF MACDONALD
FERNANDEZ LLP FOR MATTHEW J.
OLSON, DEBTOR'S ATTORNEY
9-21-16 [40]
12. 16-90649-D-13 JEDFREY/NORMA HAHN OBJECTION TO DEBTOR'S CLAIM OF
RDG-2 EXEMPTIONS
9-13-16 [17]
- Final ruling:**
- The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed. The objection is supported by the record. The court will issue a minute order sustaining the trustee's objection to the debtors' claim of exemptions. No appearance is necessary.**
13. 11-93274-D-13 FRANK/LISA PEACOCK MOTION FOR WAIVER OF THE
SDM-3 CERTIFICATION REQUIREMENTS FOR
ENTRY OF DISCHARGE
9-29-16 [75]

14.	14-90479-D-13	HOMERO/MIDESSLAVA	MOTION TO MODIFY PLAN
	CJY-3	CAMPOZANO	9-2-16 [84]

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.

15.	15-90786-D-13	ERIC/ANNA SILVA	MOTION TO MODIFY PLAN
	MSN-1		9-15-16 [25]

16.	16-90686-D-13	OMAR AGUILAR	OBJECTION TO CONFIRMATION OF
	RDG-1		PLAN BY RUSSELL D. GREER
			9-26-16 [15]

17.	16-90288-D-13	KAL/DEBORAH KIRKLE	MOTION TO CONFIRM PLAN
	DCJ-4		9-13-16 [60]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied because the plan proposes to pay the \$295,122 claim of Wallace Miller, secured by liens against five parcels and 48 rental units owned by the debtors, a total of \$100,000 based on the value of the creditor's collateral, whereas the moving parties have failed to file a motion to value that collateral, as required by LBR 3015-1(j).

For this reason, the motion will be denied and the court need not reach the other issues raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

18. 16-90189-D-13 RENDELL AGBAYANI
TOG-3

MOTION TO CONFIRM PLAN
8-31-16 [46]

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.

19. 16-90688-D-13 DONNA STEELEY
RAS-1

OBJECTION TO CONFIRMATION OF
PLAN BY OCWEN LOAN SERVICING,
LLC
10-10-16 [20]