

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

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: December 19, 2023

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

Modesto, California

December 19, 2023 at 1:00 p.m.

1.	23-90540 -B-13	STEVEN CONTRERAS	ORDER TO SHOW CAUSE - FAILURE
		David Foyil	TO PAY FEES
			11-27-23 [16]

Final Ruling

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay the \$313.00 filing fee. The court's docket reflects that the default was cured on November 29, 2023.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

The court will issue an order.

December 19, 2023 at 1:00 p.m.

Page 1 of 2

Final 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 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 **conditionally grant the motion to convert and continue the matter to January 9, 2024, at 1:00 p.m.**

First, the Debtor is delinquent in the sum of \$6,786.00. The last payment was received on October 31, 2023. This is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. §§ 1307(c)(1) and (4).

Second, 410 days have passed since the debtor filed this case and, to date, the Debtor has failed to confirm a plan. This is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1)

Third, based on Debtor's Schedules A/B, C and D, there is non-exempt equity in property. Even if the Debtor were to amend his exemptions, there would remain non-exempt equity that could be realized for the benefit of unsecured creditors should the case be converted to a chapter 7.

Cause exists to convert rather than dismiss this case. The motion is conditionally granted and the case will be converted to a chapter 7 case.

Further, based on the Debtor's history of filing amended plans in response to the Trustee's several motions to dismiss, and the resulting delay in over one year without a confirmed plan, if an amended plan is filed in response to this ruling and if it is not set for hearing when filed or if set for hearing and not confirmed this case will be converted to a chapter 7 case.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, December 22, 2023, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on January 9, 2024, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on January 9, 2024, at 1:00 p.m.