

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Modesto, California

**December 9, 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. | 14-91301-D-13<br>RWR-1 | DIANA CAMPANELLA | OBJECTION TO CONFIRMATION OF<br>PLAN BY WELLS FARGO BANK,<br>NATIONAL ASSOCIATION<br>10-28-14 [16] |
| 2. | 14-91205-D-13<br>RDG-1 | DAVID MCMAHON    | CONTINUED OBJECTION TO<br>CONFIRMATION OF PLAN BY RUSSELL<br>D. GREER<br>10-21-14 [21]             |

3. 14-91206-D-13 NICHOLIS CROWE  
RDG-1

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
10-21-14 [24]

4. 14-91422-D-13 STUART/MIRIAM WHITE  
CJY-1

MOTION TO AVOID LIEN OF  
PERSOLVE LLC  
11-7-14 [13]

**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.

5. 10-91845-D-13 RUSSELL THURMAN AND KAUTY  
JCK-4 SHIVARAS-THURMAN

MOTION TO MODIFY PLAN  
10-24-14 [60]

**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.

6. 14-91156-D-13 TRISTAN BATES  
BSH-2

MOTION TO CONFIRM PLAN  
10-12-14 [32]

**Tentative ruling:**

This is the debtor's motion to confirm an amended chapter 13 plan. No party-in-interest has filed opposition. However, the court has one concern. The moving party failed to serve two of the creditors listed on Schedule F - Nc Financial, listed as being owed \$4,290 (the largest unsecured claim), and Ornl Credit Union, listed as being owed \$571. Thus, the moving party has failed to comply with Fed. R. Bankr. P. 2002(b). For both of those creditors, the debtor failed to list an address on Schedule F, and thus, those creditors have not received notice of the case. The court questions why no address was available for either of those

creditors, given that the debtor was able to locate the applicable account numbers, and given that Schedule F indicates that the accounts with those creditors were "last active" as recently as July 15, 2014 (Nc Financial) and March 13, 2014 (Ornl Credit Union). The court will require the debtor to confirm that reasonable efforts were undertaken to locate addresses for those creditors. Alternatively, the court will continue the hearing to allow for the creditors to be properly served.

The court will hear the matter.

7. 14-90967-D-13 DERYL/VIVIAN RATLIFF MOTION TO CONFIRM PLAN  
SDM-1 10-21-14 [25]
8. 11-92070-D-13 AVON/BERNARDINE CONAWAY MOTION TO APPROVE LOAN  
EGS-1 MODIFICATION  
11-12-14 [43]
9. 11-91075-D-13 SARAH MARTIN MOTION TO MODIFY PLAN  
DCJ-1 10-21-14 [54]

10. 12-91479-D-13 CESAR/LISA NAVA  
JAD-6

MOTION TO MODIFY PLAN  
10-27-14 [78]

**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.

11. 10-92281-D-13 ANTHONY/LORI MURPHY  
CJY-2

MOTION TO MODIFY PLAN  
10-28-14 [76]

**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.

12. 14-91190-D-13 JOSEPH/LISA ROBERTSON  
PLG-1

MOTION TO VALUE COLLATERAL OF  
ALLIANCE CORPORATION  
11-3-14 [17]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Alliance Corporation 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 Alliance Corporation's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

13. 14-91190-D-13 JOSEPH/LISA ROBERTSON  
RDG-1

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
10-21-14 [14]

14. 09-93223-D-13 THOMAS MILLER  
CJY-2

MOTION TO VALUE COLLATERAL OF  
JPMORGAN CHASE BANK, N.A.  
11-24-14 [78]

15. 14-90967-D-13 DERYL/VIVIAN RATLIFF  
BF-2

OBJECTION TO CONFIRMATION OF  
PLAN BY BANK OF AMERICA, N.A.  
11-24-14 [33]