

**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Honorable Christopher D. Jaime
Robert T. Matsui U.S. Courthouse
501 I Street, Sixth Floor
Sacramento, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: December 10, 2024

CALENDAR: 1:00 P.M. CHAPTER 13

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

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters and no appearance is necessary. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within seven (7) days of the final hearing on the matter.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

December 10, 2024 at 1:00 p.m.

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1. [24-21500](#)-B-13 NATASHA JACKSON AMENDED MOTION TO CONFIRM PLAN
[JBR](#)-2 Jennifer B. Reichhoff 10-19-24 [[72](#)]
Thru #2

Final Ruling

The Debtor having filed a notice of withdrawal of its motion, the motion is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

The motion is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

2. [24-21500](#)-B-13 NATASHA JACKSON MOTION TO VALUE COLLATERAL OF I
[JBR](#)-3 Jennifer B. Reichhoff L W U CREDIT UNION
10-6-24 [[60](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to deny without prejudice the motion to value collateral of ILWU Credit Union.

Debtor moves to value the secured claim of ILWU Credit Union ("Creditor"). Debtor is the owner of a 2021 Kia K5 ("Vehicle"). The Debtor seeks to value the Vehicle at a replacement value of \$11,711.00 as of the petition filing date. As the owner, Debtor's opinion of value is evidence of the asset's value. See Fed. R. Evid. 701; see also *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

Proof of Claim Filed

The court has reviewed the Claims Registry for this bankruptcy case. Claim No. 7-1 filed by I.L.W.U. Credit Union is the claim which may be the subject of the present motion.

Discussion

The court finds issue with Debtor's valuation. First, the declaration states that the valuation of the Vehicle is based on a Kelley Blue Book printout but this is a third-

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party industry source and, therefore, Debtor's opinion of value is based on hearsay. Fed R. Evid. 801-803; *see also In re Guerra*, 2008 WL 3200931, *2 n.4 (Bankr. E.D. Cal. 2008) ("Filed with Guerra's declaration was an unauthenticated document titled: 'Edmonds.com True Market Value Pricing Report.' The court has not considered this attachment in that it is inadmissible hearsay[.]"). Second, the motion states that the valuation is a "private party" value. This is the value in which a private party, who is not a retailer, could buy or sell a car. The standard here must be a retail valuation, taking into account the condition of the car. See 11 U.S.C. § 506(a).

In the Chapter 13 context, the replacement value of personal property used by debtors for personal, household or family purposes is "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." See 11 U.S.C. § 506(a)(2). The time value is determined is the date of filing of the petition without deduction for costs of sale or marketing. *Id.*

The Debtor has not persuaded the court regarding her position for the value of the Vehicle. The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

Final Ruling

Introduction

Before the court is the *Chapter 13 Trustee's Objection to Confirmation of Chapter 13 Plan*. The Chapter 13 Trustee ("Trustee") objects to confirmation of the September 6, 2024, Chapter 13 Plan ("Plan") filed by Debtor Susan Mueller ("Debtor"). The Debtor filed a response to the objection. The Trustee filed a reply to the response.

The court has reviewed the Plan, objection, response, reply, and all related documents. The court has also reviewed and takes judicial notice of the docket. See Fed. R. Evid. 201(c).

Because the court will use income numbers provided by the Debtor for purposes of its analysis, there are no disputed factual issues that necessitate an evidentiary hearing. The court has also determined that oral argument is not necessary and will not assist in the decision-making process. See Local Bankr. R. 1001-1(f), 9014-1(h).

For the reasons explained below, the Trustee's objections will be sustained and the Plan will not be confirmed.

Discussion and Analysis

The Trustee makes two objections to confirmation of the Plan.

The first objection is that Plan payments will need to increase when the Debtor's retirement loan is repaid during the Plan term. According to the parties' joint status report, the Debtor consents to this if her plan term is 36 months. She does not consent if the plan term is 60 months, although the court would order the Debtor to increase her plan payments by the loan repayment amount in a 60-month plan.

The second objection concerns the Debtor's \$627.00 monthly pre-tax TSP contribution (the "TSP Contribution"). The Trustee asserts the TSP Contribution is not currently, but should be, included in the Debtor's monthly income for means test purposes and, thence, in the Debtor's current monthly income for purposes of determining if the Debtor is a below or above median debtor. The Debtor, on the other hand, asserts the TSP Contribution may be taken "off the top." In other words, the Debtor asserts that the TSP Contribution is not, and need not be, included in her monthly income for means test purposes and, thence, in current monthly income for purposes of determining if she is a below or above median debtor.¹

The court uses the Debtor's income numbers for purposes of its analysis of the Trustee's second objection. These income numbers are found in ¶ 4 of dkt. 19 which states as follows:

Debtor's pre-tax deferred TSP deductions from her paycheck amount to \$627 per month. That leaves a gross income of \$5,647 per month for Schedule I purposes as well as means test purposes.

So, according to the Debtor, her monthly income for means test purposes is \$5,647.00

¹The approach advocated by the Debtor is known as the "CMI" or "Current Median Income" approach. Dkt. 31 at 1, ¶ 2 ("The debtor believes . . . the current median income approach should be used to calculate debtor's income for the means test."); see also dkts 19 at 2:1-18. More on this later.

and that does not include the TSP Contribution. However, if the TSP Contribution is included in the \$5,647.00 monthly income, the Debtor's monthly income for means test purposes is \$6,247.00.

How the TSP Contribution is treated makes a difference for means test purposes and for purposes of establishing current monthly income used to determine the applicable commitment period under 11 U.S.C. § 1325(b)(4), i.e., 36 months for a below median debtor and 60 months for an above median debtor.

There is no dispute that the median income for 1 household applicable here is \$74,819.00.

Excluding the \$627.00 TSP Contribution from the Debtor's monthly income, as the Debtor wants to do, and using \$5,647.00 as the Debtor's current (and current monthly) income, as the Debtor advocates, puts the Debtor below the median at \$67,764.00 and results in a 36-month applicable commitment period.

Including the \$627.00 TSP Contribution in the Debtor's monthly income, as the Trustee asserts it should be, and using \$6,274.00 as the Debtor's current (and current monthly) income, as the Trustee advocates, puts the Debtor above the median at \$75,288.00 and results in a 60-month applicable commitment period.

The court concludes that the Trustee's position is correct.

The Ninth Circuit's November 22, 2024, opinion in *Saldana v. Bronitsky*, --- F.4th ---, 2024 WL 48641877 (9th Cir. Nov. 22, 2024), makes it very clear how a retirement account contribution is treated. According to *Saldana*, a retirement account contribution is a disposable income deduction - it is not a current (or current monthly) income exclusion. Indeed, *Saldana* equates a retirement account contribution with the retirement loan repayment *disposable income* deduction allowed under 11 U.S.C. § 1322(f). See *id.* at *5, *7.

That the TSP Contribution is deducted from disposable income and not excluded from current (or current monthly) income is not insignificant. These are two entirely different terms and they relate to and establish two entirely different concepts. *Saldana* notes this distinction and, in so doing, effectively rejects the CMI approach advocated here by the Debtor:

"[T]he CMI interpretation also lacks textual support in the Bankruptcy Code. It conflates the concepts of 'current income' and 'disposable income.' Current income is just one component of the disposable income calculation, and is thus distinct from disposable income. [] In sum, there is no textual support for the CMI interpretation, and to employ it would require mixing distinct concepts.

Id. at *9.

To *Saldana's* point that current and disposable income are two entirely distinct concepts, excluding the TSP Contribution from current income would effectively rewrite the statutory definition of "current monthly income" which is defined as "the average monthly income from all sources that the debtor receives . . . without regard to whether such income is taxable income, derived during the 6-month period" preceding the filing of the bankruptcy case. 11 U.S.C. § 101(10A)(A). Congress provided only a few statutory exclusions from "current monthly income" in § 101(10A)(B)(ii)(I)-(IV) - and thence for purposes of § 1325(b)(4) - and a retirement account contribution is not one of them.

Conclusion

Based on the foregoing, the Trustee's objection to confirmation of the Plan is SUSTAINED and the Plan is NOT CONFIRMED. Although the Debtor may deduct the TSP

Contribution in the calculation of disposable income that must be committed to fund a plan, the TSP Contribution must initially be included and accounted for in the Debtor's current - and thence in the Debtor's current monthly - income for means test purposes and for purposes of establishing the § 1325(b)(4) "applicable commitment period." Doing so here, and doing so based entirely on the Debtor's own monthly income figures, makes the Debtor an above median debtor which requires a 60-month plan.

The court will issue an order.

4. [24-21452](#)-B-13 JUAN ABARCA AND THERESA MOTION TO CONFIRM PLAN
[LTF](#)-3 DOMINGUEZ-ABARCA 10-23-24 [[60](#)]
Lars Fuller

Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed. [The court will address the merits of the motion at the hearing.]

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the second amended plan.

First, the plan is not meeting liquidation pursuant to 11 U.S.C. § 1325(a)(4). In order to meeting the liquidation requirement, the unsecured percentage to unsecured creditors must increase from 4% to 5.04%.

Second, Debtors are delinquent in plan payments. Section 2.01 of the plan lists a monthly plan payment of \$1,050.00 for a duration of 60 months. Pursuant to the second amended plan, Debtors are delinquent \$611.57. A total of \$6,300.00 has come due through and including October 2024, and Debtors have only paid a total of \$5,688.43 to date.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

5. [24-23164](#)-B-13 ESTELLE YANCEY CONTINUED OBJECTION TO
 [LGT](#)-1 Pro Se CONFIRMATION OF PLAN BY LILIAN
 Thru #6 G. TSANG
 9-10-24 [[19](#)]

Final Ruling

The case having been dismissed on November 27, 2024, the continued objection to confirmation is overruled as moot.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

6. [24-23164](#)-B-13 ESTELLE YANCEY CONTINUED OBJECTION TO
 [RAS](#)-1 Pro Se CONFIRMATION OF PLAN BY
 WILMINGTON SAVINGS FUND
 SOCIETY, FSB
 9-11-24 [[22](#)]

Final Ruling

The case having been dismissed on November 27, 2024, the continued objection to confirmation is overruled as moot.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

7. [10-39381](#)-B-13 JONATHAN/SHAYNA STOCKTON MOTION FOR PAYMENT OF UNCLAIMED
Gerald B. Glazer FUNDS IN THE AMOUNT OF \$
1,851.08 WITH DILKS & KNOPIK,
LLC
CASE CLOSED: 11/23/15 10-31-24 [[66](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion for payment of unclaimed funds in the amount of \$1,851.08.

Dilks & Knopik LLC ("Movant") has filed the instant Motion for Payment of Unclaimed Funds and seeks to recoup the sum of \$1,851.08 as a Successor Claimant to Amerifirst Home Improvement Fin. Co., servicer to Freedom Credit Union. Freedom Credit Union assigned its unclaimed funds to Movant per an Assignment Agreement. This bankruptcy case commenced on July 22, 2010, and a discharge was entered on November 9, 2015. On August 10, 2015, the Chapter 13 Trustee filed with the court a Notice of Unclaimed Dividend(s) by Creditor(s) indicating that the sum of \$1,851.08 was paid into the court as unclaimed funds, which should have otherwise gone to Amerifirst Home Improvement Fin. Co. Dkt. 48.

On October 31, 2024, Movant filed the instant motion, accompanied inter alia by documents that purport to be (1) a notarized Application for Payment of Unclaimed Funds; (2) photocopies of a driver's license, ID card, and business card confirming the identity of Brian Dilks, Andrew Drake, and Caryn Knopik, who are respectively a member, vice-president, and member of Movant; (3) a Form W-9, and (4) a Request for Payee Information and TIN Certification. Dkt. 66.

The court is satisfied that Movant has demonstrated its entitlement to the unclaimed funds properly owed to Dilks & Knopik LLC, Successor Claimant to Owner of Record Amerifirst Home Improvement Fin. Co. Accordingly, the motion is granted.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

8. [23-21890](#)-B-13 ESTHER CHAVEZ
[JDH](#)-3 James D Hornbuckle

MOTION TO CONFIRM PLAN
10-22-24 [[115](#)]

Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the third amended plan.

First, Debtor's plan relies on a motion to value collateral for Deutsche Bank National Trust listed in Class 2(C). To date, Debtor has failed to file a motion to value collateral.

Second, election in Section 3.05 of the original chapter 13 plan filed reflects that no boxes were checked. However, the third amended plan reflects that the no-look fees are being elected. Debtor's attorney has not filed a Rule 60 motion to change the initial irrevocable election pursuant to Local Bankr. R. 2016-1(e).

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

9. [24-22791](#)-B-13 MARY BETH SCHAUER MOTION TO CONFIRM PLAN
[CLH](#)-1 Charles L. Hastings 10-30-24 [[38](#)]
Thru #10

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

10. [24-22791](#)-B-13 MARY BETH SCHAUER MOTION TO ALLOW COUNSEL'S
[CLH](#)-2 Charles L. Hastings ELECTION FOR FEES UNDER LR
2016-1(C), PURSUANT TO FRCP
60(B)
10-30-24 [[43](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion for compensation.

Fees and Costs Requested

Charles Hastings ("Movant"), the attorney to Chapter 13 Debtor, seeks compensation under Local Bankr. R. 2026-1(c). Movant acknowledges that he failed to check the box in the plan to elect for this no-look fee and states that this was due to inadvertence. Movant states that he and Debtor had agreed to a no-look fee of \$10,200 since Movant is a Certified Specialist in Bankruptcy Law by the State Bar of California, with Movant to be paid \$2,050 as a retainer and \$8,150 paid through plan distributions in equal monthly installments over the term of the plan, i.e. \$135.88 per month.

Civil Rule 60(b) permits the court to relieve a party from a final judgment or order for "mistake, inadvertence, surprise, or excusable neglect[.]" Fed. R. Civ. P. 60(b)(1); Fed. R. Bankr. P. 9024. Movant states that it was due to inadvertence that the no-look fee box was not checked. Movant asserts that he fully intended to elect to be paid pursuant to Local Bankr. R. 2016-1 because he disclosed that intention in the

filed petition, related documents, and Disclosure of Compensation. The sole exception was that the box in the form plan was not checked.

For the foregoing reasons, Movant is allowed, and the Trustee is authorized to pay, the following amounts as compensation to this professional in this case:

No-look Fees	\$10,200
Retainer	\$ 2,050
Balance through plan	\$ 8,150

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

Tentative Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court's decision is to grant the motion to extend automatic stay.

Debtor seeks to have the automatic stay extended beyond 30 days pursuant to 11 U.S.C. § 362(c)(3). This is the Debtor's second bankruptcy petition pending in the past 12 months. The Debtor's prior bankruptcy case was dismissed on September 17, 2024, for failure to make plan payments (case no. 22-22690, dkt. 72). Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end in their entirety 30 days after filing of the petition. See e.g., *Reswick v. Reswick (In re Reswick)*, 446 B.R. 362 (9th Cir. BAP 2011) (stay terminates in its entirety); accord *Smith v. State of Maine Bureau of Revenue Services (In re Smith)*, 910 F.3d 576 (1st Cir. 2018). This motion was filed within 30 days of the filing of the instant chapter 13 case.

Discussion

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond 30 days if the filing of the subsequent petition was in good faith. 11 U.S.C. § 362(c)(3)(B). The subsequently filed case is presumed to be filed in bad faith if there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13. *Id.* at § 362(c)(3)(C)(i)(III). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* at § 362(c)(3)(C).

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, 209-210 (2008). This court does not utilize the *Sarafoglou* factors as urged by the Debtor. See *In Re Sarafoglou*, 345 B.R. 19 (Bankr. D. Mass. 2006).

Debtor asserts that she was unable to make plan payments in the prior case because her horse business collapsed during COVID when clients failed to make payments or removed their horses from Debtor's care to save money. Debtor states she accrued increased expenses to support the animals that remained in her care, such as feeding and maintaining energy costs, which all increased with inflation. Since the prior case was dismissed, Debtor states her circumstances have changed because she is not exclusively dependent on the horse business but has applied for remote work to supplement her income.

The Debtor has sufficiently rebutted, by clear and convincing evidence, the presumption of bad faith under the facts of this case and the prior case 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 motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

12. [24-21512](#)-B-13 MARZETTA THOMPSON
[PGM](#)-1 Peter G. Macaluso

CONTINUED MOTION TO CONFIRM
PLAN
10-14-24 [[38](#)]

Final Ruling

The motion was set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b), and continued from November 19, 2024, and December 3, 2024. Opposition and responses were filed by the Chapter 13 Trustee and Debtor, respectively.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

First, although Debtor has filed amended Schedules I and J, they now raise new concerns. Debtor's income from her daughter of \$685.00 per month has been omitted without any explanation as to the elimination of the contribution, and there is a new pay deduction of \$182.43 for domestic support obligations with no explanation as to this new deduction. Additionally, the Chapter 13 Trustee has not received any additional pay stubs to explain the new and adjusted deductions.

Second, Debtor does not address Local Bankr. R. 2016-1(c)(4)(B): "[a]fter confirmation of the debtor(s)' plan, the Chapter 13 Trustee shall pay debtor(s)' counsel equal monthly installments over the term of the most recently confirmed Chapter 13 plan a sum equal to the flat fee prescribed by subdivision (c)(1) less any retainer received. Debtor(s)' counsel is enjoined from front-load payment of fees and/or costs." No fees have yet been paid to the Debtor's counsel as the case has not yet been confirmed. However, money is being held for counsel in the form of the monthly dividend set forth in Section 3.06. The monthly dividend shall be paid over 60 months. Therefore, the dividend needs to be decreased to \$100.00.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

13. [24-23745](#)-B-13 DENON/LAQUANA MARYLAND CONTINUED OBJECTION TO
[LGT](#)-1 Candace Y. Brooks CONFIRMATION OF PLAN BY LILIAN
G. TSANG
11-7-24 [[24](#)]

Final Ruling

This matter was continued from December 3, 2024, to allow any party in interest to file a response by 5:00 p.m. Friday, December 6, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 27, sustaining the objection, shall become the court's final decision. The continued hearing on December 10, 2024, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

14. [24-24073](#)-B-13 JAMES/IRMA WELDON
[LGT](#)-1 Candace Y. Brooks

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
11-7-24 [[33](#)]

Final Ruling

This matter was continued from December 3, 2024, to allow any party in interest to file a response by 5:00 p.m. Friday, December 6, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 45, sustaining the objection, shall become the court's final decision. The continued hearing on December 10, 2024, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.