



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

December 17, 2025 at 11:00 a.m.

Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/CourtAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued medical credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

December 17, 2025 at 11:00 a.m.

1. [25-21810](#)-C-13 MIGUEL RIVERA MOTION FOR RELIEF FROM
[JCW](#)-1 Mohammad M. Mokarram AUTOMATIC STAY
11-19-25 [[18](#)]
FORD MOTOR CREDIT COMPANY
LLC VS.

Final Ruling: No appearance at the December 17, 2025 hearing is required.

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. 23.

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).

<p>The Motion for Relief from the Automatic Stay is granted.</p>

Ford Motor Credit Company LLC ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's 2023 Ford Explorer ST Utility 4D (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor leases the Property and lacks adequate protection of any interest in the property. Declaration, Dkt. 21. Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(2) because the debtor does not have any equity in the property. *Id.*

The Chapter 13 Trustee filed a response representing he does not have any basis to oppose the motion. Dkt. 24.

DISCUSSION

Upon review of the record, the court finds cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor leases the vehicle and lacks adequate protection in an interest in the Property. The court also finds cause exists pursuant to 11 U.S.C. § 362(d)(2) because the debtor does not have any equity in the property.

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests that the court grant relief from the Rule as adopted by the United States Supreme Court.

Movant has pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is granted.

No other or additional relief is granted by the 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 for Relief from the Automatic Stay filed by Ford Motor Credit Company LLC ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant, its agents, representatives, and successors, and all other creditors having lien rights against the Property, under its security agreement, loan documents granting it a lien in the asset identified as a 2023 Ford Explorer ST Utility 4D ("Property"), and applicable nonbankruptcy law to obtain possession of, nonjudicially sell, and apply proceeds from the sale of the Property to the obligation secured thereby.

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived for cause.

No other or additional relief is granted.

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 55 days' notice was provided. Dkt. 48.

The Motion to Confirm is granted.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 45) filed on October 23, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 52) on December 3, 2025, opposing confirmation on the following grounds:

1. The amounts to be paid through the plan are different from the amounts actually paid.

The debtor filed a response (dkt. 55) representing the debtor will have paid \$33,500 through November 25, 2025, will make payments of \$7,300.00 for 11 months beginning December 25, 2025, and then \$8,675.00 for 43 months starting November 25, 2026.

DISCUSSION

The debtor has now clarified the actual amount paid and the future plan payments as the Trustee required.

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 debtor, Jermaine Ford, 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 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 debtor 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.

3. [25-25517](#)-C-13 JAMES WILLIAMS
[DPC](#)-1 Seth Hanson

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID CUSICK
11-25-25 [[14](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 22 days' notice was provided. Dkt. 17.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The debtor did not disclose all of his income on Schedule I; and
2. Debtor incorrectly listed the amount of equity in a property he holds with his sister in North Carolina.

DISCUSSION

The plan proposes a monthly payment of \$5,350.00, which is less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 is sustained.

4. [08-39023](#)-C-13 TIMOTHY/MELISSA HALPAIN MOTION FOR ENTRY OF DEFAULT
[25-2026](#) Peter Macaluso JUDGMENT AND/OR MOTION FOR
PGM-1 COMPENSATION FOR PETER G.
MACALUSO, PLAINTIFFS ATTORNEY
10-31-25 [[31](#)]
HALPAIN V. HELEN BARBARA FUTER
LIVING TRUST ET AL

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 35.

The Motion for Entry of Default Judgment is denied.

Timothy and Melissa Halpain ("Plaintiffs") filed the instant Motion for Default Judgment on October 31, 2025. Dkt. 31. Plaintiff seeks an entry of default judgment for relief against Fidelity National Title Co., Pacific Equity and Capital, Standard Trust Deed Service Co., Pacific Equity and Capital, Inc., Pacific Equity and Capital, Inc. Fund, LLC, PEAC, Helen Barbara Furter Living Trust, Helen Barbara Furter, and Vincent Tomera ("Defendants") in the instant Adversary Proceeding No. 25-02026.

The instant Adversary Proceeding was commenced on February 25, 2025. Dckt. 1.

Defendant-Debtor failed to file a timely answer or response or request for an extension of time. Default has not been entered against Defendants pursuant to Federal Rule of Bankruptcy Procedure 7055 by the Clerk of the United States Bankruptcy Court.

SUMMARY OF COMPLAINT

Plaintiff filed a complaint for relief against Defendants. The Complaint alleges that Defendants have not released the second deed of trust after the debtors received their discharge on November 12, 2024.

Plaintiff requests that the court determine that the second deed of trust is void, unenforceable, and of no force and effect, and judgement for attorney's fees of \$7,860.00 and \$260.00 in costs.

APPLICABLE LAW

Federal Rule of Civil Procedure 55 and Federal Rule of Bankruptcy Procedure 7055 govern default judgments. *Cashco Fin. Servs. v. McGee (In re McGee)*, 359 B.R. 764, 770 (B.A.P. 9th Cir. 2006). Obtaining a default judgment is a two-step process which requires: (1) entry of the defendant's default, and (2) entry of a default judgment. *Id.*

Even when a party has defaulted and all requirements for a default judgment are satisfied, a claimant is not entitled to a default judgment as a matter of right. 10 MOORE'S FEDERAL PRACTICE-CIVIL ¶ 55.31 (Daniel R. Coquillette & Gregory P. Joseph eds. 3d ed.). Entry of a default judgment

is within the discretion of the court. *Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986). Default judgments are not favored, because the judicial process prefers determining cases on their merits whenever reasonably possible. *Id.* at 1472. Factors that the court may consider in exercising its discretion include:

- (1) the possibility of prejudice to the plaintiff,
- (2) the merits of plaintiff's substantive claim,
- (3) the sufficiency of the complaint,
- (4) the sum of money at stake in the action,
- (5) the possibility of a dispute concerning material facts,
- (6) whether the default was due to excusable neglect, and
- (7) the strong policy underlying the Federal Rules of Civil Procedure favoring decisions on the merits.

Id. at 1471-72 (citing 6 MOORE'S FEDERAL PRACTICE-CIVIL ¶ 55-05[s], at 55-24 to 55-26 (Daniel R. Coquillette & Gregory P. Joseph eds. 3d ed.)); *Kubick v. FDIC (In re Kubick)*, 171 B.R. 658, 661-62 (B.A.P. 9th Cir. 1994).

In fact, before entering a default judgment the court has an independent duty to determine the sufficiency of Plaintiff's claim. *Id.* at 662. Entry of a default establishes well-pleaded allegations as admitted, but factual allegations that are unsupported by exhibits are not well pled and cannot support a claim. *In re McGee*, 359 B.R. at 774. Thus, a court may refuse to enter default judgment if Plaintiff-Debtor did not offer evidence in support of the allegations. See *id.* at 775.

DISCUSSION

A review of the docket does not show that Plaintiff's have sought or obtained the default of the Defendants pursuant to Civil Rule 55(a) and Local Rule 7055-1.

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 for Entry of Default Judgment filed by the Timothy and Melissa Halpain ("Plaintiffs") 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 for Entry of Default Judgment is denied.

5. [25-25424](#)-C-13 EDDIE GARDNER
[DPC](#)-1 Peter Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
11-19-25 [[16](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor has not filed all required tax returns;
2. Debtor has not provided declarations from the debtor's children that they will be providing funds to the debtor so that he can make the necessary plan payments; and
3. Debtor has not listed his auto accident in his schedules and forms.

DISCUSSION

The debtor has not filed all required tax returns. 11 U.S.C. §§ 1308, 1325(a)(9). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not demonstrated the plan is feasible because the plan requires a greater amount than debtor's income will allow and he has not provided evidence of the additional support that is required. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 is sustained.

6. [25-25626](#)-C-13 DENNIS/STEPHANIE JOHNSON OBJECTION TO CONFIRMATION OF
[DPC](#)-1 Candace Y. Brooks PLAN BY DAVID P. CUSICK
11-25-25 [[12](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 22 days' notice was provided. Dkt. 15.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is delinquent in plan payments; and
2. Plan relies on a motion to value collateral that has not been filed or granted.

DISCUSSION

The debtor is \$3,740.00 delinquent in plan payments. Declaration, Dkt. 14. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan proposes valuing the secured claim of Golden 1 Credit Union. A review of the docket shows that the debtors have filed the motion that is set to be heard on December 29, 2025. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 is sustained.

Final Ruling: No appearance at the December 17, 2025 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 64 days' notice was provided. Dkt. 62.

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 debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 60) filed on October 14, 2025.

The Chapter 13 trustee filed a non-opposition on December 3, 2025. Dkt. 66.

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 debtor, Nicole Maree Amaral, 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 Amended Chapter 13 Plan (Dkt. 60) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for the debtor 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.

Final Ruling: No appearance at the December 17, 2025 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 51 days' notice was provided. Dkt. 31.

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 debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 28) filed on October 27, 2025.

The Chapter 13 trustee filed a non-opposition on December 3, 2025. Dkt. 36.

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 debtor, Myron Franklin Griffin, 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 Amended Chapter 13 Plan (Dkt. 28) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for the debtor 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.

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 55 days' notice was provided. Dkt. 74.

The Motion to Modify is denied.

The debtors filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 72) filed on October 23, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 78x) on December 3, 2025, opposing confirmation on the following grounds:

1. The modified plan does not specify a cure for postpetition arrearages.

DISCUSSION

The plan does not provide for the postpetition arrearage as Trustee argues, and the debtors have not carried their burden to show the plan is adequately funded. 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, 1325(a), and 1329. 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 Modify Plan filed by the debtors, David and Marie Gill, 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.

10. [24-24440](#)-C-13 TIMOTHY/EVANGELINA
[PSB](#)-3 HERNANDEZ
Pauldeep Bains

MOTION TO MODIFY PLAN
10-27-25 [[69](#)]

Final Ruling: No appearance at the December 17, 2025 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 50 days' notice was provided. Dkt. 75.

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 Modify is granted.

The debtors filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

The Chapter 13 trustee filed a non-opposition on December 3, 2025. Dkt. 81.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. 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 Modify Plan filed by the debtors, Timothy and Evangelina Hernandez, 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 Modified Chapter 13 Plan (Dkt. 71) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for the debtor 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.

Final Ruling: No appearance at the December 17, 2025 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 42 days' notice was provided. Dkt. 49.

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 Modify Plan is granted.

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

The Chapter 13 trustee filed a non-opposition on December 3, 2025. Dkt. 53.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. 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 Modify Plan filed by the debtor, Sandra Evans, 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 Modified Chapter 13 Plan (Dkt. 47) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for the debtor 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.

12. [25-25141](#)-C-13 NIKOLAAS BOS AND SARAH OBJECTION TO CONFIRMATION OF
[DPC](#)-1 BEST PLAN BY DAVID P. CUSICK
Scott M. Johnson 11-12-25 [[23](#)]

Final Ruling: No appearance at the December 17, 2025 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 26.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is overruled as moot.

The Chapter 13 trustee filed this Objection to Confirmation on November 12, 2025. At about the same time, the debtor filed an amended plan and corresponding Motion To Confirm, making this Objection moot. Dkt. 17, 19.

Therefore, the Objection is overruled.

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 the Chapter 13 Plan filed by the Chapter 13 trustee, David P. Cusick, 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 is overruled as moot.

13. [20-23542](#)-C-13 PAUL/JASA FRAGA
[BLG](#)-2 Chad M. Johnson

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF BANKRUPTCY LAW
GROUP, PC FOR CHAD M JOHNSON,
DEBTORS ATTORNEY(S)
10-21-25 [[47](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 56 days' notice was provided. Dckt. 51.

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 for Allowance of Professional Fees is granted.

Chad M. Johnson filed this final request seeking approval of compensation for attorney services provided to debtors Paul and Jasa Fraga.

The movant requests fees in the amount of \$4,659.75 and costs in the amount of \$355. The court previously granted the fees on an interim basis on December 13, 2020. Dkt. 36.

The Chapter 13 Trustee filed a notice of non-opposition on November 26, 2025. Dkt. 55.

DISCUSSION

The court finds that the hourly rates are reasonable and that the movant effectively used appropriate rates for the services provided. Final fees in the amount of \$4,659.75 as were approved as prior interim fees are approved pursuant to 11 U.S.C. § 330.

Final costs in the amount of \$355.00 as were pursuant to 11 U.S.C. § 330.

The court shall issue an 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 for Allowance of Fees and Expenses filed by Chad M. Johnson ("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 Movant is allowed the following fees and expenses as a professional of the Estate:

Movant, a professional employed by debtors Paul and Jasa Fraga,

Fees in the amount of \$4,659.75

Expenses in the amount of \$355.00,

as the final allowance of fees and expenses pursuant to 11 U.S.C. § 330 as counsel for the debtor.

Final Ruling: No appearance at the December 17, 2025 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 37 days' notice was provided. Dkt. 27.

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 Modify is granted.

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

The Chapter 13 trustee filed a non-opposition on December 3, 2025. Dkt. 34.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. 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 Modify Plan filed by the debtor, Iteldia Jean Davis, 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 Modified Chapter 13 Plan (Dkt. 24) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for the debtor 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.

Final Ruling: No appearance at the December 17, 2025 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 55 days' notice was provided. Dkt. 85.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 84) filed on October 23, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 91) on December 3, 2025, opposing confirmation on the following grounds:

1. The plan appears to be using Ensminger Provisions;
2. The plan does not cure arrears or provide for maintenance of ongoing payments;
3. The monthly adequate protection payment to Wells Fargo does not provide adequate protection to creditor; and
4. There is no evidence the debtor has entered into a loan modification agreement.

Wells Fargo Bank, National Association, as Trustee for Banc of America Mortgage Securities, Inc. Mortgage Pass-Through Certificates, Series 2007-3 (Creditor) filed an opposition (dkt. 89) on November 14, 2025, opposing confirmation on the following grounds:

1. Plan relies on a loan modification that the debtor is unlikely to occur because the debtor has no equity in the property; and
2. The plan does not cure the default on the secured claim.

Debtor filed a response asserting he will be filing a new plan. Dkt. 94.

DISCUSSION

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. 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, Michael Parra, 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.

Thru #18

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 36 days' notice was provided. Dkt. 56.

The Motion for Relief from the Automatic Stay is ~~xxxxxx~~.

This Motion was continued from the prior hearing on November 11, 2025 to accompany the debtor's motion to confirm plan. See Item 17 below.

The Money Brokers, Inc. ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's property commonly known as 6647 20th Street, Rio Linda, CA (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is in default on the debt and in the terms of the plan to subdivide the lot and pay all creditors by September 30, 2025. Declaration, Dkt. 52.

TRUSTEE'S RESPONSE

The Chapter 13 Trustee filed a response (Dkt. 59) on October 28, 2025 representing the debtor is delinquent \$2,000 plus a lump sum from sale or refinance of property. The Trustee also represents the amount on the claim is delinquent \$1,520 through the September 2025 disbursement, and the total paid to Creditor by the Trustee as of September is \$9,220.00.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on October 29, 2025. Dkt. 61. Debtor asserts that she is confident she can complete the subdivision and pay off creditor if she is given an additional six months. Additionally, debtor contends there is a 30% equity cushion in the Property.

REPLY Creditor's reply asserts that debtor has violated § 364 by not seeking court approval to obtain credit to pay Sacramento County. Creditor further asserts that debtor does not address the delinquent plan payments.

DISCUSSION

At the hearings ~~xxxxxxxxxx~~

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests, for no particular reason, that the court grant relief from the Rule. With no grounds for such relief specified, the court will not grant additional relief merely stated in the prayer.

Movant has not pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is not granted.

No other or additional relief is granted by the 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 for Relief from the Automatic Stay filed by The Money Brokers, Inc. ("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 **xxxxxxxxxx**

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is not waived for cause.

No other or additional relief is granted.

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 49 days' notice was provided. Dkt. 69.

The Motion to Modify is denied.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 68) filed on October 29, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 83) on December 3, 2025, opposing confirmation on the following grounds:

1. The plan relies on a retro-active order approving postpetition debt to pay necessary fees; and
2. The plan relies on a motion to sell property that has not been filed and provides no details as to the selling of the property.

The Money Brokers, Inc. ("Creditor") filed an Opposition (Dkt. 81) on December 3, 2025, opposing confirmation on the following grounds:

1. The plan relies on a 6 month extension of performance in order to sell property that will take longer than 6 months to obtain the necessary approval for the sale to occur;
2. The plan does not provide adequate protection to Creditor;
3. Debtor has not provided evidence her civil engineer has been paid who is required in order for the entitlement process to move forward;
4. There is no evidence the County of Sacramento has received payment for the planning department fees; and
5. Debtor has not provided for the surrender of property securing Claim 3.

DISCUSSION

The plan proposes subdividing debtor's real property, selling the subdivided parcels, and using the proceeds to pay creditors. A motion to sell property has not been filed, and no details on the selling of the property have been provided. Before details on the selling of the property have been provided, the plan's feasibility is uncertain.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322, 1325(a), and 1329. 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 Modify Plan filed by the debtor, Heather Reimund, 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.

18. [25-21073](#)-C-13 HEATHER REIMUND
[MS-3](#) Mark Shmorgon

MOTION TO INCUR DEBT
11-10-25 [[72](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 37 days' notice was provided. Dkt. 76.

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 may 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 Incur Debt is granted.

Debtor filed this Motion seeking authority to retroactively incur debt to pay fees to Sacramento County for the subdivision of debtor's real property.

The proposed financing is in the principal amount of \$30,199.10, to be credited towards the purchase price of the executory contract to purchase subdivided real property.

The Chapter 13 Trustee filed a statement of non-opposition on December 3, 2025. Dkt. 86.

The court finds that the proposed credit, based on the unique facts and circumstances of this case, is reasonable. There being no opposition from a party in interest and terms being reasonable, the Motion is granted.

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 Incur Debt filed by Heather Reimund 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 counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved submit the proposed order to the court.

19. [25-22775](#)-C-13 LUCIA MORALES AND KEVIN CONTINUED OBJECTION TO
[DPC](#)-1 HENRIQUEZ PLEITEZ CONFIRMATION OF PLAN BY DAVID
Peter Macaluso P. CUSICK
Thru #21 7-21-25 [[32](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 22 days' notice was provided. Dkt. 35.

The Objection to Confirmation of Plan is sustained.

This Objection was continued from the prior hearing to go along with debtors' Objection to Proof of Claim.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan relies on Motions to Value that have not yet been decided;
2. Plan fails to provide for the claim filed by Les Schwab Tire Centers of California, LLC (POC # 4-1).

DEBTORS' OPPOSITION

The debtors filed an Opposition on August 5, 2025. Dkt. 46. Debtor concedes the plan is not confirmable.

DISCUSSION

The plan proposes valuing three secured claims. Without an order valuing the secured claims, the plan's feasibility is uncertain.

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

The debtors have not carried their burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6). Therefore, the Objection is sustained.

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

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

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 is sustained.

20. [25-22775](#)-C-13 LUCIA MORALES AND KEVIN CONTINUED MOTION TO VALUE
[PGM](#)-3 HENRIQUEZ PLEITEZ COLLATERAL OF SANTANDER
Peter Macaluso CONSUMER USA INC.
7-9-25 [[22](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. Proof of Service shows 34 days' notice. Dkt. 26

The Motion to Value is XXXXXXXXXXXX

This Motion was continued from the prior hearing to go along with debtors' Objection to Proof of Claim.

The debtor filed this Motion seeking to value the portion of Santander Consumer USA Inc.'s ("Creditor") claim secured by the debtor's property commonly known as 2022 Dodge Ram 1500 Crew Cab (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$37,717.00. Declaration, Dkt. 25.

Creditor filed an opposition asserting that the debtors entered into a California Motor Vehicle Retail Installment Contract on December 12, 2022, which is 904 days before the filing of the case.

The Chapter 13 Trustee filed an opposition on July 21, 2025. Dkt. 40. The Chapter 13 Trustee represents Creditor filed a Proof of Claim with a California Motor Vehicle Retail Installment Contract attached.

Debtors filed a supplemental statement representing that pleadings previous state court litigation asserted that debtors purchased the vehicle on November 12, 2022. Dkt. 55.

DISCUSSION

If the lien on the Vehicle's title secures a purchase-money loan incurred on December 12, 2022, which is less than 910 days prior to filing of the petition. Then 11 U.S.C. § 1325(a)(9) (hanging paragraph) applies.

If the purchase was November 12, 2022, then the hanging paragraph does not apply.

Creditor filed Proof of Claim #3-1 on June 18, 2025 for a secured claim in the amount of \$58,802.44.

If this Court concludes the debt was incurred December 12, 2022, then the motion would be denied.

If this Court determines the correct date is November 12, 2022, then the motion would be granted.

An evidentiary hearing on the contested matter may be needed.

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 Value Collateral and Secured Claim filed by the debtor 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 pursuant to 11 U.S.C. § 506(a) is **xxxxxxxxxx**

21. [25-22775](#)-C-13 LUCIA MORALES AND KEVIN OBJECTION TO CLAIM OF SANTANDER
[PGM](#)-4 HENRIQUEZ PLEITEZ CONSUMER USA INC., CLAIM NUMBER
Peter Macaluso 3
10-14-25 [[67](#)]

No Tentative Ruling:

The Motion has been set on Local Rule 3007-1(b)(1) procedure which requires 44 days' notice. The Proof of Service shows that 64 days' notice was provided. Dkt. 71.

The Objection to Proof of Claim is xxxxxxxxxx

Debtors filed this Objection to Claim #3 filed by Santander Consumer USA dba Chrysler Capital ("Creditor") on October 14, 2025. Debtors assert that the Proof of Claim incorrectly states that the retail installment sale contract was entered on December 12, 2022, rather than November 26, 2022.

Creditor filed opposition (Dkt. 72) on November 19, 2025 asserting that debtors' objection does not dispute the validity or amount of Creditor's claim, and thus is not the proper vehicle to determine which dated contract is the correct contract to determine on what date the debtors became indebted to Creditor. Creditor asserts that an adversary proceeding is necessary to make that determination. Creditor is not correct - Rule 7001(b) excludes from the adversary proceeding requirement a contest in a claim objection is a Rule 9014 contested matter, that may be resolved by motion subject to Rule 3012.

DISCUSSION

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 evidence 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). Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, and requires financial information and factual arguments. In re Austin, 583 B.R. 480, 483 (B.A.P. 8th Cir. 2018). Notwithstanding the prima facie validity of a proof of claim, the ultimate burden of persuasion is always on the claimant. In re Holm, 931 F.2d at p. 623.

Once a party has objected to a proof of claim, the creditor may not withdraw the claim except on order of the court. Fed. R. Bankr. P. 3006.

At the hearing xxxxxxxxxx

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, Lucia Morales and Kevin Pleitez, 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 3 of Santander Consumer USA, Inc. dba Chrysler Capital is **xxxxxxxxxxxx**

22. [25-22775](#)-C-13 LUCIA MORALES AND KEVIN CONTINUED OBJECTION TO
[SKI](#)-1 HENRIQUEZ PLEITEZ CONFIRMATION OF PLAN BY
Peter Macaluso SANTANDER CONSUMER USA INC.
7-15-25 [[27](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 31.

The Objection to Confirmation of Plan is xxxxxxxxxx

This Objection was continued from the prior hearing to go along with debtors' Objection to Proof of Claim.

Creditor Santander Consumer USA Inc. dba Chrysler Capital ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan is an impermissible cram down; and
2. The interest rate on Creditor's claim is too low.

DISCUSSION

The lien on the Vehicle's title either secures a purchase-money loan incurred on December 12, 2022, which is less than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph), or .

Creditor opposes confirmation on the basis that the plan proposes paying its claim at 4.9 percent interest. Creditor argues that this interest rate is outside the limits authorized by the Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). In *Till*, a plurality of the Court supported the "formula approach" for fixing post-petition interest rates. *Id.* Courts in this district have interpreted *Till* to require the use of the formula approach. See *In re Cachu*, 321 B.R. 716 (Bankr. E.D. Cal. 2005); see also *Bank of Montreal v. Official Comm. of Unsecured Creditors (In re American Homepatient, Inc.)*, 420 F.3d 559, 566 (6th Cir. 2005) (*Till* treated as a decision of the Court). Even before *Till*, the Ninth Circuit had a preference for the formula approach. See *Cachu*, 321 B.R. at 719 (citing *In re Fowler*, 903 F.2d 694 (9th Cir. 1990)).

The court agrees with the court in *Cachu* that the correct valuation of the interest rate is the prime rate in effect at the commencement of this case plus a risk adjustment. Because the creditor has only identified risk factors common to every bankruptcy case, the court fixes the interest rate as the prime rate in effect at the commencement of the case, 7.5%, plus a 1.25% risk adjustment, for a 8.75% interest rate.

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 the Chapter 13 Plan filed by

Santander Consumer USA Inc. dba Chrysler Capital, 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 is **xxxxxxxxxx**

23. [25-22780](#)-C-13 FLORENTINA MAZZONE-URIE MOTION TO CONFIRM PLAN
[PGM](#)-1 Peter Macaluso 11-11-25 [[59](#)]

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 36 days' notice was provided. Dkt. 67.

The Motion to Confirm is XXXXXXXXXXXX

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 61) filed on November 11, 2025.

The Chapter 13 Trustee filed a response (Dkt. 69) on November 19, 2025, asserting he is unsure whether the plan can be confirmed based upon following:

1. Debtor may be unable to pay for debtor's house and shows no moving expense;
2. It is unclear what debtor's intentions are as to debtor's house and listed a "social security" expense of \$1,500; and
3. The "no look" fee may not be appropriate in this case.

Debtor filed a response (dkt. 77) on December 10, 2025, asserting the "Pacifica" property is in her deceased husband's name and is seeking a broker to sell the property and avoid foreclosure. Debtor asserts the plan is 100% payment plan, and she needs to use her social security savings, which is in a separate account and held in trust, to relocate.

DISCUSSION

At the hearing XXXXXXXXXX

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, Florentina Mazzone-Urie, 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 XXXXXXXXXX

24. [25-22382](#)-C-7 NICHOLAS/SAVANNAH TRUSAS CONTINUED OBJECTION TO
[DPC](#)-1 Mark Shmorgon CONFIRMATION OF PLAN BY DAVID
P. CUSICK
9-8-25 [[56](#)]

Final Ruling: No appearance at the December 17, 2025 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation is overruled as moot.

The Chapter 13 trustee filed this Objection on September 8, 2025. Thereafter, the debtor filed a Notice of Conversion, converting the case to a proceeding under Chapter 7. Dkt. 94.

The case no longer being under Chapter 13, the Objection shall be overruled as moot.

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 Confirmation filed by David P. Cusick 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 is overruled as moot.

25. [25-22382](#)-C-7 NICHOLAS/SAVANNAH TRUSAS CONTINUED MOTION FOR RELIEF
[FWP](#)-1 Mark Shmorgon FROM AUTOMATIC STAY
7-8-25 [[16](#)]
THOMAS F. LAMBIE, JR. VS.
CASE CONVERTED: 11/17/25

**This matter is continued to December 30, 2025 at 10:00 a.m. No appearance at the
December 17, 2025 hearing is necessary.**

26. [25-22382](#)-C-7 NICHOLAS/SAVANNAH TRUSAS CONTINUED OBJECTION TO
[FWP](#)-3 Mark Shmorgon CONFIRMATION OF PLAN BY THOMAS
F. LAMBIE, JR.
9-11-25 [[60](#)]

CASE CONVERTED: 11/17/25

Final Ruling: No appearance at the December 17, 2025 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation is overruled as moot.

Thomas Lambie, Jr. filed this Objection on September 11, 2025. Thereafter, the debtor filed a Notice of Conversion, converting the case to a proceeding under Chapter 7. Dkt. 94.

The case no longer being under Chapter 13, the Objection shall be overruled as moot.

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 Confirmation filed by Thomas Lambie, Jr. 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 is overruled as moot.

27. [25-23683](#)-C-13 KATHLEEN DAVIS
[DPC](#)-1 Peter Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
9-10-25 [[14](#)]

Thru #29

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 17.

The Objection to Confirmation of Plan is sustained.

This Objection was continued from the prior hearing to go along with the Motion to Value Collateral.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan relies on motion to value collateral that has not yet been decided;
2. Debtor may receive an inheritance; and
3. Debtor has failed to provide all business documents.

DEBTOR'S OPPOSITION

The debtor filed an Opposition on September 30, 2025. Dkt. 37. Debtor represents the Motion to Value is currently set to be heard on October 14, 2025. Debtor has amended her schedules and has filed Business and Income Form.

DISCUSSION

The Chapter 13 Trustee argues that Debtor has failed to file a statement of gross business income and expenses attached to Schedule I. Line 8a of Schedule I requires Debtor to "[a]ttach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income." Debtor is required to submit that statement and cooperate with the Chapter 13 Trustee. 11 U.S.C. § 521(a)(3). It appears debtor has now provided the required attachment.

The plan proposes valuing the secured claims of Ally Financial, Inc. and M & T Bank. Before the court enters an order valuing those secured claims, the plan's feasibility is uncertain.

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 is sustained.

28. [25-23683](#)-C-13 KATHLEEN DAVIS
[JCW](#)-1 Peter Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY ALLY
BANK
9-11-25 [[18](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 21.

The Objection to Confirmation of Plan is sustained.

This Objection was continued from the prior hearing to go along with the Motion to Value Collateral.

Creditor Ally Bank ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to provide for the full replacement value of Creditor's collateral; and
2. Plan fails to pay the applicable interest rate on its claim.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on September 30, 2025. Dkt. 38. Debtor represents the Motion to Value is currently set to be heard on October 14, 2025. Debtor asserts that an interest rate of 8% is appropriate in this case.

DISCUSSION

The plan proposes valuing the secured claim of Creditor. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

Creditor opposes confirmation on the basis that the plan proposes paying its claim at four percent interest. Creditor argues that this interest rate is outside the limits authorized by the Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). In *Till*, a plurality of the Court supported the "formula approach" for fixing post-petition interest rates. *Id.* Courts in this district have interpreted *Till* to require the use of the formula approach. See *In re Cachu*, 321 B.R. 716 (Bankr. E.D. Cal. 2005); see also *Bank of Montreal v. Official Comm. of Unsecured Creditors (In re American Homepatient, Inc.)*, 420 F.3d 559, 566 (6th Cir. 2005) (*Till* treated as a decision of the Court). Even before *Till*, the Ninth Circuit had a preference for the formula approach. See *Cachu*, 321 B.R. at 719 (citing *In re Fowler*, 903 F.2d 694 (9th Cir. 1990)).

The court agrees with the court in *Cachu* that the correct valuation of the interest rate is the prime rate in effect at the commencement of this case plus a risk adjustment. Because the creditor has only identified risk

factors common to every bankruptcy case, the court fixes the interest rate as the prime rate in effect at the commencement of the case, 7.50%, plus a 1.25% risk adjustment, for a 8.75% interest rate.

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 the Chapter 13 Plan filed by Ally Bank, 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 is sustained.

29. [25-23683](#)-C-13 KATHLEEN DAVIS
[PGM](#)-1 Peter Macaluso

CONTINUED MOTION TO VALUE
COLLATERAL OF ALLY BANK
9-15-25 [[22](#)]

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 30 days' notice was provided. Dkt. 26.

The Motion to Value is ~~xxxxxx~~.

The matter was continued at the prior hearing on November 25, 2025 to allow the parties to discuss the value and see if a settlement can be reached.

The debtor filed this Motion seeking to value the portion of Ally Banks's ("Creditor") claim secured by the debtor's property commonly known as 2021 Dodge Ram 3500 Crew Cab (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$19,000.00. Declaration, Dkt. 24.

TRUSTEE'S RESPONSE

The Chapter 13 Trustee filed a statement of non-opposition on September 29, 2025. Dkt. 32.

OPPOSITION

Ally Bank filed opposition (Dkt. 34) on September 30, 2025 asserting the value of the Property to be \$39,801.00.

REPLY

Debtor filed a reply contending that Ally Bank has not provided competent admissible evidence.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on November 2, 2021, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

Upon review of the record, the court finds the value of the Property is ~~xxx~~. Therefore, Creditor's secured claim is determined to be ~~\$xxx~~. 11 U.S.C. § 506(a).

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 Value Collateral and Secured Claim filed by the debtor 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 pursuant to 11 U.S.C. § 506(a) is ~~xxxxxxx~~, and the claim of Ally Bank ("Creditor") secured by property commonly known as 2021 Dodge Ram 3500 Crew Cab (the "Property") is determined to be a secured claim in the amount of \$~~xxxx.xx~~, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

Final Ruling: No appearance at the December 17, 2025 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 55 days' notice was provided. Dkt. 32.

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 Modify Plan is granted.

The debtors filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

The Chapter 13 trustee filed a non-opposition on December 4, 2025. Dkt. 38.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. 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 Modify Plan filed by the debtors, Philip and Yvette Holden, 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 Modified Chapter 13 Plan (Dkt. 31) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for the debtor 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.

31. [25-23593](#)-C-13 WILLIAM/MARY BRYANT
[DPC](#)-1 Mark Wolff

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
9-3-25 [[15](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 34 days' notice was provided. Dkt. 18.

The Objection to Confirmation of Plan is sustained.

This Objection was continued from the prior hearing on October 28, 2025 while debtor, creditor and trustee finalized on a settlement to objections to confirmation.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan impermissibly modify's secured creditor's rights;
and
2. Plan fails to provide for the claim of the IRS.

DISCUSSION

The additional plan provision paying the secured claim of Barry Monblat is an improper modification of a claim secured only by a security interest in real property that is the debtor's principal residence. That is reason to deny confirmation. 11 U.S.C. § 1322(b)(2).

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim. The plan fails to provide for payment of the secured portion of the claim and underestimates the priority portion of the claim. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, 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 is sustained.