

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: TUESDAY
DATE: DECEMBER 8, 2020
CALENDAR: 9:00 A.M. CHAPTER 13 CASES

RULINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling.

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. Non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: "**[Since posting its original rulings, the court has changed its intended ruling on this matter]**".

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g. nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [20-24503](#)-A-13 **IN RE: CASEY MOLLERA AND ANGELA MARBRAY**

OBJECTION TO CONFIRMATION OF PLAN BY FOUNDATION FINANCE
COMPANY

11-12-2020 [\[15\]](#)

JASMIN NGUYEN/ATTY. FOR DBT.

DAVID COATS/ATTY. FOR MV.

Tentative Ruling

Objection: Creditor's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition
required

Disposition: Overruled

Order: Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

VIOLATION OF L.B.R. 9014-1(c)

The lack of a docket control number on the papers filed in this matter violates the court's local rules. LBR 9014-1(c)(1) mandates the use of docket control numbers to be used on each document filed with the bankruptcy court in this district, including proofs of service.

11 U.S.C. § 1325(a)(5)

The objection will be overruled because the plan's failure to provide for a secured creditor's claim (or arrearage claim) in the plan does not alter the creditor's rights. Under § 1325(a)(5), the plan does not have to provide for a secured claim, although if the plan does provide for a secured claim, the plan's treatment of the secured claim must meet the requirements of § 1325(a)(5). With respect to an allowed secured claim *provided for by a plan*, such as the claim held by Prestige in this case, the plan may be confirmed if one of three alternative events occur: (1) the holder of such claim accepts the plan under § 1325(a)(5)(A); (2) a non-accepting holder of such claim retains its lien until the earlier of payment of the underlying debt or the debtor's discharge under § 1325(a)(5)(B); or (3) the debtor surrenders the property securing such claim to the holder under § 1325(a)(5)(C) *See* 11 U.S.C. § 1325(a)(5). *See In re Sanchez*, 384 B.R. 574, 575 (Or. Bankr. Ct., 2008).

Since § 1325(a) does not require that the plan provide for a secured creditor's proof of claim, the court finds that the plan's failure to provide for treatment of the creditor's secured claim is not a basis for objection to confirmation of the plan.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Foundation Finance Company's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is overruled. A confirmation order shall be submitted by the trustee after approval by debtor's counsel.

2. [20-24503](#)-A-13 **IN RE: CASEY MOLLERA AND ANGELA MARBRAY**
[CJK-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LOANCARE LLC
11-12-2020 [\[21\]](#)

JASMIN NGUYEN/ATTY. FOR DBT.
CHRISTINA KHIL/ATTY. FOR MV.

Tentative Ruling

Objection: Creditor's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Overruled

Order: Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

DISCUSSION

Creditor LoanCare LLC complains that it holds a deed of trust against the debtor's residence, that the debtors owe prepetition arrears in the amount \$22,496.94 and that its claim should be listed in Class 1 of the Chapter 13 plan (which addresses long-term secured debt that delinquent on the date of the petition), not in Class 4 of the Chapter 13 plan (which addresses long term debt that is current on the date of the petition).

Here, the creditor offers no evidence of arrearage. The creditor has not filed a Proof of Claim. Had it done so the creditor would have properly listed its delinquency in the Proof of Claim. Absent

objection, that Proof of Claim would be presumed an accurate statement of the delinquency, 11 U.S.C. § 502(a). Moreover, the creditor has not supported its objection with other admissible evidence, i.e., declaration. LBR 9014-1(d)(3)(D). So, the delinquency is not before this court at this time.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Loancare, LLC's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is overruled. A confirmation order shall be submitted by the trustee after approval by debtor's counsel.

3. [20-20704](#)-A-13 **IN RE: BRIAN/TRACEE STACY**
[NLL-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-2-2020 [\[48\]](#)

DAVID RITZINGER/ATTY. FOR DBT.
NANCY LEE/ATTY. FOR MV.
MATRIX FINANCIAL SERVICES CORPORATION LLC VS.;
RESPONSIVE PLEADING

Tentative Ruling

Motion: Stay Relief

Notice: LBR 9014-1(f)(1); written opposition filed, trustee's non-opposition filed

Disposition: Granted

Order: Civil minute order

Subject: 209 Glen Eagle Way, Vacaville, CA 95688

STAY RELIEF

Section 362(d)(1) authorizes stay relief for cause shown. 11 U.S.C. § 362(d)(1). Here the subject property is the debtors' principal residence. The movant obtained a note and deed of trust against the residence. The debtors subsequently filed for bankruptcy and their chapter 13 plan was confirmed, ECF No. 14. Under the plan, the debtor is to pay \$4,630.32 per month to the trustee for 60 months, Plan § 2.01 - 2.03, ECF No. 2. The plan requires the trustee to pay the movant \$2,031.76 per month for 60 months, Plan § 3.07(c), ECF

No. 2. The debtor is delinquent \$13,766.52 under the confirmed plan to the trustee, ECF No. 56. Therefore, the trustee has since been unable to pay the movant. The movant stated the debtor has defaulted on the loan as 2 postpetition payments totaling \$3,992.70 are past due.

For the foregoing reasons, cause exists to grant relief under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Matrix Financial Services Corp, LLC's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 209 Glen Eagle Way, Vacaville, CA 95688, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

4. [20-23104](#)-A-13 **IN RE: JOSE/MARGARITA VALADEZ**
[PGM-1](#)

CONTINUED MOTION TO VALUE COLLATERAL OF ALLY BANK
8-24-2020 [\[35\]](#)

PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

This Motion was resolved by Stipulation and Order on November 17, 2020, ECF No. 65. This matter will be dropped as moot.

5. [20-24713](#)-A-13 **IN RE: BONITA BROOKS**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P CUSICK
11-18-2020 [\[22\]](#)

MARY TERRANELLA/ATTY. FOR DBT.

Tentative Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Sustained and confirmation denied

Order: Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

DISCUSSION

The plan is overextended under § 1322(d). The plan funds in 83 months. The court cannot grant a plan that extends beyond 60 months.

The debtor has failed to provide the trustee with a required tax return (for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed) no later than 7 days before the date first set for the first meeting of creditors. 11 U.S.C. § 521(e)(2)(A)-(B).

The debtor exempted equity in "Possible Refund of Trustee payments made prior to dismissal consisting of paid earnings" on Schedule C under C.C.P. § 704.070, ECF No. 1. This exemption code applies to paid earnings and is therefore misapplied in the schedules. The debtor must amend Schedule C.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

6. [20-24814](#)-A-13 **IN RE: AMELIA MADRIGAL**
[MS-1](#)

MOTION TO VALUE COLLATERAL OF 800 LOANMART
11-2-2020 [[12](#)]

MARK SHMORGON/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

7. [20-24519](#)-A-13 **IN RE: PRAKHONG/JENNIFER CHANTHORN**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P CUSICK
11-10-2020 [[14](#)]

JAMES KEENAN/ATTY. FOR DBT.

Tentative Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition
required

Disposition: Sustained and confirmation denied

Order: Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

DISCUSSION

The debtors haven't shown the plan is feasible under § 1325(a)(6). The debtors are \$3,650.00 delinquent in plan payments. The next scheduled payment of \$3,650.00 is due before the hearing.

The debtors have failed to provide the trustee with a required tax return (for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed) no later than 7 days before the date first set for the first meeting of creditors. 11 U.S.C. § 521(e)(2)(A)-(B).

The trustee stated that the claim of PHH Mortgage Corporation has been misclassified in Class 4. The creditor's allowed secured claim includes the prepetition arrearage shown on the proof of claim (\$3,386.89), Claim No. 4-1. The debtors stated at the 341 meeting of the creditors that the default is a projected escrow shortage. The plan therefore does not comply with § 1325(a)(5)(B)(ii), which requires that plan payment distributions on account of this secured

claim be at least equal to the allowed amount of such claim. The creditor should be reclassified in Class 1.

The trustee stated the debtor's Schedules I and J and Schedule I attachment are inaccurate. The trustee discovered the debtor's quarterly tax amount on Schedule I attachment should be \$500.00 instead of \$400.00, ECF No. 1. Also, the joint debtor's pay advices list net pay of \$3,492.00 after all deductions, but Schedule I lists \$4,533.31, ECF No. 1.

The trustee also stated the debtor's 457 retirement plan on the pay advices was not listed on Schedules A/B and was not exempted on Schedule C, ECF No. 1. Since no amendments to the schedules were filed so filed, the debtors failed to comply with § 1325(a)(1), (a)(3).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

8. [16-20020](#)-A-13 **IN RE: OMAR KIRBY**
[DPC-1](#)

CONTINUED MOTION TO DISMISS CASE
8-21-2020 [[45](#)]

SUSAN TERRADO/ATTY. FOR DBT.
DAVID CUSICK/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

9. [16-20020](#)-A-13 **IN RE: OMAR KIRBY**
[SBT-3](#)

MOTION TO MODIFY PLAN
10-23-2020 [[72](#)]

SUSAN TERRADO/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

10. [20-24225](#)-A-13 **IN RE: LONNIE CURREY AND ROSELYN**
BRANT-CURREY
[DBL-1](#)

MOTION TO CONFIRM PLAN
10-21-2020 [[29](#)]

PATRICIA WILSON/ATTY. FOR DBT.
NON-OPPOSITION

Final Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); trustee's non-opposition filed

Disposition: Granted

Order: Prepared by the movant, approved by the trustee

Subject: First Amended Chapter 13 Plan, October 21, 2020

DEFAULT OF RESPONDENT

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

CHAPTER 13 PLAN CONFIRMATION

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

11. [20-24628](#)-A-13 **IN RE: NGOC LIEN NGUYEN**
[CJK-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY CENLAR FSB
11-12-2020 [[20](#)]

PETER MACALUSO/ATTY. FOR DBT.
CHRISTINA KHIL/ATTY. FOR MV.

Tentative Ruling

Objection: Creditor's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Sustained and confirmation denied

Order: Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

DISCUSSION

Cenlar FSB's objection to confirmation is made on grounds that the plan incorrectly classifies its secured claim. The plan places the secured creditor's claim in Class 4, yet the claim is in default and includes a pre-petition arrearage in the total amount of \$17,592.46.

Given that this creditor has filed a proof of claim, its claim is deemed allowed until a party in interest objects. 11 U.S.C. § 502(a). As a result, the claim is delinquent based on prepetition arrearage set forth on the filed proof of claim.

Section 1325(a)(5) prescribes the treatment of an allowed secured claim provided for by the plan. This treatment must satisfy one of three alternatives described in paragraph (5) of § 1325(a). In summary, these mandatory alternatives are: (1) the secured claim holder's acceptance of the plan, (2) the plan's providing for both (a) lien retention by the secured claim holder and (b) payment distributions on account of the secured claim having a present value at least equal to the allowed amount of such claim, or (3) the plan's providing for surrender of the collateral to the secured claim holder. See 11 U.S.C. § 1325(a)(5).

The Eastern District of California uses a form Chapter 13 plan. LBR 3015-1(a); see EDC Form 3-080. It treats long-term secured debt, i.e., debts of trustee extending beyond the length of the plan in one of two ways. Class 1 is for long-term secured debts where the debtor was delinquent on the date of the petition. It provides:

Class 1 includes all delinquent secured claims that mature after the completion of this plan, including those secured by Debtor's principal residence.

(a) Cure of defaults. All arrears on Class 1 claims shall be paid in full by Trustee. The equal monthly installment specified in the table below as the arrearage dividend shall pay the arrears in full...

EDC Form 3-080 § 3.07.

Class 4 is for long-term secured debts where the debtor was delinquent on the date of the petition. It provides:

Class 4 includes all secured claims paid directly by Debtor or third party. Class 4 claims mature after the completion of this plan, are not in default, and are not modified by this plan. These claims shall be paid by Debtor or a third person whether or not a proof of claim is filed or the plan is confirmed.

EDC Form 3-080 § 3.10.

Because the plan improperly places a long-term secured debt in Class 4 the objection will be sustained.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Cenlar FSB's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

12. [20-24628](#)-A-13 **IN RE: NGOC LIEN NGUYEN**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID CUSICK
11-10-2020 [\[16\]](#)

PETER MACALUSO/ATTY. FOR DBT.

Tentative Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Sustained and confirmation denied

Order: Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

DISCUSSION

The plan is not feasible under § 1325(a)(6). The Debtor's profit and loss statements for the past 6 months show an average negative income (-\$2,000.00). Schedule I also shows business income of \$5,250.00 with no Schedule I attachment to show income going forward. The debtor failed to file a detailed statement showing gross receipts and ordinary and necessary expenses.

The trustee is unable to determine if the plan complies with § 1325(b)(1)(B). The Calculation of Disposable Income (Form 122C-1) includes an improper expense at line 5 for ordinary and necessary business expenses of \$8,000.00. In *Drummond v. Wiegand (In re Wiegand)*, 386 B.R. 238 (B.A.P. 9th Cir. 2008), the Bankruptcy Appellate Panel for the Ninth Circuit concluded that a chapter 13 Debtor may not deduct business expenses from gross receipts to calculate current monthly income. Based on the gross receipts of \$9,000.00 and gross wages of \$8,000.00, the Debtor's annualized current monthly income \$204,000.00 which is greater than the applicable median family income of \$60,360.00. In order to determine if the plan complies with 11 U.S.C. Section 1325(b)(1)(B), the Debtor must amend Forms 122C-1 and C-2 in their entirety with accurate income.

The debtor has failed to provide the trustee with required or requested documents (6 months of bank statements and business questionnaire). See 11 U.S.C. § 521(a)(3)-(4).

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

13. [20-24729](#)-A-13 **IN RE: RYAN SAHADEO**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P CUSICK
11-18-2020 [\[17\]](#)

W. SHUMWAY/ATTY. FOR DBT.

Tentative Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Sustained and confirmation denied

Order: Civil minute order

No responding party is required to file written opposition to the objection; opposition may be presented at the hearing. LBR 3015-1(c)(4), 9014-1(f)(2)(C). If opposition is presented at the hearing, the court may rule on the merits or set a briefing schedule. Absent such opposition, the court will adopt this tentative ruling.

DISCUSSION

The debtor is delinquent \$40,000.00. The debtor did not clarify whether the \$40,000.00 would be due October 25, 2020 or November 25, 2020. The debtor did not carry the burden of showing the plan complies with § 1325(a)(6).

The debtor did not surrender to the trustee: (1) pay advices for the 60 days prior to the petition, 11 U.S.C. § 521(a)(1)(B)(iv), Fed. R. Bankr. P. 1007(b)(1)(E); (2) a copy of the debtor's past four years of recent federal income tax return (or a transcript thereof), 11 U.S.C. § 521(e)(2)(A); Fed. R. Bankr. P. 4002(b)(3); (3) a photographic identification and proof of social security number, Fed. R. Bankr. P. 4002(b)(1).

The plan does not comply with § 1325(a)(4). The plan pays unsecured creditors 0%. Under Schedules A/B and C, the debtor has non-exempt property of \$59,575.00. The unsecured creditors therefore are not being paid at least what they would in a chapter 7 case.

The debtor has not served the trustee a Domestic Support Obligation checklist as required under L.B.R. 3015-1(b)(6).

The trustee cannot assess plan feasibility under § 1325(a)(6) because there were no amendments to Schedules I and J to include the domestic support obligation or to update the income and expenses.

The plan is overextended, § 1322(d). The plan funds in 101 months. The court cannot grant a plan that exceeds 60 months.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The chapter 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

14. [20-23733](#)-A-13 **IN RE: RYAN MCCULLOUGH**
[LBG-3](#)

MOTION TO CONFIRM PLAN
10-22-2020 [\[50\]](#)

LUCAS GARCIA/ATTY. FOR DBT.
RESPONSIVE PLEADING

Tentative Ruling

Motion: Confirm Chapter 13 Plan

Notice: LBR 3015-1(d)(1), 9014-1(f)(1); written opposition filed by the trustee

Disposition: Denied

Order: Civil minute order

The debtor moves to confirm his Chapter 13 plan.

DISCUSSION

The motion requests confirmation of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1323, 1325; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(1)-(2). The Chapter 13 trustee opposes the motion, objecting to confirmation.

The plan is not feasible under § 1325(a)(6). The debtor's Schedule I lists a net income of \$5,900.00, but the debtor's profit and loss statements show the debtors have a negative net income(-\$10,000.00). Cause exists to deny confirmation of the plan.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to confirm a chapter 13 plan has been presented to the court. Having considered the motion together with papers filed in support and opposition to it, and having heard the arguments of counsel, if any, and good cause appearing, presented at the hearing,

IT IS ORDERED that the motion is denied. The court denies confirmation of the chapter 13 plan.

15. [20-25134](#)-A-13 **IN RE: HELEN CASACLANG**
[MET-1](#)

MOTION TO EXTEND AUTOMATIC STAY
11-12-2020 [[11](#)]

MARY TERRANELLA/ATTY. FOR DBT.
NON-OPPOSITION

No Ruling

16. [20-23635](#)-A-13 **IN RE: CAROL ANDRESEN**
[SLE-1](#)

CONTINUED MOTION TO VALUE COLLATERAL OF MECHANIC'S BANK
8-19-2020 [[14](#)]

STEELE LANPHIER/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

17. [19-22839](#)-A-13 **IN RE: RAYMOND/CAROLE CLOUTIER**
[MET-2](#)

MOTION TO WAIVE FINANCIAL MANAGEMENT COURSE REQUIREMENT
SECTION 1328 CERTIFICATE REQUIREMENT AND CONTINUE CASE
ADMINISTRATION, AS TO DEBTOR
11-2-2020 [\[50\]](#)

MARY TERRANELLA/ATTY. FOR DBT.

Final Ruling

Motion: Substitution of Representative, Continued Administration,
Waiver of Personal Financial Management and Waiver of Certifications

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Carole A. Cloutier prays appointment of a personal representative,
substitution of the representative, continued administration, waiver
of the post-petition education requirement and the § 1328
certification for his now deceased spouse Raymond P Cloutier.

DEFAULT

Unopposed motions are subject to the rules of default. Fed. R. Civ.
P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written
opposition to this motion was required not less than 14 days before
the hearing on this motion. LBR 9014-1(f)(1)(B). None has been
filed. The default of the responding party is entered. The court
considers the record, accepting well-pleaded facts as true.
TeleVideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917-18 (9th Cir.
1987).

DISCUSSION

Suggestion of Death

When a chapter 13 debtor dies, counsel for the debtor shall file a
Suggestion of Death.

Notice of Death. In a bankruptcy case which has not been
closed, a *Notice of Death of the debtor* [Fed. R. Civ. P.
25(a), Fed. R. Bankr. P. 7025] shall be filed within
sixty (60) days of the death of a debtor by the counsel
for the deceased debtor or the person who intends to be
appointed as the representative for or successor to a
deceased debtor. The Notice of Death shall be served on
the trustee, U.S. Trustee, and all other parties in
interest. A copy of the death certificate (redacted as
appropriate) shall be filed as an exhibit to the Notice
of Death.

LBR 1016-1(a) (emphasis added); see also, Fed. R. Civ. P. 25(a),
incorporated by Fed. R. Bank. P. 7025, 9014(c).

Here, Carole A. Cloutier has filed a Suggestion of Death for her spouse Raymond P. Cloutier.

Substitution of Representative

Upon the death of the debtor, a personal representative for the debtor must be substituted as the real party in interest.

An action must be prosecuted in the name of the real party in interest. The following may sue in their own names without joining the person for whose benefit the action is brought: (A) an executor; (B) an administrator; (C) a guardian; (D) a bailee; (E) a trustee of an express trust; (F) a party with whom or in whose name a contract has been made for another's benefit; and (G) a party authorized by statute.

Fed. R. Civ. P. 17(a), *incorporated by Fed. R. Bankr. P. 7017, 9014(c)* (emphasis added).

Where the debtor dies during the administration of a chapter 7 case, the action is not abated, and administration shall continue. Fed. R. Bankr. P. 1016. But a representative for the now deceased debtor needs to be appointed. And that appointment process is implemented by Rule 25(a).

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Fed. R. Civ. P. 25, *incorporated by Fed. R. Bankr. P. 7025, 9014(c)* and LBR 1016-1(a).

Continued Administration

Continued administration on behalf of a deceased chapter 13 debtor is discretionary.

Death or incompetency of the debtor shall not abate a liquidation case under chapter 7 of the Code. In such event the estate shall be administered and the case concluded in the same manner, so far as possible, as though the death or incompetency had not occurred. *If a reorganization, family farmer's debt adjustment, or individual's debt adjustment case is pending under chapter 11, chapter 12, or chapter 13, the case may be dismissed; or if further administration is possible and in the best interest of the parties, the case may proceed and be concluded in the same manner, so far as possible, as though the death or incompetency had not occurred.*

Fed. R. Bankr. P. 1016 (emphasis added).

The court finds that continued administration is in the best interests of the parties.

Waiver of Post-Petition Education Requirement

In most case, individual chapter 7 debtors must complete a post-petition personal financial management course to receive a discharge. 11 U.S.C. 727(a)(11).

The court shall grant the debtor a discharge unless . . .
. after filing the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111, except that this paragraph shall not apply to a debtor who is a person described in section 109(h)(4).

Section 109(h) provides:

The requirements of paragraph (1) shall not apply with respect to a debtor whom the court determines, after notice and hearing, is unable to complete those requirements because of incapacity, disability, or active military duty in a military combat zone. For the purposes of this paragraph, incapacity means that the debtor is impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities; and "disability" means that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in an in person, telephone, or Internet briefing required under paragraph (1).

11 U.S.C.A. § 109(h)(4).

Death is a disability within the meaning of § 109(h)(4).

WAIVER OF § 1328 CERTIFICATIONS

The motion requests a waiver of the requirement to complete and file § 1328 certifications, including certifications concerning domestic support obligations, prior bankruptcy discharges, exemptions exceeding the amount stated in § 522(q)(1) and pending criminal or civil proceedings described in § 522(q)(1)(A) and (B). These certifications are generally required for debtors by § 1328(a) and Local Bankruptcy Rule 5009-1(b) and (c). The court will waive the requirement that the deceased debtor file certifications concerning compliance with § 1328, including Forms EDC 3-190 and EDC 3-191 required under LBR 5009-1

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Carole A. Cloutier's motion has been presented to the court. Having entered the default of the respondents and having considered the

motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the motion is the motion is granted; and

IT IS FURTHER ORDERED that (1) Carole A. Cloutier is the representative of Raymond P. Cloutier and is substituted in his place and stead; (2) continued administration is appropriate; (3) as to Raymond P. Cloutier the post-petition education requirement is waived, 11 U.S.C. s 109(h); and (4) as to Raymond P. Cloutier's the certifications required by 11 U.S.C. § 1328 are waived.

18. [20-23441](#)-A-13 **IN RE: JEFFREY MAYHEW**
[PGM-4](#)

MOTION TO AVOID LIEN OF ONEMAIN FINANCIAL SERVICES, INC.
10-28-2020 [[59](#)]

PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Notice: LBR 9014-1(f)(1); trustee's non-opposition filed

Disposition: Granted in the amount of \$3,567.85, denied in the amount of \$269.00.

Order: Prepared by moving party

Property: Sony digital camera, Sony digital camcorder, Pioneer HDTV home theater system, Sony 32" television, Sanyo DVD/VCR combo, Taylor golf clubs

Lien: \$3,836.85

Exemption: \$1.00

Value: \$270.00

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

SECTION 522(f) AVOIDANCE

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the

property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

Calculations applied here work as follows: \$3,836.85 (creditor's lien) + \$1.00 (exemption) = \$3,837.85. The creditor's lien may be avoided up to \$3,567.85 (\$3,837.85 - \$270.00). Since the lien amount is \$3,836.85 and since the avoided amount is less, only part of the lien may be avoided. The motion is granted in part up to \$3,567.85 and denied in part up to \$269.00.

19. [19-23343](#)-A-13 **IN RE: CHERYL SPRAGUE**
[DPC-2](#)

CONTINUED MOTION TO DISMISS CASE
8-21-2020 [\[58\]](#)

LUCAS GARCIA/ATTY. FOR DBT.
DAVID CUSICK/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

20. [20-24643](#)-A-13 **IN RE: JAMES RHOADES**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
11-9-2020 [\[15\]](#)

MICHAEL BENAVIDES/ATTY. FOR DBT.
11/13/20 FINAL INTALLMENT FEE PAID \$310

Final Ruling

The final installment having been paid, the order to show cause is discharged. The case will remain pending.

21. [20-24643](#)-A-13 **IN RE: JAMES RHOADES**
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P CUSICK
11-10-2020 [[16](#)]

MICHAEL BENAVIDES/ATTY. FOR DBT.

No Ruling

22. [20-21946](#)-A-13 **IN RE: SUE PIERCE**
[ETW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-2-2020 [[91](#)]

ARETE KOSTOPOULOS/ATTY. FOR DBT.
EDWARD WEBER/ATTY. FOR MV

CLEON W. CRAVENS, TRUSTEE OF THE CLEON W. CRAVENS REVOCABLE
TRUST VS. ;
RESPONSIVE PLEADING

No Ruling

23. [19-23949](#)-A-13 **IN RE: ERIC/REGINA FLEMING**
[UND-4](#)

CONTINUED MOTION TO SELL
10-14-2020 [[94](#)]

ULRIC DUVERNEY/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

24. [19-23949](#)-A-13 **IN RE: ERIC/REGINA FLEMING**
[UND-5](#)

MOTION TO INCUR DEBT
11-19-2020 [[113](#)]

ULRIC DUVERNEY/ATTY. FOR DBT.

No Ruling

25. [17-26656](#)-A-13 **IN RE: STACY/MICHAEL SAVOCA**
[CLH-2](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH UNDER INSURED MOTORIST CLAIM
11-4-2020 [[96](#)]

CINDY HILL/ATTY. FOR DBT.

No Ruling

26. [17-26656](#)-A-13 **IN RE: STACY/MICHAEL SAVOCA**
[CLH-4](#)

CONTINUED MOTION TO MODIFY PLAN
9-28-2020 [[70](#)]

CINDY HILL/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

27. [17-26656](#)-A-13 **IN RE: STACY/MICHAEL SAVOCA**
[CLH-5](#)

CONTINUED OBJECTION TO NOTICE OF MORTGAGE PAYMENT CHANGE
9-28-2020 [[75](#)]

CINDY HILL/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

28. [17-26656](#)-A-13 **IN RE: STACY/MICHAEL SAVOCA**
[DPC-1](#)

CONTINUED MOTION TO DISMISS CASE
8-21-2020 [[61](#)]

CINDY HILL/ATTY. FOR DBT.
DAVID CUSICK/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

29. [20-24756](#)-A-13 **IN RE: EDGAR MANDAP**
[JHK-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
10-28-2020 [\[14\]](#)

MARK SHMORGON/ATTY. FOR DBT.
JOHN KIM/ATTY. FOR MV.
ACAR LEASING LTD VS.; NON-OPPOSITION

Final Ruling

Motion: Stay Relief

Notice: LBR 9014-1(f)(1); trustee's non-opposition filed

Disposition: Granted

Order: Civil minute order

Subject: 2017 Chevrolet Volt

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

STAY RELIEF

Section 362(d)(1) authorizes stay relief for cause shown. 11 U.S.C. § 362(d)(1). The subject lease matured on July 1, 2020 and Debtor is in default for the June 1, 2020 payment in the amount of \$184.00. As of October 20, 2020, the payoff, including the residual, was \$22,636.47. The vehicle was returned to movant on September 2, 2020. ECF No. 14. The movant filed Claim No. 1-1 for the amount of \$184.00 as unsecured. To date, no funds have been disbursed to the creditor, ECF No. 22.

Therefore, cause exists to grant relief under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

ACAR Leasing, Ltd.'s motion for relief from the automatic stay has been presented to the court. Having entered the default of

respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 2017 Chevrolet Volt, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

30. [20-23859](#)-A-13 **IN RE: KYLIE AGOSTA**
[SLE-5](#)

MOTION TO VALUE COLLATERAL OF HERITAGE COMMUNITY CREDIT
UNION
10-27-2020 [[75](#)]

STEELE LANPHIER/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

31. [20-23859](#)-A-13 **IN RE: KYLIE AGOSTA**
[SLE-6](#)

MOTION TO VALUE COLLATERAL OF TRAVIS CREDIT UNION
10-27-2020 [\[80\]](#)

STEELE LANPHIER/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Motion: Value Collateral [Personal Property; Motor Vehicle]

Notice: LBR 9014-1(f)(1); trustee's non-opposition filed

Disposition: Granted

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the respondent is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

VALUATION OF COLLATERAL

Chapter 13 debtors may value collateral by noticed motion. Fed. R. Bankr. P. 3012. Section 506(a) of the Bankruptcy Code provides, "An allowed claim of a creditor secured by a lien on property in which the estate has an interest . . . is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property" and is unsecured as to the remainder. 11 U.S.C. § 506(a). For personal property, value is defined as "replacement value" on the date of the petition. *Id.* § 506(a)(2). For "property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." *Id.* The costs of sale or marketing may not be deducted. *Id.*

A debtor's ability to value collateral consisting of a motor vehicle is limited by the terms of the hanging paragraph of § 1325(a). See 11 U.S.C. § 1325(a) (hanging paragraph). Under this statute, a lien secured by a motor vehicle cannot be stripped down to the collateral's value if: (i) the lien securing the claim is a purchase money security interest, (ii) the debt was incurred within the 910-day period preceding the date of the petition, and (iii) the motor vehicle was acquired for the debtor's personal use. 11 U.S.C. § 1325(a) (hanging paragraph).

In this case, the debtor seeks to value collateral consisting of a motor vehicle described as a 2016 Ford Focus ST. The debt secured by the vehicle was not incurred within the 910-day period preceding

the date of the petition. The court values the vehicle at \$12,000.00.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to value collateral consisting of a motor vehicle has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The personal property collateral described as a 2016 Ford Focus ST has a value of \$12,000.00. No senior liens on the collateral have been identified. The respondent has a secured claim in the amount of \$12,000.00 equal to the value of the collateral that is unencumbered by senior liens. The respondent has a general unsecured claim for the balance of the claim.

32. [20-23859](#)-A-13 **IN RE: KYLIE AGOSTA**
[SLE-7](#)

MOTION TO CONFIRM PLAN
11-3-2020 [[95](#)]

STEELE LANPHIER/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

33. [20-24277](#)-A-13 **IN RE: ELIZABETH ROHDE**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
11-12-2020 [[19](#)]

YASHA RAHIMZADEH/ATTY. FOR DBT.
11/16/20 INSTALLMENT FEE PAID \$77

Final Ruling

The installment having been paid, the order to show cause is discharged. The case will remain pending.

34. [18-23478](#)-A-13 **IN RE: TAMMY JACKSON**
[DPC-2](#)

CONTINUED MOTION TO DISMISS CASE
8-25-2020 [[62](#)]

PETER MACALUSO/ATTY. FOR DBT.
DAVID CUSICK/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

35. [20-25080](#)-A-13 **IN RE: KARAMDEEP SINGH**
[HRH-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-19-2020 [[12](#)]

PETER MACALUSO/ATTY. FOR DBT.
RAFFI KHATCHADOURIAN/ATTY. FOR MV.
TRANSPORT FUNDING, L.L.C. VS.;
RESPONSIVE PLEADING

Final Ruling

Motion: Relief from Stay
Disposition: Denied without prejudice
Order: Civil minute order

The court will deny the motion without prejudice on grounds of insufficient service of process. A motion for relief from stay is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4001(a)(1), 9014(b). Under Rule 7004, service on an individual must be made by first class mail addressed to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession." Fed. R. Bankr. P. 7004(b)(1). A debtor in bankruptcy may be served before the case is dismissed or closed "at the address shown in the petition or to such other address as the debtor may designate in a filed writing." Fed. R. Bankr. P. 7004(b)(9).

Here, service of the motion was insufficient.

If service on the debtor is required, and the debtor is represented by an attorney, then the attorney must also be served pursuant to Rule 7004(g). Fed. R. Bankr. P. 7004(g). The proof of service does not indicate service was made on the debtor's attorney's correct address. Attorney Peter Macaluso's address is "7230 South Land Park Drive" but the proof of service lists his address as "230 South Land Park Drive," ECF No. 18.

36. [20-22982](#)-A-13 **IN RE: EDWARD MEDINA**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
7-29-2020 [[26](#)]

HARRY ROTH/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

37. [20-22982](#)-A-13 **IN RE: EDWARD MEDINA**
[DVW-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK,
N.A.
7-24-2020 [[18](#)]

HARRY ROTH/ATTY. FOR DBT.
DIANE WEIFENBACH/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

38. [20-22982](#)-A-13 **IN RE: EDWARD MEDINA**
[HDR-1](#)

CONTINUED OBJECTION TO CLAIM OF U.S. BANK, NATIONAL
ASSOCIATION, CLAIM NUMBER 4-1
7-29-2020 [[21](#)]

HARRY ROTH/ATTY. FOR DBT.

No Ruling

39. [20-24684](#)-A-13 **IN RE: KIM BLAND**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
11-12-2020 [[22](#)]

GEORGE BURKE/ATTY. FOR DBT.
11/18/20 INSTALLMENT FEE PAID \$78

Final Ruling

The installment having been paid, the order to show cause is discharged. The case will remain pending.

40. [20-24085](#)-A-13 **IN RE: GENE FELTS-BOREN**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.
CUSICK
10-8-2020 [[20](#)]

MARK WOLFF/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

Objection: Trustee's Objection to Confirmation of Plan

Notice: LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

Disposition: Overruled

Order: Civil minute order

Since the trustee reported that his initial grounds for objection to confirmation have been resolved and requested that the court overrule his objection to confirmation, Status Report, ECF No. 49, the court will overrule the trustee's objection.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is overruled. A confirmation order shall be submitted by the trustee after approval by debtor's counsel.

IT IS FURTHER ORDERED that the plan be amended so that the debtor pays the trustee any future tax refunds over \$2,000.00, ECF No. 49.

41. [20-24085](#)-A-13 **IN RE: GENE FELTS-BOREN**
[DPC-2](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
11-4-2020 [[37](#)]

MARK WOLFF/ATTY. FOR DBT.
NEIL ENMARK/ATTY. FOR MV.

Final Ruling

Since the trustee withdrew his objection to the debtor's claim of exemptions, the court will drop this matter from the calendar.

42. [20-23859](#)-A-13 **IN RE: KYLIE AGOSTA**
[SLE-7](#)

OBJECTION TO CONFIRMATION OF PLAN BY HERITAGE COMMUNITY
CREDIT UNION
11-24-2020 [[113](#)]

STEELE LANPHIER/ATTY. FOR DBT.
REILLY WILKINSON/ATTY. FOR MV.

No Ruling

44. [19-25064](#)-A-11 **IN RE: SLIDEBELTS INC.**
[DRB-6](#)

CONTINUED MOTION TO RECONSIDER
9-4-2020 [[488](#)]

BRIAN ROTHSCILD/ATTY. FOR DBT.
DAREN BRINKMAN/ATTY. FOR MV.
DEBTOR DISMISSED: 06/30/20

No Ruling

45. [19-25064](#)-A-11 **IN RE: SLIDEBELTS INC.**

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION
8-12-2019 [[1](#)]

BRIAN ROTHSCHILD/ATTY. FOR DBT.
DEBTOR DISMISSED: 06/30/2020

No Ruling

46. [20-24098](#)-A-11 **IN RE: SLIDEBELTS, INC.**
[RLC-5](#)

CONTINUED CONFIRMATION OF PLAN OF REORGANIZATION
10-7-2020 [[58](#)]

STEPHEN REYNOLDS/ATTY. FOR DBT.

No Ruling

47. [20-24098](#)-A-11 **IN RE: SLIDEBELTS, INC.**

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION
8-25-2020 [[1](#)]

STEPHEN REYNOLDS/ATTY. FOR DBT.

No Ruling