

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

Honorable Christopher D. Jaime
Robert T. Matsui U.S. Courthouse
501 I Street, Sixth Floor
Sacramento, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: November 4, 2025

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

Chief Bankruptcy Judge

Sacramento, California

November 4, 2025 at 1:00 p.m.

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1. [25-20602](#)-B-13 TAHIR JAN MOTION TO CONFIRM PLAN
 [PGM](#)-2 Peter G. Macaluso 9-24-25 [[62](#)]

Final Ruling

The case having been converted to one under chapter 7, the motion to confirm plan is denied as moot.

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

The court will issue an order.

November 4, 2025 at 1:00 p.m.

2. [25-24702](#)-B-13 GUILLERMO CERVANTES
[LGT](#)-1 Robert W. Fong

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
10-8-25 [[13](#)]

CONTINUED TO 12/02/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 11/20/25.

Final Ruling

No appearance at the November 4, 2025, hearing is required. The court will issue an order.

3. [25-24603](#)-B-13 DANA KYMLA
[LGT](#)-1 Robert L. Goldstein

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
10-10-25 [[15](#)]

Final Ruling

The objection to confirmation 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 Chapter 13 Trustee filing its objection, Debtor filed an amended plan on October 28, 2025. The confirmation hearing for the amended plan has yet to be scheduled. Nonetheless, the earlier plan filed August 28, 2025, is not confirmed.

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

The court will issue an order.

4. [25-24404](#)-B-13 JOSE FUENTES
[ALG](#)-1 Pro Se

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-14-25 [[31](#)]

WILLIAM FREEMAN, TRUSTEE OF
THE FREEMAN FAMILY 1991
REVOCABLE TRUST VS.

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

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 conditionally grant the motion for relief from automatic stay and continue the matter to November 19, 2025, at 1:00 p.m.

William Freeman, Trustee of the Freeman Family 1991 Revocable Trust ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 1035 Jefferson Street, Monterey, California (the "Property"). Movant has provided the Declaration of Julie Taberdo to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

Movant states that stay relief under § 362(d)(4) is warranted because the instant bankruptcy is one of four consecutive bankruptcies filed by either Debtor or borrower Jose Fuentes Construction, Inc. in a scheme to hinder, delay, or defraud Movant from foreclosing on the Property. The first two cases were filed in the Northern District of California, and the last two in the Eastern District of California. Like the other bankruptcy filings, the instant bankruptcy commenced with a skeletal petition, and Debtor failed to file all required documents or filed incomplete or are completely blank documents. Additionally, Debtor failed to appear at the meeting of creditors. Debtor's case was ultimately dismissed on October 30, 2025, for failure to pay the petition filing fee installment.

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 \$199,604.71 as listed in proof of claim 5-1 filed by Movant. Movant further states that Debtor has failed to make payments for over one year and that the loan already matured on August 1, 2025.

Discussion

The court will grant prospective relief under § 362(d)(4). See *Benzeen, Inc. v. JP Morgan Chase Bank (In re Benzeen, Inc.)*, 2018 WL 6627275 at *4 (9th Cir. BAP Dec. 18, 2018) (noting that request for § 362(d)(4) relief survives dismissal and foreclosure); *Azkam v. U.S. Bank N.A.*, 2020 WL 1700028 at *3 (E.D. Cal. April 8, 2020) ("An order granting relief under [§ 362(d)(4)] may survive the dismissal of the bankruptcy in some cases."). An order entered under § 362(d)(4) is binding in any other bankruptcy case purporting to affect such real property filed not later than two years after the date of entry of the order.

To obtain relief under § 362(d)(4), Movant must show and the court must affirmatively find the following three elements: (1) the Debtor's bankruptcy filing must have been part of a scheme; (2) the object of the scheme must have been to delay, hinder, or defraud creditors, and (3) the scheme must have involved either the transfer of some interest in the real property without the secured creditor's consent or court approval, or multiple bankruptcy filings affecting the property. *First Yorkshire Holdings, Inc. v. Pacifica L 22, LLC (In re First Yorkshire Holdings, Inc.)*, 470 B.R. 864, 870 (B.A.P. 9th Cir. 2012).

A scheme is an intentional construct - it does not happen by misadventure or

negligence. *In re Duncan & Forbes Dev., Inc.*, 368 B.R. 27, 32 (Bankr. C.D. Cal. 2007). A § 362(d)(4)(A) scheme is an “intentional artful plot or plan to delay, hinder or defraud creditors.” *Id.* It is not common to have direct evidence of an artful plot or plan to deceive others; the court must infer the existence and contents of a scheme from circumstantial evidence. *Id.* Movant must present evidence sufficient for the trier of fact to infer the existence and content of the scheme. *Id.* See *Jimenez v. ARCPE 1, LLP (In re Jimenez)*, 613 B.R. 537, 545 (B.A.P. 9th Cir. 2020).

Section 362(d)(4) “does not require that it be the debtor who has created the scheme or carried it out, or even that the debtor be a party to the scheme at all.” *Duncan & Forbes*, 368 B.R. at 32. “The language of § 362(d)(4) is likewise devoid of any requirement of a finding of bad faith by the Debtor.” *In re Dorsey*, 476 B.R. 261, 267 (Bankr. C.D. Cal. 2012).

The instant bankruptcy is one of four consecutive bankruptcies filed by either Debtor or borrower Jose Fuentes Construction, Inc. in a scheme to hinder, delay, or defraud Movant from foreclosing on the Property. Like the other bankruptcy filings, the instant bankruptcy commenced with a skeletal petition, and Debtor failed to complete all required documents. Additionally, Debtor failed to appear at the meeting of creditors. Debtor’s case was ultimately dismissed on October 30, 2025, for failure to pay the petition filing fee installment.

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.

This order shall be binding in any other case purporting to affect the Property filed not later than 2 years after the date of the entry of such order by the court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.

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

No other or additional relief is granted by the court.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, November 7, 2025, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted 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 November 19, 2025, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on November 19, 2025, at 1:00 p.m.

5. [25-24715](#)-B-13 LEVENT AGDAS
[LGT](#)-1 Lars Fuller

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
10-14-25 [[14](#)]

Final Ruling

The *initial* Chapter 13 Plan filed August 31, 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 November 19, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

First, Debtor's proposed chapter 13 plan provides \$0.00 towards priority claims. However, the proof of claim filed by the Internal Revenue Service asserts that the Debtor owes \$2,346.67 in priority tax debt. 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, the plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). The current plan payment proposal, which includes the priority tax claim discussed above, causes the plan to take 68.47 months to fund. Calculations indicate that Debtor's average plan payment will need to be at least \$665.69 per month for the plan term of 36 months in order to be feasible.

Third, Debtor has failed to file the required attachment for Schedule I at line 8a for each business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.

Fourth, Debtor has not provided the requested 2024 corporate federal income tax returns.

Fifth, an amended Statement of Financial Affairs must be filed to disclose the transfer of cryptocurrencies and a 2007 Fiat within the two years prior to the bankruptcy filing date.

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 November 7, 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 November 19, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on November 19, 2025, at 1:00 p.m.

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

The court will issue an order.

6. [25-24418](#)-B-13 JUSTIN PREWITT
[LGT](#)-1 Robert W. Fong

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
10-9-25 [[15](#)]

Final Ruling

The *initial* Chapter 13 Plan filed August 20, 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 November 19, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

The plan does not provide for all of Debtor's projected disposable income to be applied to unsecured creditors under the plan. 11 U.S.C. § 1325(b)(1)(B). Debtor's Form 122C-2 at Line 16 lists taxes at \$3,503.94, and Schedule I lists a payroll deduction of \$2,250.60 for Tax, Medicare and Social Security. Debtor's and his non-filing spouse's payment advices for the six months prior to filing must be provided to verify the monthly tax expense on Form 122C-2 and Schedule I.

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 November 7, 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 November 19, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on November 19, 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. [22-21927](#)-B-13 ORLANDO ANDRADE MOTION TO SELL
[FAT](#)-6 Flor De Maria A. Tataje 10-21-25 [[119](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

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 conditionally grant the motion to sell and continue the matter to November 19, 2025, at 1:00 p.m.

The Bankruptcy Code permits a Chapter 13 debtor to sell property of the estate after a noticed hearing. 11 U.S.C. §§ 363(b) and 1303. Debtor proposes to sell property described as 15820 S. Harlan Rd. Sp. #158, Lathrop, California ("Property").

Proposed purchaser Carlos J. Dominguez agreed to purchase the Property for \$192,000.00. Debtor currently owes approximately \$117,109.00 on the mortgage. Debtor is selling his home because his income has decreased due to a cut back of overtime and he cannot afford to keep up with his monthly plan payments. Selling the Property is Debtor's only option to find more affordable housing and keep current with his monthly plan payments.

The Chapter 13 Trustee filed a non-opposition to the sale of the Property.

Based on the evidence before the court, the court determines that the proposed sale is in the best interest of the estate. The motion is conditionally granted.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, November 7, 2025, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee, Creditor, and Debtor by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted 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 November 19, 2025, at 1:00 p.m. will be vacated. Furthermore, Debtor's attorney shall submit an order consistent with the Trustee's standard sale language. The order shall be approved by the Trustee.

If an opposition or response is timely filed and served, the court will hear the motion on November 19, 2025, at 1:00 p.m.

8. [25-22927](#)-B-13 SERENA BROUSSARD
[SLH](#)-1 Seth L. Hanson

MOTION TO CONFIRM PLAN
9-12-25 [[17](#)]

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 first 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.

9. [25-22928](#)-B-13 LITA BELLAMY CONTINUED OBJECTION TO
Thru #10 Peter G. Macaluso CONFIRMATION OF PLAN BY HRC
ISLANDER LLC
7-29-25 [[17](#)]

CONTINUED TO 12/02/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 11/20/25.

Final Ruling

No appearance at the November 4, 2025, hearing is required. The court will issue an
order.

10. [25-22928](#)-B-13 LITA BELLAMY CONTINUED OBJECTION TO
[LGT-1](#) Peter G. Macaluso CONFIRMATION OF PLAN BY LILIAN
G. TSANG
7-30-25 [[21](#)]

CONTINUED TO 12/02/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 11/20/25.

Final Ruling

No appearance at the November 4, 2025, hearing is required. The court will issue an
order.

11. [25-24728](#)-B-13 LUKE MIDDLETON
[LGT](#)-1 Mikalah Liviakis

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
10-9-25 [[14](#)]

Final Ruling

The *initial* Chapter 13 Plan filed August 31, 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 November 19, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

Debtor's plan provides for priority claims in the amount of \$5,000.00. However, the proof of claim file by the Internal Revenue Service asserts that Debtor owes \$72,719.23 in priority debt. 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).

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 November 7, 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 November 19, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on November 19, 2025, at 1:00 p.m.

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

The court will issue an order.

12. [25-24430](#)-B-13 ERIC/LASHAUN BURKE
[LGT](#)-1 James A. Shepherd

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
10-10-25 [[23](#)]

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 3, 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.

13. [25-24538](#)-B-13 LEEANN KRIER
[LGT](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
10-9-25 [[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 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 opposition was filed by debtor Leeann Krier ("Debtor"), it does not appear that proper notice was given to the Chapter 13 Trustee. Therefore, the objection to confirmation will be continued to November 19, 2025, at 1:00 p.m. to allow Debtor to properly serve its opposition.

Furthermore, Debtor shall provide the requested documents to the Trustee and file amended Schedules I, J, and Statement of Financial Affairs. A review of the court's docket shows that Debtor has filed amended Schedule C.

The court will issue an order.

14. [25-24738](#)-B-13 JUAN PEREZ
[LGT](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
10-9-25 [[12](#)]

Final Ruling

The *initial* Chapter 13 Plan filed September 2, 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 November 19, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

Amended Schedule I must be filed to clarify the discrepancy between Debtor's pay advices and the wages listed on the schedule. Additionally, the attachment to Schedule I that provides for Debtor's business income and expenses needs to be filed. Without this information, it cannot be determined whether Debtor's plan is feasible and pays all projected disposable income for the applicable commitment period to Debtor's general unsecured creditors. 11 U.S.C. §§ 1325(a)(6), (b)(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 November 7, 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 November 19, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on November 19, 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. [25-24139](#)-B-13 SILVIA GARCIA CONTINUED OBJECTION TO
[LGT](#)-1 Julius J. Cherry CONFIRMATION OF PLAN BY
Thru #18 LAKEVIEW LOAN SERVICING, LLC
9-30-25 [[21](#)]

DEBTOR DISMISSED: 10/21/25

Final Ruling

The case having been dismissed on October 21, 2025, the objection to confirmation of plan is overruled as moot.

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

The court will issue an order.

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

DEBTOR DISMISSED: 10/21/25

Final Ruling

The case having been dismissed on October 21, 2025, the objection to confirmation of plan is overruled as moot.

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

The court will issue an order.

17. [25-24139](#)-B-13 SILVIA GARCIA CONTINUED OBJECTION TO
[SKI](#)-1 Julius J. Cherry CONFIRMATION OF PLAN BY
AMERICREDIT FINANCIAL SERVICES,
INC.
9-10-25 [[12](#)]

DEBTOR DISMISSED: 10/21/25

Final Ruling

The case having been dismissed on October 21, 2025, the objection to confirmation of plan is overruled as moot.

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

The court will issue an order.

18. [25-24139](#)-B-13 SILVIA GARCIA
[SKI](#)-2 Julius J. Cherry

MOTION FOR RELIEF FROM
AUTOMATIC STAY
9-30-25 [[23](#)]

MERCEDES-BENZ VEHICLE TRUST
VS.
DEBTOR DISMISSED: 10/21/25

Final Ruling

The case having been dismissed on October 21, 2025, the motion for relief from stay is denied as moot.

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

The court will issue an order.

19. [25-90039](#)-B-13 MICHAEL INDERBITZIN MOTION TO CONFIRM PLAN
[THN](#)-4 Teresa Thu Huong Hung-Nguyen 9-19-25 [[81](#)]

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 third 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.

20. [25-24547](#)-B-13 ANGELA CLEMENTS
[LGT](#)-1 Simran Singh Hundal

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
10-9-25 [[22](#)]

CONTINUED TO 12/02/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 11/20/25.

Final Ruling

No appearance at the November 4, 2025, hearing is required. The court will issue an
order.

21. [25-90449](#)-B-13 ANNE TAYLOR
AM-1 Andrew A. Moher
Thru #22

MOTION TO CONFIRM PLAN
9-17-25 [[29](#)]

DEBTOR DISMISSED: 10/28/25

Final Ruling

The case having been dismissed on October 28, 2025, the motion to confirm plan is denied as moot.

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

The court will issue an order.

22. [25-90449](#)-B-13 ANNE TAYLOR
[LGT](#)-2 Andrew A. Moher
DEBTOR DISMISSED: 10/28/25

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
9-19-25 [[33](#)]

Final Ruling

The case having been dismissed on October 28, 2025, the objection to claim of exemptions is overruled as moot.

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

The court will issue an order.

23. [25-24450](#)-B-13 GUY MEYERS
[GRI-2](#) Eric L. Seyvertsen
Thru #24

OBJECTION TO CONFIRMATION OF
PLAN BY TIM PICKETT
10-14-25 [[33](#)]

Final Ruling

The *initial* Chapter 13 Plan filed August 21, 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 November 19, 2025, at 1:00 p.m., conditionally sustain the objection for reasons stated at Item #24, LGT-1, and deny confirmation of the plan.

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 November 7, 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 November 19, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on November 19, 2025, at 1:00 p.m.

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

The court will issue an order.

24. [25-24450](#)-B-13 GUY MEYERS
[LGT-1](#) Eric L. Seyvertsen

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
10-10-25 [[29](#)]

Final Ruling

The *initial* Chapter 13 Plan filed August 21, 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 November 19, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

First, the plan provides for the payment of fees in excess of the fixed compensation allowed in Local Bankr. R. 2016-1(c). The plan proposes to pay a monthly dividend of \$11,500.00 per month toward attorney fees for the remaining balance of \$11,500.00. Local Bankruptcy Rule 2016-1(c)(4)(C) allows for the maximum monthly dividend of \$1,642.86 to be paid to Debtor's counsel.

Second, Debtor will not be able to make all payments under the plan and comply with the plan. 11 U.S.C. § 1325(a)(6). The plan proposes payment to Class 1 creditor Tim Pickett at \$626,261.33 per month and an attorney fee dividend of \$11,500.00 per

month. These monthly payments total \$685,764.87 with Trustee's compensation and expense. Debtor's plan payment is only \$3,200.00 per month. Accordingly, the plan is not feasible. Additionally, the plan must specify at what month to pay the Class 1 claim holder in full.

Third, Debtor has not filed all required state tax returns for all taxable periods ending during the 4-year period ending on the petition filing date. 11 U.S.C. § 1325(a)(9). According to the Franchise Tax Board's proof of claim no. 4, Debtor did not file tax returns for 2022, 2023, and 2024.

Fourth, amended Schedule I must be filed showing rental property income and expenses so a complete feasibility analysis can be performed.

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 November 7, 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 November 19, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on November 19, 2025, at 1:00 p.m.

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

The court will issue an order.

25. [24-22057](#)-E-13 KENNETH HAHN AND PATTI MOTION TO SELL
[PLG](#)-3 SAVAGE-HAHN 9-30-25 [[51](#)]
Steven A. Alpert

Final Ruling

The motion has been set for hearing on the notice required by 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). The defaults of the non-responding parties are entered.

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 grant the motion to sell.

The Bankruptcy Code permits Chapter 13 debtors to sell property of the estate after a noticed hearing. 11 U.S.C. §§ 363(b) and 1303. Debtors propose to sell property their fractional interest in real property at 939 NW Hwy 101 Building E Unit 402 Week C ("Second Fractional Interest") to Ryan S. Jennings. All proceeds from the sale of the Second Fractional Interest will be turned over to the Chapter 13 Trustee for the benefit of all creditors.

Prior to this hearing, the court granted Debtors' motion to transfer fractional interest in real property at 939 NW Hwy 101 Building E Unit 402 Week H ("First Fractional Interest") to Debtor Kenneth Hahn's cousin and his wife. Dkt. 58.

The Chapter 13 Trustee filed a non-opposition to the sale of the Property.

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

Debtors' attorney shall submit an order consistent with the Trustee's standard sale language. The order shall be approved by the Trustee.

26. [25-24664](#)-B-13 JAMES/JUDITH JOHNSON
[LGT](#)-1 Gabriel E. Liberman

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
10-10-25 [[14](#)]

Final Ruling

The *initial* Chapter 13 Plan filed August 29, 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 November 19, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

First, the plan provides payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). The current proposed payments cause the plan to take 62.19 months to fund. Calculations indicate that Debtors' plan payments will need to be at least \$2,233.75 per month for the plan term of 60 months in order to be feasible. In addition, the plan proposes to pay \$8,082.99 at 18% interest to Class 2(A) claim holder Sacramento County at a monthly dividend of \$134.72 per month. This dividend will take 154.64 months to fund. The monthly dividend will need to be increased to \$205.25 per month to fund in 60 months.

Second, the Disclosure of Compensation of Attorney for Debtor form filed on August 29, 2025 is incorrect. In regard to question 5, the required language of the standard form is missing. The form does not match that of the standardized form as provided on the Eastern District of California court's website.

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 November 7, 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 November 19, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on November 19, 2025, at 1:00 p.m.

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

The court will issue an order.

27. [25-24665](#)-B-13 JACQUELINE/OSCAR NAVARRO OBJECTION TO CONFIRMATION OF
[JCW](#)-1 Flor De Maria A. Tataje PLAN BY U.S. BANK NATIONAL
Thru #28 ASSOCIATION
10-6-25 [[15](#)]

CONTINUED TO 12/09/25 AT 1:00 P.M. TO ALLOW DEBTORS TO FILE AN OBJECTION TO PROOF OF CLAIM NO. 4-1.

Final Ruling

No appearance at the November 4, 2025, hearing is required. The court will issue an order.

28. [25-24665](#)-B-13 JACQUELINE/OSCAR NAVARRO OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Flor De Maria A. Tataje PLAN BY LILIAN G. TSANG
10-14-25 [[19](#)]

CONTINUED TO 12/09/25 AT 1:00 P.M. TO ALLOW DEBTORS TO FILE AN OBJECTION TO PROOF OF CLAIM NO. 4-1 AND FOR MOTIONS TO VALUE COLLATERAL TO BE DETERMINED.

Final Ruling

No appearance at the November 4, 2025, hearing is required. The court will issue an order.

29. [22-22567](#)-E-13 TERRANCE/SACHA HALL
[PGM](#)-5 Peter G. Macaluso

MOTION TO MODIFY PLAN
9-23-25 [[125](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 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). 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 permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtors have filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, 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.

30. [24-90467](#)-B-13 MICHELLE/GABRIEL TERRY MOTION TO SELL
[SLH](#)-4 Seth L. Hanson 10-9-25 [[76](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

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 conditionally grant the motion to sell and continue the matter to November 19, 2025, at 1:00 p.m.

The Bankruptcy Code permits a Chapter 13 debtor to sell property of the estate after a noticed hearing. 11 U.S.C. §§ 363(b) and 1303. Debtors propose to sell property described as 389 Celia Court, Oakdale, California ("Property").

Proposed purchasers Robert M. Resz and Venessa N. Resz agreed to purchase the Property for \$575,000.00. Debtors currently owe approximately \$211,292.00 on a deed of trust and note in favor of ServBank, Sb. The net proceeds after payment of the current mortgage, closing costs, and fees will be \$326,743.65. Debtors are prepared to pay the remainder of their 100% plan to the Chapter 13 Trustee at the close of escrow by paying all net sale proceeds to the Trustee.

The Chapter 13 Trustee filed a response that, while not opposing the motion, states that Debtors are delinquent \$19,800.00 with an additional plan payment of \$4,950.00 due October 25, 2025.

Based on the evidence before the court, the court determines that the proposed sale is in the best interest of the estate. The motion is conditionally granted.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, November 7, 2025, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee, Creditor, and Debtors by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted 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 November 19, 2025, at 1:00 p.m. will be vacated. Furthermore, Debtors' attorney shall submit an order consistent with the Trustee's standard sale language. The order shall be approved by the Trustee.

If an opposition or response is timely filed and served, the court will hear the motion on November 19, 2025, at 1:00 p.m.

31. [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 12/02/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 11/19/25.

Final Ruling

No appearance at the November 4, 2025, hearing is required. The court will issue an
order.

32. [25-22575](#)-B-13 RASHPAL BANSAL
[KMM](#)-1 Joshua Sternberg
Thru #33

CASE DISMISSED: 10/30/25

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY WELLS
FARGO BANK, NATIONAL
ASSOCIATION
7-9-25 [[17](#)]

Final Ruling

The case having been dismissed on October 30, 2025, the objection to confirmation of plan is overruled as moot.

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

The court will issue an order.

33. [25-22575](#)-B-13 RASHPAL BANSAL
[LGT](#)-1 Joshua Sternberg

CASE DISMISSED: 10/30/25

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
7-3-25 [[14](#)]

Final Ruling

The case having been dismissed on October 30, 2025, the objection to confirmation of plan is overruled as moot.

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

The court will issue an order.

34. [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](#)]

Final Ruling

The *initial* Chapter 13 Plan filed July 1, 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 November 19, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

First, the homestead exemption exceeds the allowed statutory limit. Debtors assert a homestead exemption in the amount of \$600,000.00 for their residence located in Amador County. However, the applicable countywide median sale price for a single-family home in Amador County is \$440,750.00.

Second, the Class 4 mortgage is improperly classified and must be moved to Class 1 since the loan is delinquent. The Secretary of Veteran Affairs, serviced by PHH Mortgage Corporation, has filed proof of claim no 34-1 listing pre-petition mortgage arrears in the amount of \$5,788.98. The mortgage is delinquent at the time of filing and must be classified as a Class 1 claim to be paid through the plan.

Third, a vehicle loan financed with Golden One Credit Union is improperly classified as Class 4 since it matures during the plan term. According to the proof of claim filed by Golden One C.U., the expected payoff date is June 1, 2028. Therefore, the vehicle loan matures during the pendency of this case and must be paid for through the plan.

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 November 7, 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 November 19, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on November 19, 2025, at 1:00 p.m.

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

The court will issue an order.

35. [25-23077](#)-B-13 DENNIS MILLER
[NAR](#)-1 Natali A. Ron

MOTION TO CONFIRM PLAN
9-8-25 [[18](#)]

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). An opposition was filed by the Chapter 13 Trustee and subsequently withdrawn. 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.

36. [25-24677](#)-B-13 LEO BRACAMONTE MOTION TO VALUE COLLATERAL OF
[FAT](#)-1 Flor De Maria A. Tataje WELLS FARGO AUTO
[Thru #38](#) 10-7-25 [[21](#)]

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 Wells Fargo Auto at \$11,069.00.

Debtor moves to value the secured claim of Wells Fargo Auto ("Creditor"). Debtor is the owner of a 2014 Chevrolet Truck Silverado 1500 ("Vehicle"). The Debtor seeks to value the Vehicle at a replacement value of \$11,069.00 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 Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, 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 September 21, 2021, which is more than 910 days prior to filing of the petition, to secure a debt owed to Creditor with a balance of approximately \$14,587.54. 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 \$11,069.00. 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.

37. [25-24677](#)-B-13 LEO BRACAMONTE OBJECTION TO CONFIRMATION OF
[KMM](#)-1 Flor De Maria A. Tataje PLAN BY WELLS FARGO BANK, N.A.
10-6-25 [[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). No written reply has been filed to the objection.

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 #38, LGT-1.

Wells Fargo Bank, N.A. ("Creditor") objects to confirmation of the plan on grounds that its claim secured by a 2014 Chevrolet Truck Silverado 1500 is provided for in Class 2B in the amount of \$11,069.00. Creditor states that the value of its collateral should be no less than \$14,587.54.

In light of the court's decision granting the motion to value collateral at Item #36, FAT-1, Creditor's objection is overruled.

Nonetheless, the plan filed August 29, 2025, does not comply with 11 U.S.C. §§ 1322 and 1325(a) for reasons stated at Item #38, LGT-1, and is not confirmed.

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

The court will issue an order.

38. [25-24677](#)-B-13 LEO BRACAMONTE OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Flor De Maria A. Tataje PLAN BY LILIAN G TSANG
10-9-25 [[25](#)]

Final Ruling

The *initial* Chapter 13 Plan filed August 29, 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 November 19, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

Debtor has submitted additional payment advices for the time period of February 5, 2025, through July 30, 2025, which evidences earnings of \$79,494.56 or an average of \$13,249.09. Debtor's Form 122C-1 at Line 2 lists the average monthly income received during the 6 full months before filing of the bankruptcy case as \$12,087.57. Debtor must provide amended documents which accurately reflect the Debtor's income from employment or a declaration explaining the discrepancy.

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 November 7, 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 November 19, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on November 19, 2025, at 1:00 p.m.

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

The court will issue an order.

39. [25-24990](#)-B-13 REMARCABLE HILL MOTION FOR RELIEF FROM
[RDW](#)-1 Peter G. Macaluso AUTOMATIC STAY AND/OR MOTION
Thru #40 FOR ADEQUATE PROTECTION
10-20-25 [[16](#)]

ADAM L. FURMAN AND DANA H.
FURMAN, TRUSTEE OF THE
FURMAN FAMILY TRUST VS.

CONTINUED TO 11/19/25 AT 1:00 P.M. TO ALLOW DEBTOR TO FILE WRITTEN OPPOSITION ON OR
BEFORE 11/04/25 PER STIPULATION BETWEEN THE PARTIES.

Final Ruling

No appearance at the November 4, 2025, hearing is required. The court will issue an
order.

40. [25-24990](#)-B-13 REMARCABLE HILL MOTION FOR RELIEF FROM
[RDW](#)-2 Peter G. Macaluso AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
10-21-25 [[23](#)]

ROGER E. LARSEN AND
ELIZABETH E. LARSEN,
TRUSTEES OF THE LARSEN
FAMILY TRUST VS.

CONTINUED TO 11/19/25 AT 1:00 P.M. TO ALLOW DEBTOR TO FILE WRITTEN OPPOSITION ON OR
BEFORE 11/04/25 PER STIPULATION BETWEEN THE PARTIES.

Final Ruling

No appearance at the November 4, 2025, hearing is required. The court will issue an
order.

41. [25-22498](#)-B-13 VILMA DELEON-MIRANDA AND MOTION FOR ORDER AUTHORIZING
[JCW](#)-1 JOSE MIRANDA-VACA PARTIAL CLAIM DEED OF TRUST AND
Thru #42 Peter G. Macaluso SUBORDINATE NOTE
9-26-25 [[39](#)]

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 order authorizing partial claim deed of trust and subordinate note.

U.S. Bank National Association ("Movant") requests an order authorizing partial claims deed of trust and subordinate note ("Agreement") regarding the real property generally described as 3116 Sonata Circle, Stockton, California ("Property").

Debtors are in default under the current loan terms and are unable to cure and maintain the required monthly payments required under the first deed of trust and note. Debtors applied for loss mitigation as an effort to resolve that delinquency. The Agreement provides Debtors with a partial claim amount of \$40,603.33. The partial claim will be held by the Secretary of Housing and Urban Development ("HUD"), bears no interest, and shall be subordinate to the first deed of trust.

The Agreement only cures the existing default under the note in the amount of \$40,603.33. HUD advanced funds in the amount of \$40,603.33 on behalf of the Debtor by curing the default on the loan with Movant. Debtor will repay the funds back to HUD. All terms under the existing note and deed of trust were not modified.

Based on the foregoing, the motion is granted.

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

The court will issue an order.

42. [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 12/02/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 11/19/25.

Final Ruling

No appearance at the November 4, 2025, hearing is required. The court will issue an order.

Final Ruling

The motion has been set for hearing on an order shortening time by Local Bankruptcy Rule 9014-1(f)(3). Since the time for service is shortened to fewer than 14 days, no written opposition is required. Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues that are necessary and appropriate to the court's resolution of the matter.

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 conditionally grant the motion to sell and continue the matter to November 19, 2025, at 1:00 p.m.

The Bankruptcy Code permits Chapter 13 debtors to sell property of the estate after a noticed hearing. 11 U.S.C. §§ 363(b) and 1303. Debtors propose to sell property described as 9641 Tanglewood Circle, Orangevale, California ("Property").

Proposed purchaser NorCal Homes and Development LLC agreed to purchase the Property for \$435,000.00. Debtors currently owe approximately \$280,397.13 to Freedom Mortgage, holder of the first deed of trust against the Property. Additionally, Zions Bank, National Association for Ygrene holds a lien in the amount of \$24,864.59. Debtors state that they will receive approximately \$118,750.36 from the sale and that the remainder of funds will be used to pay off the chapter 13 plan.

The Chapter 13 Trustee filed a non-opposition to the sale of the Property.

Based on the evidence before the court, the court determines that the proposed sale is in the best interest of the estate. The motion is conditionally granted.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(3), any party in interest shall have until 5:00 p.m. on Friday, November 7, 2025, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee, Creditor, and Debtors by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted 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 November 19, 2025, at 1:00 p.m. will be vacated. Furthermore, Debtors' attorney shall submit an order consistent with the Trustee's standard sale language. The order shall be approved by the Trustee.

If an opposition or response is timely filed and served, the court will hear the motion on November 19, 2025, at 1:00 p.m.

Final Ruling

The motion has been set for hearing on an order shortening time by Local Bankruptcy Rule 9014-1(f)(3). Since the time for service is shortened to fewer than 14 days, no written opposition is required. Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues that are necessary and appropriate to the court's resolution of the matter.

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 conditionally grant the motion to incur debt provided that Debtor Sean Laurant ("Debtor") files a supplemental declaration by 5:00 p.m. November 7, 2025, explaining how he found the vehicle, his relationship to Ana Avina-Perez ("Avina-Perez"), and who will maintain the car insurance.

Debtor seeks permission to rent a 2020 Honda Accord ("Vehicle") for \$577.00 per month from Avina-Perez until the end of the chapter 13 plan term. Debtor needs to rent a car to drive from his residence in Suisun City to work in San Jose. The Vehicle is necessary for Debtor to maintain his employment to pay his chapter 13 plan payments. Debtor's car was totaled on August 28, 2025, and he has been unsuccessful obtaining a car from four different dealerships due to his active bankruptcy and despite his step-father acting as co-signor.

Renting a car through Enterprise, Hertz, or Budget is less cost effective since it amounts to approximately \$1,120.00 per month. Additionally, renting the car from Avina-Perez is less than his car payment of \$879.00 per month through the confirmed chapter 13 plan. Avina-Perez herself has recently lost her job and cannot afford the monthly Vehicle payment of \$577.00. Avina-Perez has also offered Debtor the option to purchase the Vehicle after the chapter 13 bankruptcy is completed.

Opposition was filed by the Chapter 13 Trustee stating that Debtor has not explained how he found the Vehicle, his relation, if any, to Avina-Perez, and who will be maintaining car insurance.

Discussion

A motion to incur debt is governed by Federal Rule of Bankruptcy Procedure 4001(c). *In re Gonzales*, No. 08-00719, 2009 WL 1939850, at *1 (Bankr. N.D. Iowa July 6, 2009). Rule 4001(c) requires that the motion list or summarize all material provisions of the proposed credit agreement, "including interest rate, maturity, events of default, liens, borrowing limits, and borrowing conditions." Fed. R. Bankr. P. 4001(c)(1)(B). Moreover, a copy of the agreement must be provided to the court. *Id.* at 4001(c)(1)(A). The court must know the details of the collateral as well as the financing agreement to adequately review post-confirmation financing agreements. *In re Clemons*, 358 B.R. 714, 716 (Bankr. W.D. Ky. 2007).

The court finds that the proposed credit, based on the unique facts and circumstances of this case, is reasonable but that further clarification from the Debtor is necessary. Provided that the aforementioned supplemental declaration is timely filed by Debtor, the motion will be granted.

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

The court will issue an order.

45. [25-25043](#)-B-13 YING SHI ZHANG
Jennifer B. Reichhoff

CONTINUED ORDER TO SHOW CAUSE
FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
10-3-25 [[13](#)]

Final Ruling

This matter was continued from October 28, 2025, to allow counsel Jennifer B. Reichhoff to file a declaration by 5:00 p.m. October 31, 2025, explaining whether the issue raised in the order to show cause has been resolved in the manner required by the Clerk's office. Counsel filed a timely declaration stating that the amended voluntary petition filed October 7, 2025, dkt. 28, resolved the error related to contact information discrepancy in PACER and the petition.

The order to show cause is ORDERED DISCHARGED and no sanctions are ordered.

The court will issue an order.

46. [24-25197](#)-B-13 DENISE REES
[LGT](#)-3 Peter G. Macaluso

CONTINUED MOTION TO DISMISS
CASE
9-16-25 [[84](#)]

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

Final Ruling

No appearance at the November 4, 2025, hearing is required. The court will issue an order.