

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

November 29, 2022 at 1:30 p.m.

1. [21-24304](#)-C-13 ARMANDO/BETH DEL REAL
GC-1 Gerald Glazer

OBJECTION TO CLAIM OF WELLS
FARGO BANK, N.A., CLAIM NUMBER
17
10-5-22 [[25](#)]

Thru #2

Final Ruling: No appearance at the November 29, 2022 hearing is required.

Hearing continued to January 10, 2023 at 1:30pm.

The Objection has been set on Local Rule 3007-1(b)(1) procedure which requires 44 days' notice. The Proof of Service shows that 55 days' notice was provided. Dkt. 29.

The Objection to Proof of Claim is continued to January 10, 2023, at 1:30 p.m.

Debtors, Armando and Beth Del Real, requests that the court disallow the claim of Wells Fargo Bank N.A. as Trustee for The Mastr Asset Backed Securities Trust 2007-NCW Mortgage Pass Through Certificates 2007 NCW c/o Specialized Loan Servicing LLC ("Creditor"), Proof of Claim No. 17 ("Claim"). The Claim is asserted to be secured in the amount of \$230,438.74. Debtor asserts that proof of claim improperly calculates the monthly mortgage payment as \$1,750 and lists a negative escrow balance of \$15,279 that is for unpaid water and sewage.

Creditor responds that the monthly payment properly includes the projected escrow shortage and the escrow deficiency for funds advanced.

Section 502(a) provides that a claim supported by a Proof of Claim is allowed unless a party in interest objects. Once an objection has been filed, the court may determine the amount of the claim after a noticed hearing. 11 U.S.C. § 502(b). It is settled law in the Ninth Circuit that the party objecting to a proof of claim has the burden of presenting substantial factual basis to overcome the prima facie validity of a proof of claim and the evidence must be of probative force equal to that of the creditor's proof of claim. *Wright v. Holm (In re Holm)*, 931 F.2d 620, 623 (9th Cir. 1991); see also *United Student Funds, Inc. v. Wylie (In re Wylie)*, 349 B.R. 204, 210 (B.A.P. 9th Cir. 2006). The burden then shifts back to the claimant to produce evidence meeting the objection and establishing its claim. *Wylie*, 349 B.R. at 210.

The parties have filed a notice of settlement and have requested to continue the hearing to January 10, 2023 at 1:30 p.m.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to Claim filed in this case by the Debtors, Armando and Beth Del Real, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection to Proof of Claim Number 17 of Wells Fargo Bank N.A. as Trustee for The Mastr Asset Backed Securities Trust 2007-NCW Mortgage Pass Through Certificates 2007 NCW c/o Specialized Loan Servicing LLC is continued to January 10, 2023 at 1:30 p.m.

2. [21-24304](#)-C-13 ARMANDO/BETH DEL REAL MOTION TO COMPEL
GC-2 Gerald Glazer 11-15-22 [[34](#)]

Final Ruling: No appearance at the November 29, 2022 hearing is required.

Hearing continued to January 10, 2023 at 1:30 p.m.

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 38.

The Motion to Compel is continued to January 10, 2023 at 1:30 p.m.

Armando and Beth Del Real ("Debtors") filed this Motion seeking an order to compel Wells Fargo Bank ("Creditor") to produce documents associated with the debtors objection to creditor's proof of claim DCN GC-1.

Debtors' counsel represents he sent a request for production of documents pursuant to FRCP 34 on October 5, 2022 and no response has been received to the request. Counsel further represents he made a good faith effort after 30 days to obtain the documents and no response was received.

Federal Rule of Civil Procedure 34 as incorporated by Federal Rule of Bankruptcy Procedure 7034 and 9011 allows a party to obtain discovery of documents from another party in a contested matter. Federal Rule of Civil Procedure 37 as incorporated by Federal Rule of Bankruptcy Procedure 7037 allows a party that has made a discovery request to move for an order compelling discovery if the party seeking discovery has made a good faith effort to obtain it without court action. Fed. R. Bankr. P. 7037(a).

The parties have filed a notice of settlement and have requested to continue the hearing on the objection to proof of claim (item 1 above) to January 10, 2023 at 1:30 p.m. The settlement should resolve this motion and, therefore, this hearing is also continued to January 10, 2023 at 1:30 p.m.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The motion to compel documents filed in this case by the Debtors, Armando and Beth Del Real, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the motion to compel the production of documents is continued to January 10, 2023 at 1:30 p.m.

3. [22-22519](#)-C-13 JOHN FERRELL
[RDG](#)-1 Thomas Amberg

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
11-15-22 [[30](#)]

Final Ruling: No appearance at the November 29, 2022 hearing is required.

The movant having filed a Notice of Dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041, **the Motion was dismissed without prejudice, and the matter is removed from the calendar.**

4. [16-26531](#)-C-13 HAL BUETTNER AND MICHELE MOTION TO CONSOLIDATE LEAD CASE
[22-2015](#) ELKINS 22-02015 WITH ADVERSARY PROCEEDING
PGM-1 Peter Macaluso NOS. 22-02038 and 22-02092
11-1-22 [[32](#)]

BUETTNER, III ET AL
V.RESIDENTIAL FUNDING

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) notice which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 41.

The Motion to Consolidate Adversary Proceedings is xxxxxx

Debtors, Hal Buettner, III and Michele Elkins, filed this Motion pursuant to Fed. R. Civ. Pro. 42(a) seeking the court to consolidate their adversary proceeding against PHH Mortgage Services, Inc. for the purposes of discovery and trial with Cases Nos 22-02038 - Krone v. PHH Mortgage Services, Inc., et al. - and 22-02092 - Lakhat v. PHH Mortgage Services, Inc., et al. Debtors contend the questions of law and fact are the same.

Debtors represent that consolidation is appropriate for the following reasons:

- 1) Common bankruptcy procedures exist in each case;
- 2) Common final orders of motions to value exist in each case;
- 3) Common final orders of confirmation of Chapter 13 plans exist in each case;
- 4) Common final orders of discharge exist in each case;
- 5) Common final orders exist that value the second deeds of trusts at \$0.00 and were discharged;
- 6) A common duty exists to release the second deed of trust pursuant to the Chapter 13 plan and discharge;
- 7) A common statutory duty exists under Cal. Civ. C. § 2941(d) to reconvey the remaining deed of trust to the debtors within 30 days; and
- 8) The defendant ignores the duty to reconvey the second deed of trust in each case.

Debtors further assert consolidation conserves the time and resources of all parties, including the court. Finally, debtors contend that there is no risk of prejudice nor confusion by this court.

Defendants, Residential Funding Corporation, Ocwen Loan Servicing,

LLC, and PHH Mortgage Corporation oppose the motion because the adversary proceedings are distinct actions involving three distinct transactions and theories of recovery. Further, defendants represent that consolidation will not change the trajectories of the case because each case has different parties, procedural posture, material facts, and defenses. They further contend that consolidation will only delay adjudication of the Buettner and Elkins' case because discovery is already closed and there is a forthcoming summary judgement motion.

Defendants assert that consolidation is not appropriate here because full reconveyance of the deeds occurred at different relative times to discharge and give rise to different defenses in each case.

DISCUSSION

Rule 42(a) allows for the consolidation of actions pending before the court that involve a common question of law or fact. Fed. R. Civ. Pro. 42(a). Courts have broad discretion under Rule 42(a) to consolidate cases pending in the same district. Investors Research Co. v. U.S. Dist. Court for Cent. Dist. of California, 877 F.2d 777 (9th Cir. 1989). In considering a motion to consolidate, the court "weighs the saving of time and effort consolidation would produce against any inconvenience, delay, or expense that it would cause." Huene v. United States, 743 F.2d 703, 704 (9th Cir. 1984). The court may deny consolidation when the actions are at different stages of discovery, but is not required to do so. 9 C. Wright & A. Miller, Federal Practice and Procedure § 2383 (2022).

At the hearing

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to consolidate adversary proceedings filed by Hal Buettner, III and Michele Elkins ("Movant"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is **xxxxxx**

5. [21-23637](#)-C-13 JASON GRAHAM
[SLH](#)-1 Seth Hanson

MOTION TO RATIFY SALE OF
VEHICLE
10-28-22 [[19](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) notice which requires 28 days' notice. The Proof of Service shows that 32 days' notice was provided. Dkt. 22.

The Motion to Ratify the Sale of Property is Denied.

Debtor, Jason Graham filed this Motion pursuant to 11 U.S.C. §§ 363 and 1303 seeking the court to ratify the sale a 2019 Can-Am Spyder ("Property").

The purchaser of the Property was RumbleOn.com, and the purchase price was \$14,000. The debtor represents the property was disclosed on his schedule A/B and was fully exempted on Schedule C.

Debtor is seeking the court's permission since the motion has been brought after confirmation of his plan and prior to the completion of plan payments under the plan. Pursuant to Local Rule 3015-1(h)(1)(D), the court may approve an ex parte motion by the debtor to sell personal property with a value of \$1,000 or more provided that the debtor has filed with the motion the trustee's written consent.

Local Bankruptcy Rule 3015-1(h)(1)(D) further states:

The debtor's motion and the trustee's approval are their certification to the Court that:

- (i) the sale price represents a fair value for the subject property;
- (ii) All creditors with liens and security interests encumbering the subject property will be paid in full before or simultaneously with the transfer of title or possession to the buyer;
- (iii) All costs of sale, such as escrow fees, title insurance, and broker's commissions, will be paid in full from the sale proceeds;
- (iv) The debtor will not relinquish title to or possession of the subject property prior to payment in full of the purchase price; and
- (v) The sale is an arm's length transaction.

LBR 3015-1(h)(1)(D)(i)-(v) (emphasis supplied).

DISCUSSION

Although the debtor has apparently followed the Local Rule as to his certification of the sale, the debtor has failed to get the requisite approval of the trustee filed with the motion.

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to ratify the sale of Property filed by Jason Graham ("Movant"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 43 days' notice was provided. Dkt. 36.

The Motion to Confirm is Denied.

The debtors filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 32) filed on October 3, 2022.

The Chapter 13 Trustee filed an Opposition (Dkt. 37) on October 27, 2022, opposing confirmation on the following grounds:

1. Debtors are delinquent \$2,746.60 in plan payments;
2. Debtors' Disclosure of Compensation of Attorney contradicts the Rights and Responsibilities signed by debtor and their attorney;
3. The plan is not feasible because the payment in month 3 is not enough for the monthly payments and Trustee compensation and expenses; and
4. Trustee requests language in the order confirming that unsecured creditors shall receive no less than 100% plus interest at the federal judgement rate of 2.94%.

DISCUSSION

Debtors and their attorney have filed a new Disclosure of Compensation of Attorney (Dkt. 40) that appears to respond to the Trustee's 2nd grounds of opposition.

However, the debtor is \$2,746.60 delinquent in plan payments. Declaration, Dkt. 38. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan mathematically requires a payment of \$4,078.75 per month, which is greater than the proposed \$2,746.60 payment.

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtors, Derek and Denielle Mills, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

7. [22-21870](#)-C-13 JIMMY SUJANTO
[KLG-1](#) Arete Kostopoulos

MOTION TO CONFIRM PLAN
10-19-22 [[20](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 40 days' notice was provided. Dkt. 29.

The Motion to Confirm is Denied.

The debtor filed this Motion seeking to confirm the First Amended Chapter 13 Plan (Dkt. 22) filed on October 19, 2022.

The Chapter 13 Trustee filed an Opposition (Dkt. 31) on November 8, 2022, opposing confirmation on the following grounds:

1. The plan is not feasible because it references non-standard provisions in Section 7 of the plan, but fails to identify the non-standard provisions; and
2. The plan provides for payment to Nissan Motor Acceptance but does not provide for the amount claimed by creditor to be paid through the plan.

DISCUSSION

The debtor has supplied insufficient information relating to the referenced non-standard provisions to assist the Chapter 13 Trustee in determining the feasibility of the plan.

The debtor has not demonstrated the plan is feasible because the plan does not provide for the amount claimed by the creditor to be paid through the plan. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Jimmy Sujanto, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

8. [22-21477](#)-C-13 VICTOR NAVARRO AND MOTION TO CONFIRM PLAN
[FF-1](#) KRISTINA ZAPATA NAVARRO 10-14-22 [[42](#)]
Gary Fraley

Final Ruling: No appearance at the November 29, 2022 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 46 days' notice was provided. Dkt. 47.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Confirm is granted.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 45) filed on October 14, 2022.

No opposition to the Motion has been filed.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtors, Victor Manuel Navarro, Jr. and Kristina Louise Zapata Navarro, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, the debtor's Amended Chapter 13 Plan (Dkt. 45) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for the debtors shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 trustee for approval as to form, and if so approved, the trustee will submit the proposed order to the court.

9. [22-22980](#)-C-13 VALERIE RAMIREZ
[PGM](#)-1 Peter Macaluso

MOTION TO IMPOSE AUTOMATIC STAY
O.S.T.
11-17-22 [[11](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(3) that requires an Order Shortening Time, which was ordered on November 17, 2022 and requires 12 days notice. Dkt. 16. The Proof of Service shows that 12 days' notice was provided. Dkt. 15.

The Motion to Extend the Automatic Stay is Granted.

Valerie Ramirez ("Debtor") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) to be imposed in this case. Contrary to Debtor's counsel's assertion, this is Debtor's third bankruptcy petition pending in the past year. Debtor's prior bankruptcy case was dismissed on March, 2022, after Debtor failed to pay the requisite filing fees. Order, Bankr. E.D. Cal. No. 2021-21111, Dkt. 66. The Debtor's previous case before the last case was dismissed for delinquency under the confirmed plan. Order, Bankr. E.D. Cal. No. 2021-20133, Dkt. 22. Therefore, pursuant to 11 U.S.C. § 362(c)(4)(A), the provisions of the automatic stay shall not go into effect upon the filing of a later case.

Here, Debtor, in her declaration (dkt. 13) states that the instant case was filed in good faith and explains that the previous case was dismissed because she missed paying the filing fee installment by one day.

Upon motion of a party in interest and after notice and hearing, the court may order the provisions imposed if the filing of the subsequent petition was filed in good faith. 11 U.S.C. § 362(c)(4)(B).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. See, e.g., *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at *6 (Bankr. D. Haw. June 22, 2011) (citing *In re Elliott-Cook*, 357 B.R. 811, 815-16 (Bankr. N.D. Cal. 2006)). Courts consider many factors—including those used to determine good faith under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c)(3) are:

- A. Why was the previous plan filed?
- B. What has changed so that the present plan is likely to succeed?

In re Elliot-Cook, 357 B.R. at 814-15.

Debtor has sufficiently rebutted the presumption of bad faith under the facts of this case and the prior cases for the court to extend the automatic stay.

The Motion is granted, and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Extend the Automatic Stay filed by Valerie Ramirez having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, and the automatic stay is imposed pursuant to 11 U.S.C. § 362(c)(4)(B) for all purposes and parties, unless terminated by operation of law or further order of this court.

Final Ruling: No appearance at the November 29, 2022 hearing is required.

Hearing continued to January 10, 2023 at 1:30 p.m.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 38.

**The Motion to Convert Case to Chapter 7 is continued to
January 10, 2023 at 1:30 p.m.**

This Motion to Convert the Chapter 13 bankruptcy case of Robert Francis Koehler ("Debtor") has been filed by Drew and Elizabeth Prinz ("Movant"), a creditor. Movant asserts that the case should be dismissed or converted based on the following grounds:

- A. Debtor filed the current bankruptcy case in an inequitable manner and unfairly manipulated the Bankruptcy Code because he dismissed his first bankruptcy case after substantial time and expense was devoted to an Adversary Proceeding and contested matters to decide an exception to discharge, conversion of case to Chapter 7 and objections to claims of exemption.
- B. The debtor filed in bad faith because his second case was filed 23 days after the first bankruptcy case was voluntarily dismissed.
- C. The debtor's intent was to only defeat the state court litigation because both the first and second bankruptcy cases were filed within hours of adverse rulings by the state court.
- D. The debtor's behavior is egregious because he is using the bankruptcy system to avoid paying a judgment to an elderly client.

Movant also contends that conversion, rather than dismissal, is in the best interest of creditors because dismissal will require the movant to seek satisfaction of their claims through alternative means, whereas Chapter 7 will provide payment to the Movant as quickly as reasonably possible. Movant further argue that liquidation is the better alternative because the Debtor has a significant amount of non-exempt assets available to pay movant.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on August 11, 2022. Dkt. 41. Debtor states that movants and debtor agreed to stay the associated adversary proceeding until the cross appeals in state court have been resolved and there is no prejudice to creditors - who are the only creditors in the case - because there is sufficient equity beyond the debtor's claimed homestead exemption to pay creditors' judgement in full with interest and attorney fees. The debtor further contends that conversion could cause irreparable harm to debtor if liquidation occurs before the appeals are resolved in state court.

PRIOR HEARING

At the prior hearing on November 22, 2022, the motion was continued to allow the debtor time to file an amendment to the plan and would satisfy all of the Court's concerns whether cause exists to either convert to Chapter 7 or dismiss the case.

APPLICABLE LAW

Questions of conversion or dismissal must be dealt with a thorough, two-step analysis: "[f]irst, it must be determined that there is 'cause' to act[;] [s]econd, once a determination of 'cause' has been made, a choice must be made between conversion and dismissal based on the 'best interests of the creditors and the estate.'" Nelson v. Meyer (In re Nelson), 343 B.R. 671, 675 (B.A.P. 9th Cir. 2006) (citing Ho v. Dowell (In re Ho), 274 B.R. 867, 877 (B.A.P. 9th Cir. 2002)).

The Bankruptcy Code Provides:

[O]n request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause

11 U.S.C. § 1307(c). The court engages in a "totality of circumstances" test, weighing facts on a case-by-case basis and determining whether cause exists, and if so, whether conversion or dismissal is proper. Drummond v. Welsh (In re Welsh), 711 F.3d 1120, 1123 (9th Cir. 2013) (citing Leavitt v. Soto (In re Leavitt), 171 F.3d 1219 (9th Cir. 1999)). Bad faith is one of the enumerated "for cause" grounds under 11 U.S.C. § 1307. Nady v. DeFrantz (In re DeFrantz), 454 B.R. 108, 112 n.4 (B.A.P. 9th Cir. 2011) (citing In re Leavitt, 171 F.3d at 1224).

DISCUSSION

At the hearing **xxxxxxx**

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Convert the Chapter 13 case filed by Drew and Elizabeth Prinz("creditor") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Convert is continued to January 10, 2023 at 1:30 p.m.