

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Modesto, California

November 22, 2014 at 10:00 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 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.

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1.	16-90600-D-13	VALERIE AVITIA	MOTION FOR RELIEF FROM
	PEE-2		AUTOMATIC STAY
	MORGAN MANNER, LTD VS.		10-6-16 [54]

**Final ruling:**

This matter is resolved without oral argument. This is Morgan Manner, LTD's motion for relief from automatic stay to proceed with an unlawful detainer action. The court's 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 debtor was in default of the real property lease pre-petition and is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtor is not making post-petition payments, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

2. 16-90802-D-13 WILLIAM LEMMONS OBJECTION TO CONFIRMATION OF  
EAT-1 PLAN BY WELLS FARGO BANK, N.A.  
10-26-16 [31]
3. 16-90802-D-13 WILLIAM LEMMONS OBJECTION TO CONFIRMATION OF  
RDG-2 PLAN BY RUSSELL D. GREER  
10-24-16 [27]
4. 11-92806-D-13 MIGUEL/LOURDES RODRIGUEZ MOTION TO VALUE COLLATERAL OF  
CJY-1 J.P. MORGAN CHASE BANK, N.A.  
10-13-16 [59]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of J.P. Morgan Chase Bank, N.A. 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 J.P. Morgan Chase Bank, N.A.'s secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

5. 15-90206-D-13 KATRINA CHANDLER MOTION TO MODIFY PLAN  
MJD-1 10-18-16 [95]

6. 16-90909-D-13 STEFANIE LETSINGER  
MJH-1

MOTION TO VALUE COLLATERAL OF  
FIRST INVESTORS FINANCIAL  
SERVICES, INC.  
10-13-16 [12]

**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. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

7. 15-91217-D-13 HEATH/TIFFANY GRIGSBY  
JWS-2

MOTION TO VALUE COLLATERAL OF  
WARREN FEDERAL CREDIT UNION  
10-17-16 [50]

**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. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

8. 16-90749-D-13 ALEXANDER/JOANNE CAPOUS  
NFG-1

MOTION TO CONFIRM PLAN  
10-13-16 [29]

**Final ruling:**

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving papers include a docket control number that has been used for a previous motion in the case, contrary to LBR 9014-1(c)(1); (2) the proof of service does not include a docket control number, as required by LBR 9014-1(e)(3); (3) the moving parties failed to serve the creditor that filed Claim No. 1 at the address on its proof of claim, as required by Fed. R. Bankr. P. 2002(g); and (4) the moving parties failed to serve two of the creditors listed on their Schedule F - creditor nos. 4.15 and 4.16, one of which is listed as holding the second largest unsecured claim in the case. Thus, the moving parties failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(b).

As a result of these service and other procedural defects, the motion will be denied by minute order. No appearance is necessary.

9. 16-90749-D-13 ALEXANDER/JOANNE CAPOUS MOTION TO VALUE COLLATERAL OF  
NFG-1 STONESTEPS CAPITAL PARTNERS I,  
LLC  
10-4-16 [21]

10. 16-90755-D-13 DOUGLAS WATKINS OBJECTION TO DEBTOR'S CLAIM OF  
RDG-1 EXEMPTIONS  
10-7-16 [31]

**Final ruling:**

This is the trustee's objection to the debtor's claim of exemptions. The basis of the objection is that the debtor failed to file a spousal waiver to allow him to use the exemptions provided by Cal. Code Civ. Proc. § 703.140(b). On October 17, 2015 the debtor filed a spousal waiver in the correct form signed by the debtor and his spouse. As a result of the filing of the spousal waiver, the objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

11. 16-90459-D-13 RICARDO/GABRIELA SALVADOR MOTION TO CONFIRM PLAN  
CJY-1 9-30-16 [26]

12. 14-90861-D-13 BRIAN/KIMARY NELSON MOTION TO VALUE COLLATERAL OF  
CJY-1 FRANCHISE TAX BOARD  
10-14-16 [35]

**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. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

13. 16-90362-D-13 KRISTOPHER/JULIE NABORS MOTION TO CONFIRM PLAN  
BSH-2 10-11-16 [51]
14. 16-90167-D-13 LORENZO OJEDA MOTION TO CONFIRM PLAN  
CAS-4 9-29-16 [117]
15. 15-91170-D-13 MONIQUE PULIDO MOTION TO MODIFY PLAN  
CJY-2 9-30-16 [30]

**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.

16. 11-93274-D-13 FRANK/LISA PEACOCK ORDER TO SHOW CAUSE  
10-24-16 [82]

17. 11-93274-D-13 FRANK/LISA PEACOCK CONTINUED MOTION FOR WAIVER OF  
SDM-3 THE CERTIFICATION REQUIREMENTS  
FOR ENTRY OF DISCHARGE  
9-29-16 [75]
18. 16-90775-D-13 KANDACE ATKINS OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
10-24-16 [24]
19. 11-93276-D-13 DAVID/ADRIENNE JONES MOTION TO VALUE COLLATERAL OF  
CJY-1 JP MORGAN CHASE BANK, N.A.  
10-26-16 [52]
20. 15-91177-D-13 ARTHUR/KATHERINE MARTIN MOTION TO MODIFY PLAN  
DCJ-5 10-3-16 [79]

**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.

21. 16-90777-D-13 EDUARDO PERAZA  
RDG-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
10-24-16 [14]

22. 16-90388-D-13 CRISTINA ZAMUDIO  
CAS-3

MOTION TO CONFIRM PLAN  
10-3-16 [48]

**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 Freedom Mortgage, the debtor's mortgage company and holder of the largest claim in the case, at the address on its proof of claim, as required by Fed. R. Bankr. P. 2002(g).

As a result of this service defect, the motion will be denied and the court need not address the trustee's opposition at this time. The motion will be denied by minute order. No appearance is necessary.

23. 16-90089-D-13 DENNIS/TONYA SHUFORD  
CJY-1

MOTION TO MODIFY PLAN  
10-11-16 [19]

**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.

24. 12-91395-D-13 SEFERINO/MARIA LEMUS  
TOG-2

CONTINUED MOTION TO MODIFY PLAN  
7-29-16 [54]

25. 15-90909-D-13 MA RHEA PERSIC  
CJY-3

MOTION TO APPROVE LOAN  
MODIFICATION  
11-7-16 [57]

26. 16-91018-D-13 RONI OSMAN  
MS-1

MOTION TO EXTEND AUTOMATIC STAY  
11-7-16 [9]

27. 16-90219-D-13 SHARON HAMILTON  
DCJ-1

CONTINUED MOTION TO CONFIRM  
PLAN  
9-13-16 [49]

28. 16-90327-D-13 FREDERICK/MARY JOHNSTON  
PBG-1

CONTINUED MOTION TO CONFIRM  
PLAN  
9-26-16 [49]

**JOINT DEBTOR DISMISSED:  
07/27/2016**



29.	16-90935-D-13 SJS-2	ANTONIO LOA AND CHRISTY RAMIREZ	CONTINUED MOTION TO VALUE COLLATERAL OF PREFERRED CREDIT, INC. 10-14-16 [20]
30.	16-90935-D-13 SJS-1	ANTONIO LOA AND CHRISTY RAMIREZ	CONTINUED MOTION TO EXTEND AUTOMATIC STAY 10-13-16 [14]
31.	11-90646-D-13 CJY-2	LAMBERT/MICHELE ADI	MOTION TO AVOID LIEN OF HOUSEHOLD FINANCE CORPORATION 11-2-16 [73]
32.	16-90755-D-13 RDG-2	DOUGLAS WATKINS	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 10-7-16 [34]

33. 11-93670-D-13 DAVID WINE  
MTM-2

MOTION TO INCUR DEBT  
10-31-16 [58]

34. 14-91185-D-13 DAVID/ESPERANZA HARRIS  
DCJ-2

CONTINUED MOTION TO MODIFY PLAN  
9-27-16 [45]