

UNITED STATES BANKRUPTCY COURT
DEPARTMENT 5
JUDGE CHRISTOPHER B. LATHAM, PRESIDING
WEDNESDAY, DECEMBER 21, 2016

10:00 AM

1 - 12-15414-CL Ch 13 JOSE L LOPEZ

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: KERRY A. DENTON (JOSE L LOPEZ)

2 - 13-00896-CL Ch 13 FERNANDO GARCIA & NORMA SALAZAR

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: CHARLES E. FOUGERON (FERNANDO GARCIA, NORMA SALAZAR)

3 - 13-09162-CL Ch 13 STEPHEN L. & CARMEN W SKELTON

1) MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 11/9/16)

Tentative Ruling: The court has considered the Trustee's motion to dismiss case, Debtors' opposition, its minute order (ECF No. 118), and the parties' statements of case status. Debtors are unable to proceed in the current case and may re-file at a later date. Good cause appearing, the court **grants** the motion and **dismisses** Debtors' case. Since Debtors' counsel does not explicitly request guideline fees for opposing the motion to dismiss, the court does not award them here. The court excuses appearances at the December 21, 2016 hearing, and the Trustee may submit an order consistent with this tentative ruling.

2) MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTORS (fr. 11/9/16)

Tentative Ruling: In light of Debtors' consent to this case being dismissed, the court takes their motion to modify **off calendar** as moot, **awards** Debtors' counsel \$600 in guideline fees, and excuses appearances at the December 21, 2016 hearing.

ATTORNEY: CARL H. STARRETT (STEPHEN L. SKELTON, CARMEN W SKELTON)

10:00 AM

4 - 14-01982-CL Ch 13 MARY ELIZABETH PEREZ

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: The court has considered the Trustee's motion to dismiss case, Debtor's counsel's declaration in opposition, and the parties' statements of case status. The parties agree that the Trustee has received the outstanding 2015 tax returns. Debtor further represents that she did not receive a 2015 tax refund because the IRS used it to satisfy a previous year's liability. The Trustee's original concerns thus appear resolved. But he now alleges without dispute that Debtor has failed to make plan payments and the plan length exceeds 60 months. He requests, and Debtor agrees to, an order tracking both the refund and the January 17, February 17, and March 17, 2017 plan payments at \$1,477 per month. Good cause appearing, the court **grants** the request and **awards** Debtor's counsel \$490 in guideline fees. The parties may file a PCM in the normal course. If the Trustee is prepared to submit on this tentative ruling, he may notify opposing counsel and the courtroom deputy, and the court will excuse appearances at the December 21, 2016 hearing. Debtor may then submit an order consistent with this tentative ruling.

ATTORNEY: DAVID E. BRITTON (MARY ELIZABETH PEREZ)

5 - 14-04356-CL Ch 13 ALEXIS OBUSAN BALANE & ROWENA CAPILOS DELMAR

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: LARISSA L. LAZARUS (ALEXIS OBUSAN BALANE, ROWENA CAPILOS DELMAR)

6 - 14-04646-CL Ch 13 IRMA PANDURO

APPLICATION FOR ATTORNEYS FEES FOR JOHN F. BRADY, ATTORNEY FOR DEBTOR

Tentative Ruling: The court has considered John F. Brady's application for attorney's fees and statement of case status. Having received no opposition, and good cause appearing, the court grants the application, awards \$625 in guideline fees, and excuses appearances at the December 21, 2016 hearing. Mr. Brady may submit an order consistent with this tentative ruling.

ATTORNEY: JOHN F BRADY (IRMA PANDURO)

7 - 14-06426-CL Ch 13 MICHAEL A CHAVEZ

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: DANIEL J. WINFREE (MICHAEL A CHAVEZ)

10:00 AM

8 - 14-06504-CL Ch 13 EDWARD DURAND & LATEADRA TARNEIKA BERRY

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: The court has considered the Trustee's motion to dismiss case, Debtors' counsel's declaration in opposition, and the Trustee's statement of case status. On December 16, 2016, Debtors converted this case to Chapter 7 (ECF No. 47). Accordingly, the court **denies** the Trustee's motion as moot. Since Debtors' counsel does not explicitly request guideline fees for opposing the motion, the court does not award them here. If the parties are prepared to submit on this tentative ruling, they may notify opposing counsel and the courtroom deputy, and the court will excuse appearances at the December 21, 2016 hearing. Debtors may then submit an order consistent with this tentative ruling.

ATTORNEY: AHREN TILLER (EDWARD DURAND BERRY, LATEADRA TARNEIKA BERRY)

9 - 15-02844-CL Ch 13 CARLO & MILA R QUILA

MOTION FOR RELIEF FROM STAY, RS #AP-1 FILED BY DITECH FINANCIAL LLC

ATTORNEY: KERRY A. DENTON (CARLO QUILA, MILA R QUILA)
ATTORNEY: ROBERT ZAHRADKA (DITECH FINANCIAL LLC)

10 - 15-03664-CL Ch 13 ALEXIS K. LIBURD

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: AHREN TILLER (ALEXIS K. LIBURD)

11 - 15-04252-CL Ch 13 ANTONIO L & CAROL PAGARIGAN

MOTION FOR RELIEF FROM STAY, RS #APN-1 FILED BY KIA MOTORS FINANCE

Court Deputy Note: Matter off calendar. Order on Stipulation for Adequate Protection entered 12/20/16 (re ECF No. 32).

ATTORNEY: JEFFREY D. SCHREIBER (ANTONIO L PAGARIGAN, CAROL PAGARIGAN)
ATTORNEY: AUSTIN P. NAGEL (KIA MOTORS FINANCE)

12 - 15-05986-CL Ch 13 ARTHUR A. ARAGON

MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: D.J. RAUSA (ARTHUR A. ARAGON)

10:00 AM

13 - 15-06894-CL Ch 13 EARL L HUEY

- 1) MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTOR (fr. 11/9/16)

Tentative Ruling: The court will **hear** the matter.

- 2) MOTION FOR ORDER AUTHORIZING LOAN MODIFICATION AGREEMENT FILED BY U.S. BANK TRUST NA, AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST, BY CALIBER HOME LOANS INC, AS ITS ATTORNEY IN FACT

Tentative Ruling: The court has considered U.S. Bank Trust, N.A.'s ("Applicant") application for an order authorizing a loan modification agreement with Debtor. Having received no opposition, and good cause appearing, the court **grants** the motion and excuses appearances at the December 21, 2016 hearing as to this matter only. Applicant may submit an order consistent with this tentative ruling.

ATTORNEY: ANDREW H. GRIFFIN (EARL L HUEY)
ATTORNEY: NANCY LEE (U.S. BANK TRUST NA)

14 - 16-00938-CL Ch 13 KAREN S HIDDEN

- 1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 11/9/16)

Tentative Ruling: The court will **hear** the matter.

- 2) OPPOSITION TO DEBTOR'S OBJECTION TO CLAIM #3 FILED BY STELIS LLC (fr. 11/9/16)

Tentative Ruling: **TENTATIVE RULING ISSUED BY COURT.** Please see **ECF No. 74** for the **Tentative Ruling** as to the above matter.

ATTORNEY: ANDREW H. GRIFFIN (KAREN S HIDDEN)
ATTORNEY: BONNI MANTOVANI (STELIS LLC)

15 - 16-05490-CL Ch 13 BARRI L. GROVES

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY WHEELS FINANCIAL GROUP LLC DBA LOANMART (fr. 12/7/16)

Court Deputy Note: Matter off calendar. Creditor's Objection to Confirmation withdrawn 12/20/16 (re ECF No. 24).

ATTORNEY: CARL H. STARRETT (BARRI L. GROVES)
ATTORNEY: SHERYL D. NOEL (WHEELS FINANCIAL GROUP LLC)

16 - 16-05826-CL Ch 13 SCOTT QUINN & BOBBI JO CAREY

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY ALLY FINANCIAL

ATTORNEY: MARC A. DUXBURY (SCOTT QUINN CAREY, BOBBI JO CAREY)
ATTORNEY: ADAM N. BARASCH (ALLY FINANCIAL)

10:00 AM

17 - 16-07180-LT Ch 13 CASSANDRA LYNN PERKINS

MOTION TO EXTEND AUTOMATIC STAY FILED BY DEBTOR (*Judge Taylor case)

Tentative Ruling: The court has considered Debtor's unopposed motion to extend automatic stay. Good cause appearing, the court finds that Debtor has rebutted the presumption of bad faith and is entitled to the relief requested. *See* 11 U.S.C. § 362(c)(3)(C). Accordingly, the court **grants** the motion, **awards** Debtor's counsel \$380 in guideline fees, and excuses appearances at the December 21, 2016 hearing. Debtor may submit an order consistent with this tentative ruling.

ATTORNEY: MARK AALAM (CASSANDRA LYNN PERKINS)

02:00 PM

1 - 11-15559-CL Ch 13 JUDITH K. WALTERS

MOTION TO DISMISS CASE FILED BY TRUSTEE

OTHER: JUDITH K. WALTERS

2 - 12-15287-CL Ch 13 OTIS & ADRIANE V. MORRIS

MOTION FOR ORDER AUTHORIZING DEBTORS TO INCUR NEW DEBT FILED BY DEBTORS

Tentative Ruling: The court has considered Debtors' motion to incur new debt, the Trustee's limited opposition, and the Trustee's withdrawal of his limited opposition. Having received no other opposition, and good cause appearing, the court **grants** the motion, **awards** Debtors' counsel \$490 in guideline fees, and excuses appearances at the December 21, 2016 hearing. Debtors may submit an order consistent with this tentative ruling.

ATTORNEY: D.J. RAUSA (OTIS MORRIS, ADRIANE V. MORRIS)

3 - 13-11481-CL Ch 13 JENIFFER JANICE MARCELO

MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 11/9/16)

ATTORNEY: DAVID E. BRITTON (JENIFFER JANICE MARCELO)

4 - 13-12435-CL Ch 13 LEOPOLDO & MARIA LOPEZ

MOTION FOR COURT CONSENT TO ENTER INTO LOAN MODIFICATION WITH W/WELLS FARGO BANK FILED BY DEBTORS

Tentative Ruling: The court has considered Debtors' motion for court consent to enter into loan modification agreement and the Trustee's Statement of Non-Opposition. Having received no opposition, and good cause appearing, the court **grants** the motion, **awards** Debtors' counsel \$545 in guideline fees, and excuses appearances at the December 21, 2016 hearing. Debtors may submit an order consistent with this tentative ruling.

ATTORNEY: EUGENIO RAMOS (LEOPOLDO LOPEZ, MARIA LOPEZ)

02:00 PM

5 - 14-08791-CL Ch 13 MICHAEL & SHAWNA PRUITT
MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: The court has considered the Trustee's motion to dismiss, Debtors' opposition, and the parties' statement of case status. The parties agree to an order tracking Debtors' January 9, February 9, and March 9, 2017 plan payments (ECF No. 58). Good cause appearing, the court **orders** tracking accordingly, **awards** Debtors' counsel \$490 in guideline fees, and excuses appearances at the December 21, 2016 hearing. The Trustee may submit an order consistent with this tentative ruling and his status report.

ATTORNEY: DANIEL LICKEL (MICHAEL PRUITT, SHAWNA PRUITT)

6 - 16-01045-CL Ch 13 GEORGE W & CHRISCHELL L ROBINSON
MOTION FOR RELIEF FROM STAY, RS #ETL-1 FILED BY TOYOTA LEASE TRUST

ATTORNEY: KERRY A. DENTON (GEORGE W ROBINSON, CHRISCHELL L ROBINSON)
ATTORNEY: ERICA LOFTIS (TOYOTA LEASE TRUST)

7 - 16-03505-CL Ch 13 LAVONNYA M. FISHER
APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR LAW OFFICES OF D.J. RAUSA, ATTORNEYS FOR DEBTOR

ATTORNEY: D.J. RAUSA (LAVONNYA M. FISHER)

8 - 16-04139-CL Ch 13 NADIA ZARAFILI
1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY WELLS FARGO BANK NA (fr. 11/9/16)

Tentative Ruling: The court has considered Wells Fargo's objection to confirmation, Debtor's opposition, and the parties' recent statements of case status. The parties agree to continue the hearing to allow Debtor's claim objections to be heard at the same time (ECF No. 34). Good cause appearing, the court **continues** this matter to **January 18, 2017 at 2:00 p.m.** and excuses appearances at the December 21, 2016 hearing.

2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 11/9/16)

Tentative Ruling: The court has considered the Trustee's objection to confirmation and motion to dismiss case, Debtor's opposition, and the parties' recent statements of case status. The parties agree to continue the hearing to allow Debtor's claim objections to be heard at the same time (ECF No. 33). Good cause appearing, the court **continues** this matter to **January 18, 2017 at 2:00 p.m.** and excuses appearances at the December 21, 2016 hearing.

ATTORNEY: JEFFERY R. MENARD (NADIA ZARAFILI)
ATTORNEY: DARLENE C. VIGIL (WELLS FARGO BANK NA)

9 - 16-05803-CL Ch 13 TANYA FINONA-WALDON

MOTION FOR RELIEF FROM STAY, RS #ABG-1 FILED BY VANDERBILT MORTGAGE AND FINANCE INC

ATTORNEY: ALLAN CATE (TANYA FINONA-WALDON)
ATTORNEY: MARK S. BLACKMAN (VANDERBILT MORTGAGE AND FINANCE INC)

10 - 16-07143-CL Ch 13 JONATHON DALE PATRICK MCKINNEY

MOTION TO EXTEND AUTOMATIC STAY FILED BY DEBTOR

Tentative Ruling: The court will **hear** the matter. It has considered Debtor's motion to extend automatic stay. Having received no opposition, and good cause appearing, the court **grants** the motion **in part** as to all creditors except AT&T Inc., the City of San Diego, Enhanced Recovery Corporation, Ford Motor Credit Co., Rady Children's Hospital, Speedy Cash, and T Mobile.

When a debtor files a new bankruptcy case within a year of a having a prior bankruptcy case dismissed, the automatic stay terminates 30 days after the filing of the new case. 11 U.S.C. § 362(c)(3)(A). To extend the automatic stay beyond the 30th day, a debtor must demonstrate that the new case is filed in good faith as to the creditors to be stayed. § 362(c)(3)(B). A case is presumptively filed in bad faith as to all creditors if the debtor's prior case was dismissed for failure to file required documents. § 362(c)(3)(C)(i)(II)(aa). The presumption that the case is not filed in good faith may be rebutted by clear and convincing evidence. § 362(c)(3)(C).

Debtor's prior case was dismissed for his failure to file his bankruptcy schedules, a statement of financial affairs, a summary of assets and liabilities and certain statistical information, and a Chapter 7 statement on monthly income (Case No. 16-05158-CL7, ECF No. 12). This raises the presumption of bad faith. § 362(c)(3)(C)(i)(II)(aa). Debtor has rebutted the presumption of bad faith by his declaration that he has a new job (ECF No. 13-1, p. 2), filing a Chapter 13 petition (ECF No. 1), and filing the required documents (ECF No. 12).

Upon filing a motion to extend stay, a debtor must also serve all interested parties. Fed. R. Bankr. P. 9014(a) ("In a contested matter not otherwise governed by these rules, relief shall be requested by motion, and reasonable notice and opportunity for hearing shall be afforded the party against whom relief is sought."). Debtor failed to do so. His schedule E/F lists the "City of San Diego" as a priority unsecured claimant (ECF No. 12-6, p. 1-4), "ERC/Enhanced Recovery Corp." as a nonpriority unsecured claimant (ECF No. 12-6, p. 5), and "AT&T Inc.," "Rady Children's Hospital," and "Speedy Cash" as others to be noticed (ECF No. 12-6, p. 7). In addition, the claims register includes "American InfoSource LP as agent for T Mobile/T-Mobile USA Inc" (Claim No. 2) and "Ford Motor Credit Co." (Claim No. 3). His motion was not served on any of these creditors except T-Mobile (ECF No. 11-1, p. 1). And his notice to T-Mobile was misaddressed. *Id.* Accordingly, the court **denies** the motion as to the mentioned creditors for insufficient service.

As to all other creditors, good cause appearing, the court finds that Debtor has rebutted the presumption of bad faith and is entitled to the relief requested. *See* 11 U.S.C. § 362(c)(3)(C). Thus, it **grants** the motion as to all other creditors.

Debtor's counsel should come prepared to discuss the points above.

ATTORNEY: AARON LLOYD (JONATHON DALE PATRICK MCKINNEY)

MOTION TO EXTEND AUTOMATIC STAY FILED BY DEBTOR

Tentative Ruling: The court will **hear** the matter. It has considered Debtor's motion to extend automatic stay. Having received no objection, and good cause appearing, the court **grants** the motion **in part** as to all creditors except Loan Me and Wells Fargo.

When a debtor files a new bankruptcy case within a year of a having a prior bankruptcy case dismissed, the automatic stay terminates 30 days after the filing of the new case. 11 U.S.C. § 362(c)(3)(A). To extend the automatic stay beyond the 30th day, a debtor must demonstrate that the new case is filed in good faith as to the creditors to be stayed. § 362(c)(3)(B). A case is presumptively filed in bad faith as to all creditors if the debtor's prior case was dismissed for failure to perform the terms of his plan. § 362(c)(3)(C)(i)(II)(cc). The presumption that the case is not filed in good faith may be rebutted by clear and convincing evidence. § 362(c)(3)(C).

Debtor's prior case was dismissed for his failure to make plan payments (Case No. 15-06502-CL13, ECF No. 40), which raises the presumption of bad faith. § 362(c)(3)(C)(i)(II)(cc). Debtor has rebutted the presumption of bad faith by his declaration that he has secured a second job and reduced his household expenses (ECF No. 8-1, p. 2).

Upon filing a motion to extend stay, a debtor must also serve all interested parties. Fed. R. Bankr. P. 9014(a) ("In a contested matter not otherwise governed by these rules, relief shall be requested by motion, and reasonable notice and opportunity for hearing shall be afforded the party against whom relief is sought."). In Debtor's previous case, creditors filed ten claims. Here, Debtor served two of his previous creditors at the wrong address.

Former claim No. 6 was filed by "Wells Fargo Bank N.A., d/b/a Wells Fargo Dealer Services" and requested notice be sent to P.O. Box 19657, Irvine, CA 92693-9657; Debtor served Wells Fargo at its headquarters, and Wells Fargo Dealer Services at P.O. Box 3569, Rancho Cucamonga, CA 91729. Former claim No. 10 was filed by "Loan Me c/o Weinstein & Riley, PS" and requested notice be sent to 2001 Western Avenue, Ste 400, Seattle, WA 98121; Debtor sent notice to Loan Me at 1 City Boulevard W Ste 900, Orange, CA 92868-3654. Thus the court **denies** the motion as to Loan Me and Wells Fargo.

As to all other creditors, good cause appearing, the court finds Debtor has rebutted the presumption of bad faith and is entitled to the relief requested. *See* 11 U.S.C. § 362(c)(3)(C). Accordingly, it **grants** the motion **in part** as to all creditors except Loan Me and Wells Fargo.

Debtor's counsel should come prepared to discuss the points above.

ATTORNEY: ANDREW MOHER (REY RABOT RAVARRA)

12 - 16-07255-CL Ch 13 OCTAVIO CHIQUETE

MOTION TO EXTEND AUTOMATIC STAY FILED BY DEBTOR

Tentative Ruling: Having considered Debtor's unopposed motion to extend automatic stay, and good cause appearing, the court finds there is no presumption of bad faith and that Debtor is entitled to the relief requested. *See* 11 U.S.C. § 362(c)(3)(C). Accordingly, the court **grants** the motion and excuses appearances at the December 21, 2016 hearing. Since Debtor's counsel does not request guideline fees, the court does not award them here. Debtor may submit an order consistent with this tentative ruling.

ATTORNEY: THOMAS K. SHANNER (OCTAVIO CHIQUETE)

13 - 16-03917-CL Ch 13 RODOLFO ESTELA HUAPE

MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF CITIMORTGAGE INC FILED BY DEBTORS

Tentative Ruling: Debtor's motion to value real property, treat claim as unsecured, and avoid junior lien of CitiMortgage Inc. is **granted**. Per unopposed evidence, the residence is valued at \$374,000. Pursuant to 11 U.S.C. § 506(a), the court finds that the junior lienholder's lien is wholly unsecured by the residence's value. Pursuant to 11 U.S.C. § 1322(b), the claim may be treated as unsecured for purposes of this case, and the lien may be stripped off following plan confirmation, completion of the plan, and resulting discharge, if applicable.

As this motion is unopposed, appearances are excused and Debtor may upload an order that substantially conforms to Local Form CSD 1171.2. Once the court enters the order, Debtor is directed to serve it in accordance with FRBP 7004 and LBR 9013-10(c), and then promptly file a proof of service. Since Debtor's counsel does not request guideline fees, the court does not award them here.

ATTORNEY: GEORGE PANAGIOTOU (RODOLFO ESTELA HUAPE)
ATTORNEY: MARK A. NELSON (RODOLFO ESTELA HUAPE)

14 - 15-06843-LT Ch 13 VIRGINIA RIPA

MOTION FOR RELIEF FROM STAY, RS #EAT-1 FILED BY WELLS FARGO BANK NA (*Judge Taylor case)

ATTORNEY: L. TEGAN HURST (VIRGINIA RIPA)
ATTORNEY: DARLENE C. VIGIL (WELLS FARGO BANK NA)

15 - 16-00825-LT Ch 13 ANGEL D. RZESLAWSKI

MOTION FOR RELIEF FROM STAY RS #EMM-1 FILED BY TOYOTA MOTOR CREDIT CORPORATION (*Judge Taylor case)

ATTORNEY: JANET GUTIERREZ (ANGEL D. RZESLAWSKI)
ATTORNEY: ERIN MCCARTNEY (TOYOTA MOTOR CREDIT CORPORATION)

MOTION TO EXTEND AUTOMATIC STAY FILED DEBTOR (*Judge Taylor case)

Tentative Ruling: The court will **hear** the matter. It has considered Debtor's motion to extend automatic stay. Having received no objection, and good cause appearing, the court **grants** the motion **in part** as to all creditors except the Franchise Tax Board and U.S. Bank.

When a debtor files a new bankruptcy case within a year of a having a prior bankruptcy case dismissed, the automatic stay terminates 30 days after the filing of the new case. 11 U.S.C. § 362(c)(3)(A). To extend the automatic stay beyond the 30th day, a debtor must demonstrate that the new case is filed in good faith as to the creditors to be stayed. § 362(c)(3)(B). A case is presumptively filed not in good faith as to all creditors if the debtor's prior case was dismissed for failure to perform the terms of his plan. § 362(c)(3)(C)(i)(II)(cc). The presumption that the case is not filed in good faith may be rebutted by clear and convincing evidence. § 362(c)(3)(C).

Debtor's prior case was dismissed for his failure to make plan payments (Case No. 14-09872-LT13, ECF No. 61), which raises the presumption of bad faith. § 362(c)(3)(C)(i)(II)(cc). Debtor has rebutted the presumption of bad faith by his declaration that his income has increased (ECF No. 10-1, p. 1).

Upon filing a motion to extend stay, a debtor must also serve all interested parties. Fed. R. Bankr. P. 9014(a) ("In a contested matter not otherwise governed by these rules, relief shall be requested by motion, and reasonable notice and opportunity for hearing shall be afforded the party against whom relief is sought."). In Debtor's previous case, two creditors filed claims. Here, Debtor incorrectly served both.

Former claim No. 1 was filed by "U.S. Bank N.A. as Legal Title Trustee for Truman 2" and requested notice be sent to P.O. Box 55004, Irvine, CA 92619-2708; Debtor did not serve U.S. Bank. Former claim No. 10 was filed by "Franchise Tax Board" and requested notice be sent to Bankruptcy Section MS A340, P.O. Box 2952, Sacramento, CA 95812-2952; Debtor sent notice to PO Box 942840, Sacramento, CA 94240-0001. Thus, the court **denies** the motion as to U.S. Bank and the Franchise Tax Board.

As to all other creditors, good cause appearing, the court finds Debtor has rebutted the presumption of bad faith and is entitled to the relief requested. *See* 11 U.S.C. § 362(c)(3)(C). Accordingly, it **grants** the motion **in part** as to all creditors except the Franchise Tax Board and U.S. Bank, and **awards** Debtor's counsel \$380 in guideline fees.

Debtor's counsel should come prepared to discuss the points above.

ATTORNEY: BRIAN CROZIER WHITAKER (JAYME J ZEPEDA)