

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

November 10, 2015 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.	15-90702-D-13 RDG-1	VIRGINIA ZEPEDA	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 9-4-15 [15]
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Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

2.	13-90205-D-13 PGM-10	MATTHEW/JOSIELYNN CRUDO	MOTION TO MODIFY PLAN 10-2-15 [200]
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Final ruling:

This matter is continued to November 17, 2015 at 10:00 a.m. (TO BE HEARD IN THE SACRAMENTO DIVISION.) No appearance is necessary on November 10, 2015.

3. 13-90011-D-13 PAULINE MORIN MOTION TO APPROVE LOAN
PGM-2 MODIFICATION
10-13-15 [54]

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 to approve loan modification is supported by the record. As such the court will grant the motion by minute order. No appearance is necessary.

4. 15-90011-D-13 JOHN CURRY MOTION TO MODIFY PLAN
MSN-1 9-29-15 [35]

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 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.

5. 15-90418-D-13 CHRISTOPHER/MARY DAVIS MOTION TO AVOID LIEN OF
MSN-1 CITIBANK, N.A.
9-23-15 [37]

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 debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

6. 15-90418-D-13 CHRISTOPHER/MARY DAVIS MOTION TO AVOID LIEN OF CAPITAL
MSN-2 ONE BANK (USA), N.A.
9-23-15 [42]

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 debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

7. 15-90339-D-13 MARIANNE MAGATHEN MOTION TO CONFIRM PLAN
DCJ-1 9-17-15 [36]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the plan provides for the secured claim of Shellpoint Mortgage, a claim in the amount of \$33,394, at \$0 whereas the debtor has failed to seek an order valuing the claim, as required by LBR 3015-1(j).

For this reason, the motion will be denied and the court need not reach the issue raised by Ditech Financial, LLC, at this time. The motion will be denied by minute order. No appearance is necessary.

8. 15-90248-D-13 JOHN DELAO AND CONTINUED MOTION TO CONFIRM
MSN-1 ALEXANDRINA BARRERA PLAN
8-18-15 [33]

9. 14-90160-D-13 ANTHONY SANCHEZ MOTION TO MODIFY PLAN
MSN-1 9-29-15 [29]

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 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.

10. 15-90675-D-13 RYAN BRITTAIN CONTINUED OBJECTION TO
RDG-1 CONFIRMATION OF PLAN BY RUSSELL
D. GREER
9-4-15 [13]

11. 15-90379-D-13 GWENDOLYN BYRD MOTION TO APPROVE LOAN
WFM-1 MODIFICATION
10-6-15 [56]

12. 15-90397-D-13 DANIEL MITCHELL MOTION TO CONFIRM PLAN
DCJ-1 9-17-15 [48]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the plan provides for the secured claim of Schapiro-Thorn, a claim in the amount of \$233,333, at \$0 whereas the debtor has failed to seek an order valuing the claim, 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 and Schapiro-Thorn at this time. The motion will be denied by minute order. No appearance is necessary.

13. 10-91702-D-13 ROBIN/DENA CHAPIN MOTION TO VALUE COLLATERAL OF
JDP-9 VERIPRO SOLUTIONS, INC.
10-16-15 [155]

14. 10-94409-D-13 MARCUS SHAHEN MOTION TO VALUE COLLATERAL OF
DCJ-2 OCWEN LOAN SERVICING, LLC
10-23-15 [56]

15.	10-93225-D-13 CJY-1	MATTHEW/RACHELLE GARDETTE	MOTION TO INCUR DEBT 10-21-15 [96]
16.	12-91355-D-13 CJY-2	PABLO/ESPERANZA CASTRO	MOTION TO EXCUSE DEBTOR PABLO A. CASTRO FROM COMPLETING POST PETITION INSTRUCTIONAL COURSE AND THE U.S.C. SECTION 1328 CERTIFICATE OR CERTIFICATE OF CHAPTER 13 DEBTOR RE: 11 U.S.C. SECTION 522(Q) EXEMPTIONS 10-20-15 [27]
17.	12-91355-D-13 CJY-3	PABLO/ESPERANZA CASTRO	MOTION TO SUBSTITUTE ESPERANZA R. CASTRO AS THE REPRESENTATIVE FOR PABLO A. CASTRO 10-20-15 [32]
18.	13-90460-D-13 PBG-1	JAMES LOWSON	MOTION TO VALUE COLLATERAL OF CAVALRY SPV I, LLC 10-21-15 [23]

19.	13-90460-D-13 RDG-1	JAMES LOWSON	CONTINUED MOTION TO DISMISS CASE 9-25-15 [19]
20.	11-94369-D-13 DCJ-1	AMY MCGREW	MOTION TO VALUE COLLATERAL OF CITIMORTGAGE, INC. 10-23-15 [35]
21.	11-94369-D-13 RDG-1	AMY MCGREW	CONTINUED MOTION TO DISMISS CASE 9-25-15 [31]
22.	11-92376-D-13 PBG-2	JAMES WOLF	CONTINUED MOTION TO MODIFY PLAN 8-18-15 [118]

23.	15-90379-D-13 RAW-2	GWENDOLYN BYRD	CONTINUED MOTION TO CONFIRM PLAN 8-27-15 [43]
24.	11-93492-D-13 MLP-11	KEVIN/BOBBIE YOUNG	CONTINUED MOTION TO MODIFY PLAN 9-4-15 [196]
25.	15-90995-D-13 MRL-1	ANA MEJIA	MOTION TO AVOID LIEN OF UNIFUND CCR, LLC 10-23-15 [10]
26.	10-92094-D-13 JDP-2	RICHARD/PATRICIA PORTER	MOTION TO VALUE COLLATERAL OF DITECH FINANCIAL, LLC 10-21-15 [72]

27. 15-90499-D-13 KENNETH/TRACIE THORNE
RDW-1
CHEVRON FEDERAL CREDIT UNION
VS.

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY AND/OR
MOTION FOR ADEQUATE PROTECTION
8-10-15 [65]