

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

December 20, 2016 at 10:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.

3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.

4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	14-90800-D-13	JORGE/ROCIO VIDES	MOTION TO MODIFY PLAN
	CJY-1		11-2-16 [37]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

2. 14-91301-D-13 DIANA CAMPANELLA
CJY-3

OBJECTION TO NOTICE OF
POSTPETITION MORTGAGE FEES,
EXPENSES, AND CHARGES
10-12-16 [62]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the debtor's objection to Notice of Post-Petition Mortgage Fees, Expenses, and Charges has been filed and the objection is supported by the record. Accordingly, the court will sustain the debtor's objection to Notice of Post-Petition Mortgage Fees, Expenses, and Charges. Moving party is to submit an appropriate order. No appearance is necessary.

3. 12-92003-D-13 RONALD/JACKIE FRIED
CJY-4

MOTION TO MODIFY PLAN
11-9-16 [64]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

4. 16-90305-D-13 DANIEL/ANITA ALMANZA
CJY-1

MOTION TO VALUE COLLATERAL OF
INTERNAL REVENUE SERVICE
11-18-16 [20]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

5. 16-90806-D-13 KRISTINA ZAPIEN
MJD-1

MOTION TO CONFIRM PLAN
11-7-16 [15]

6. 16-90910-D-13 DURLABH GANDHI
CJY-1

MOTION TO AVOID LIEN OF WEST
AMERICA BANK
11-22-16 [19]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtor is entitled. As a result, the court will grant the debtor's motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

7. 16-90910-D-13 DURLABH GANDHI
CJY-2

MOTION TO AVOID LIEN OF CENTRAL
BANK OF THE MIDWEST
11-22-16 [25]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtor is entitled. As a result, the court will grant the debtor's motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

8. 16-90910-D-13 DURLABH GANDHI
CJY-3

MOTION TO AVOID LIEN OF PRITI
MODI
11-22-16 [31]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtor is entitled. As a result, the court will grant the debtor's motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

9. 16-90713-D-13 WAYNE HAMBLIN
DEF-3

MOTION TO CONFIRM PLAN
10-27-16 [36]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the moving party failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(b). The moving party failed to serve almost all the general unsecured creditors listed on his Schedule E/F.

As a result of this service defect, the motion will be denied and the court need not consider the trustee's opposition at this time. The motion will be denied by minute order. No appearance is necessary.

10.	16-90713-D-13	WAYNE HAMBLIN	OBJECTION TO DEBTOR'S CLAIM OF
	RDG-1		EXEMPTIONS
			10-31-16 [43]

Final ruling:

This is the trustee's objection to the debtor's claim of exemption in a retirement account. On November 14, 2016, the debtor filed an amended Schedule C. As a result of the filing of the amended Schedule C, the present objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

11.	16-90921-D-13	JOHN/JULIE HOLDER	OBJECTION TO CONFIRMATION OF
	RDG-1		PLAN BY RUSSELL D. GREER
			11-21-16 [19]

12.	11-94222-D-13	SHELLEY SHAHEN	CONTINUED MOTION TO MODIFY PLAN
	DCJ-6		7-5-16 [107]

13.	16-90727-D-13	MICHAEL/CONSTANCE	MOTION FOR RELIEF FROM
	WFM-1	SANCHAGRIN	AUTOMATIC STAY
	BANK OF AMERICA, N.A. VS.		11-15-16 [19]

Final ruling:

This matter is resolved without oral argument. This is Bank of America's motion for relief from automatic stay. The court records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the creditor's interest and the subject property is not adequately protected. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay by minute order, and will waive FRBP 4001(a)(3). This relief will be granted by minute order. There will be no further relief afforded. No appearance is necessary.

14. 16-90827-D-13 MICHAEL LOCARNINI
RDG-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
11-7-16 [32]

Final ruling:

This matter was heard and decided on December 6, 2016. It was calendared for this date by mistake and is removed from this calendar.

15. 16-90827-D-13 MICHAEL LOCARNINI
RDG-3

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
11-7-16 [29]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the trustee's objection to debtor's claim of exemptions has been filed and the objection is supported by the record. Accordingly, the court will sustain the trustee's objection to debtor's claim of exemptions. Moving party is to submit an appropriate order. No appearance is necessary.

16. 12-91531-D-13 KATHERINE LUCE
CJY-5

OBJECTION TO NOTICE OF
POSTPETITION MORTGAGE FEES,
EXPENSES, AND CHARGES
10-20-16 [65]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

17. 16-90732-D-13 MARCELLA WITT
CJY-1

MOTION TO CONFIRM PLAN
10-31-16 [28]

18. 12-92433-D-13 DOUGLAS/JUDITH BRADSHAW MOTION FOR RELIEF FROM
AP-1 AUTOMATIC STAY
JPMORGAN CHASE BANK, N.A. 11-16-16 [105]
VS.

19. 16-90638-D-13 JOHN HART MOTION TO CONFIRM PLAN
SLH-1 10-27-16 [26]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

20. 11-93751-D-13 JERRY/PAULA HAMPTON MOTION TO VALUE COLLATERAL OF
CJY-3 CITIBANK, N.A.
11-18-16 [52]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Citibank, N.A. at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Citibank, N.A.'s secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

21. 16-90655-D-13 FABIAN MORALES MOTION TO CONFIRM PLAN
TOG-1 11-3-16 [24]

22. 16-90356-D-13 RICHARD AZIZ
BSH-2

MOTION TO CONFIRM PLAN
11-2-16 [45]

23. 16-90159-D-13 ASHUR SHIBA
CJY-1

OBJECTION TO NOTICE OF
POSTPETITION MORTGAGE FEES,
EXPENSES, AND CHARGES
10-12-16 [49]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the debtor's objection to Notice of Post-Petition Mortgage Fees, Expenses, and Charges has been filed and the objection is supported by the record. Accordingly, the court will sustain the debtor's objection to Notice of Post-Petition Mortgage Fees, Expenses, and Charges. Moving party is to submit an appropriate order. No appearance is necessary.

24. 16-90965-D-13 JESSIE/PATRICIA SANTOS
CJY-1

MOTION TO VALUE COLLATERAL OF
DITECH FINANCIAL, LLC
11-4-16 [9]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

25. 16-90965-D-13 JESSIE/PATRICIA SANTOS
CJY-2

MOTION TO VALUE COLLATERAL OF
SPRINGLEAF FINANCIAL SERVICES,
INC.
11-4-16 [14]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

26. 16-90965-D-13 JESSIE/PATRICIA SANTOS MOTION TO VALUE COLLATERAL OF
CJY-3 INTERNAL REVENUE SERVICE
11-4-16 [19]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

27. 14-91166-D-13 JOHN/PATRICIA ADLER MOTION TO MODIFY PLAN
CJY-1 11-7-16 [25]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

28. 16-90868-D-13 LISA COOPER OBJECTION TO DEBTOR'S CLAIM OF
RDG-2 EXEMPTIONS
11-7-16 [27]

Final ruling:

This is the trustee's objection to the debtor's claim of exemption in real property. On December 1, 2016, the debtor filed an amended Schedule C. As a result of the filing of the amended Schedule C, the present objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

29. 16-90772-D-13 NICSSON MORADKHANIAN MOTION TO CONFIRM PLAN
BSH-3 11-2-16 [24]

Final ruling:

This case was dismissed on November 23, 2016. As a result the motion will be denied by minute order as moot. No appearance is necessary.

30. 16-90772-D-13 NICSSON MORADKHANIAN MOTION FOR RELIEF FROM
SSA-1 AUTOMATIC STAY AND/OR MOTION
VELMA HOWELL VS. FOR ADEQUATE PROTECTION
11-22-16 [42]

Final ruling:

This case was dismissed on November 23, 2016. As a result the motion for relief from automatic stay will be denied by minute order as moot. No appearance is necessary.

31. 16-90872-D-13 REYNALD/ELVIRA WANCE OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY TRUSTEE RUSSELL D.
GREER
11-21-16 [17]

32. 16-90178-D-13 RICKY/JENNIFER SILVA MOTION TO MODIFY PLAN
CJY-2 11-9-16 [25]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

33. 12-91395-D-13 SEFERINO/MARIA LEMUS CONTINUED MOTION TO MODIFY PLAN
TOG-2 7-29-16 [54]

34. 12-91395-D-13 SEFERINO/MARIA LEMUS
TOG-3
OBJECTION TO CLAIM OF INTERNAL
REVENUE SERVICE, CLAIM NUMBER
8-1
10-31-16 [62]
35. 10-94908-D-13 GARY BERGQUIST
CJY-3
MOTION TO AVOID LIEN OF
AMERICAN EXPRESS BANK, FSB
12-5-16 [69]
36. 16-90314-D-13 TERRY FULLEN
RAR-1
THE ESTATE OF RICHARD
EMMONS, DECD. VS.
CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY AND/OR
MOTION FOR RELIEF FROM
CO-DEBTOR STAY
11-22-16 [28]
37. 16-90314-D-13 TERRY FULLEN
JAD-1
CONTINUED MOTION TO SELL O.S.T.
11-16-16 [23]

38. 16-90635-D-13 ROBERT TONDRE
MLP-1

MOTION TO APPROVE LOAN
MODIFICATION
12-6-16 [21]

Final ruling:

This is the debtor's motion to approve a mortgage loan modification. The motion will be denied because the service list attached to the proof of service is from a different case, Case No. 16-90935. As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

39. 12-91853-D-13 KENNETH/LORI FALKENSTROM
PGM-1

CONTINUED MOTION TO INCUR DEBT
8-30-16 [30]

40. 11-93670-D-13 DAVID WINE
MTM-2

MOTION TO INCUR DEBT
12-2-16 [67]

41. 16-91083-D-13 LOUWANNA MARTIN
CJY-1

MOTION TO EXTEND AUTOMATIC STAY
12-6-16 [8]

42. 12-91853-D-13 KENNETH/LORI FALKENSTROM CONTINUED MOTION TO INCUR DEBT
PGM-1 8-30-16 [30]

Final ruling:

This is a duplicate of Item 39 above; as such, it is removed from calendar.