

UNITED STATES BANKRUPTCY COURT
DEPARTMENT 2
JUDGE LOUISE DeCARL ADLER, PRESIDING
TUESDAY, NOVEMBER 24, 2009

10:00 AM

1 - 05-00176-LA Ch 13 SHIRLEY JANE ELGAS

TRUSTEE'S MOTION TO DISMISS CASE (Fr. 8/18/09)

ATTORNEY: SHIRLEY JANE ELGAS (IN PRO PER)

2 - 05-14228-PB Ch 13 PHILLIP R. SPRAGUE

TRUSTEE'S MOTION TO DISMISS BANKRUPTCY CASE

ATTORNEY: JACKIE ROBERT GELLER (PHILLIP R. SPRAGUE)

3 - 08-00168-LA Ch 13 DAWN M. GREER

TRUSTEE'S MOTION TO DISMISS CASE (fr. 10/20/09)

ATTORNEY: RICK G. MELENDEZ (DAWN M. GREER)

4 - 08-03852-PB Ch 13 STANLEY H. & ALTHEA BEASON

1) DEBTORS' MOTION FOR APPROVAL OF MODIFIED CHAPTER 13 PLAN
AFTER CONFIRMATION (fr. 10/6/09)

2) CHAPTER 13 TRUSTEE'S MOTION TO DISMISS CASE (fr. 10/6/09)

ATTORNEY: DON E. BOKOVOY (ALTHEA BEASON, STANLEY H. BEASON)

5 - 08-10082-JM Ch 13 MARTHA A. FOWLER

MOTION FOR RELIEF FROM STAY, RS # PD-1 FILED BY ERIN L. LANEY ON
BEHALF OF WACHOVIA MORTGAGE, FSB F/K/A WORLD SAVINGS BANK,
FSB

ATTORNEY: DON E. BOKOVOY (MARTHA A. FOWLER)

6 - 09-00838-LT Ch 13 JOSEPH CHAVEZ

U.S. BANK NATIONAL ASSOCIATION'S MOTION FOR RELIEF FROM STAY
(RS #DVD-1) (fr. 10/20/09)

ATTORNEY: MARJAN MORTAZAVI (JOSEPH CHAVEZ)

ATTORNEY: DOYNA V. DARDON (U.S. BANK NATIONAL ASSOCIATION)

10:00 AM

7 - 09-01190-LA Ch 13 ELIAS REGASPI HERMOSO & LEONIDA EVANGELISTA MOLLY

MOTION FOR RELIEF FROM STAY, RS # TJS-1 FILED BY TIMOTHY J. SILVERMAN ON BEHALF OF LITTON LOAN SERVICING, L.P. DULY AUTHORIZED SERVICING AGENT HOME 123 CORPORATION, ITS SUCCESSORS AND/OR ASSIGNS

ATTORNEY: KRISTIN LAMAR (ELIAS REGASPI HERMOSO, LEONIDA EVANGELISTA MOLLY)

8 - 09-02964-LT Ch 13 PHILLIP & CUC MARKS

MOTION TO AVOID LIEN OF WELLS FARGO BANK FILED ON BEHALF OF CUC MARKS, PHILLIP MARKS

Tentative Ruling: Motion to Strip Junior Lien **GRANTED**. Per unopposed appraisal, house is valued at \$310K; pursuant to Sec. 506(a) Court finds junior lien holder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b) the lien is stripped off and claim treated as unsecured, contingent upon Ch. 13 plan confirmation, plan performance and entry of a discharge, if appropriate.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

Further, in the event the Ch. 13 trustee objected to confirmation of the debtor's plan and scheduled a hearing on the objection for the sole reason that debtor's lien strip motion has not been granted, debtor's counsel must (1) advise the Ch. 13 trustee that this motion has been granted; (2) request the objection hearing be taken off calendar and (3) if the trustee agrees, submit an order confirming the debtor's plan forthwith.

ATTORNEY: DAVID L. SPECKMAN (CUC MARKS, PHILLIP MARKS)

9 - 09-04348-JM Ch 13 MOHAMAD JAFAR MAHBOODI

MOTION TO DETERMINE VALUE OF DEBTOR'S PROPERTY AND AVOID JUNIOR TRUST DEED THEREON- MOTION TO AVOID LIEN FILED ON BEHALF OF MOHAMAD JAFAR MAHBOODI (Fr 11/3)

Tentative Ruling: Motion to Strip Junior Lien **GRANTED**. Per unopposed appraisal, house is valued at \$390K; pursuant to Sec. 506(a) Court finds junior lien holder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b) the lien is stripped off and claim treated as unsecured, contingent upon Ch. 13 plan confirmation, plan performance and entry of a discharge, if appropriate.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

Further, in the event the Ch. 13 trustee objected to confirmation of the debtor's plan and scheduled a hearing on the objection for the sole reason that debtor's lien strip motion has not been granted, debtor's counsel must (1) advise the Ch. 13 trustee that this motion has been granted; (2) request the objection hearing be taken off calendar and (3) if the trustee agrees, submit an order confirming the debtor's plan forthwith.

ATTORNEY: AMIR AALAM (MOHAMAD JAFAR MAHBOODI)

10:00 AM

10 - 09-04418-LT Ch 13 KEVIN DEAN MCNAMARA

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN (fr. 10/20/09)

ATTORNEY: JOHN F. BRADY (KEVIN DEAN MCNAMARA)

11 - 09-04746-PB Ch 13 JUAN M. FLORES

OPPOSITION TO CLASSIFICATION OF CLAIM FILED ON BEHALF OF WELLS FARGO BANK, N.A., A NATIONAL BANKING ASSOCIATION.

ATTORNEY: LARISSA L. LAZARUS (JUAN M. FLORES)

12 - 09-05552-JM Ch 13 JOHN T & WILDA C MISTURA

MOTION TO AVOID LIEN FILED ON BEHALF OF JOHN T MISTURA, WILDA C MISTURA

Tentative Ruling: Service defects. Motion to Strip Junior Lien **CONTINUED TO JAN. 12, 2010**

at 10:00 a.m. in Dept. 4. (1) Movant was required to serve the lienholder Indymac and OneWest Bank pursuant to FRBP 7004(b)(3) which requires service of the underlying pleadings and the hearing notice be directed to the attention of an officer of the entity or to the registered agent for service of process. Although an agent for service of process for Indymac was served, an officer or agent of OneWest was not. Movant directed to serve Notice of Continued Hearing together with underlying pleadings as required.

(2) The lender Indy and its acquiring bank OneWest appear to be an FDIC-insured institutions which triggers the additional service requirement in FRBP 7004(h) of certified mail service to the attention of a corporate officer. Counsel must re-serve all originally served parties with Notice of Continued Hearing, plus serve underlying pleadings together with Notice of Continued Hearing as required by 7004(h).

(3) Service on American General Finance may be defective if movant did not serve underlying pleadings. Court observes that although proper persons were served, proof of service reflects that only the notice of motion and hearing were served; there is no evidence that the underlying pleadings were served as well. If they were and proof of service is inaccurate, it needs to be amended. If they were not, American General as well as all other lienholders must be re-served in the appropriate manner with a Notice of Continued Hearing and the underlying pleadings.

Counsel's appearance at this hearing is excused.

ATTORNEY: DON E. BOKOVOY (JOHN T MISTURA, WILDA C MISTURA)

13 - 09-06866-LT Ch 13 EMMETT & AMELIA JIMENEZ

MOTION FOR RELIEF FROM STAY, RS # WGM-1 FILED BY WILLIAM G. MALCOLM ON BEHALF OF ONEWEST BANK FSB

ATTORNEY: JOHN F. BRADY (AMELIA JIMENEZ, EMMETT JIMENEZ)

10:00 AM

14 - 09-11588-JM Ch 13 **ROBERT E. & TRACY R. TRAMMELL**

MOTION TO VALUE REAL PROPERTY AND MOTION TO AVOID LIEN FILED BY MARJAN MORTAZAVI ON BEHALF OF ROBERT E. TRAMMELL, TRACY R. TRAMMELL (Fr 11/3)

Tentative Ruling: **Motion to Strip Off Junior Lien DENIED.** Matter was continued for movant to renotice motion and give 28 days' notice as required. Nothing has been filed since previous hearing held 11/3/09. Prejudicial delay.

Movant is excused from attending this hearing. No fees are authorized or allowed for this motion.

ATTORNEY: MARJAN MORTAZAVI (ROBERT E. TRAMMELL, TRACY R. TRAMMELL)

15 - 09-13868-JM Ch 13 **DMITRIY NIKOLAYEVICH & MELISSA LEAH NIELSON DEMIDOV**

DEBTORS' MOTION TO VALUE COLLATERAL FOR VALUATION OF DEBTORS' RESIDENCE FOR "STRIP OFF" PURPOSES

Tentative Ruling: Motion to Strip Junior Lien **GRANTED.** Per unopposed appraisal, house is valued at \$310K; pursuant to Sec. 506(a) Court finds junior lien holder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b) the lien is stripped off and claim treated as unsecured, contingent upon Ch. 13 plan confirmation, plan performance and entry of a discharge, if appropriate.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

Further, in the event the Ch. 13 trustee objected to confirmation of the debtor's plan and scheduled a hearing on the objection for the sole reason that debtor's lien strip motion has not been granted, debtor's counsel must (1) advise the Ch. 13 trustee that this motion has been granted; (2) request the objection hearing be taken off calendar and (3) if the trustee agrees, submit an order confirming the debtor's plan forthwith.

ATTORNEY: KRISTIN LAMAR (DMITRIY NIKOLAYEVICH DEMIDOV, MELISSA LEAH NIELSON DEMIDOV)

16 - 09-16214-LA Ch 13 **ROBERT BABICH**

MOTION TO EXTEND AUTOMATIC STAY

Tentative Ruling: Motion to Extend Stay **GRANTED.** Unopposed.

Counsel is excused from attending this hearing and may submit an order forthwith. Guideline fee authorized for this motion to be added to confirmation order.

ATTORNEY: EVELYN JOHNSON (ROBERT BABICH)

17 - 09-07994-PB Ch 13 **MARCOS M. & ISABEL SANCHEZ**

MOTION FOR RELIEF FROM STAY, RS # PD-1 FILED BY ERIN L. LANEY ON BEHALF OF U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR RASC 2006KS9

ATTORNEY: NATHAN SHILBERG (ISABEL SANCHEZ, MARCOS M. SANCHEZ)

10:00 AM

18 - 08-08520-JM Ch 13 MARK ALAN & GINA MARIE LAMB

MOTION FOR RELIEF FROM STAY, RS # PD-1 FILED BY CASPER J. RANKIN ON BEHALF OF GMAC MORTGAGE, LLC

ATTORNEY: MICHAEL G. DOAN (GINA MARIE LAMB, MARK ALAN LAMB)
ATTORNEY: KRISTIN LAMAR (GINA MARIE LAMB, MARK ALAN LAMB)

19 - 09-09120-JM Ch 13 REDENCION MISENAS CARINO

MOTION FOR RELIEF FROM STAY, RS # ND-1 RE: 2026 MOUNT LANGLEY DRIVE, CHULA VISTA, CA FILED BY NICOLAS DALUIISO ON BEHALF OF ONEWEST BANK, FSB

ATTORNEY: KENNETH R. GRAHAM (REDENCION MISENAS CARINO)

11:00 AM

1 - 09-06234-LA Ch 13 KATHERINE LENORE KURNER

MOTION FOR ORDER TO STRIP LIEN ON SECOND TRUST DEED HOLDER

Tentative Ruling: Motion to Strip Junior Lien **GRANTED**. Per unopposed appraisal, house is valued at \$405K; pursuant to Sec. 506(a) Court finds junior lien holder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b) the lien is stripped off and claim treated as unsecured, contingent upon Ch. 13 plan confirmation, plan performance and entry of a discharge, if appropriate.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

Further, in the event the Ch. 13 trustee objected to confirmation of the debtor's plan and scheduled a hearing on the objection for the sole reason that debtor's lien strip motion has not been granted, debtor's counsel must (1) advise the Ch. 13 trustee that this motion has been granted; (2) request the objection hearing be taken off calendar and (3) if the trustee agrees, submit an order confirming the debtor's plan forthwith.

ATTORNEY: STEVEN R. HOUBECK (KATHERINE LENORE KURNER)

2 - 09-06512-PB Ch 13 MARGARITA RAMIREZ DE CARRERA

MOTION FOR AN ORDER VOIDING THE WHOLLY UNSECURED JUNIOR TRUT DEED HELD BY AMERICAN HOME MORTGAGE

Tentative Ruling: Service defect. **Matter continued to JAN. 12, 2010 at 11:00 a.m. in DEPT. 4.** Movant has failed to serve creditor at address designated for receipt of notices shown in proof of claim. Movant must serve underlying pleadings and notice of continued hearing on address shown in POC. Further, movant must re-serve all parties originally served with notice of continued hearing in the manner they were entitled to be served (either 7004(b)(3) service or 7004(h) service, as appropriate).

Counsel is excused from attending this hearing.

ATTORNEY: EVELYN JOHNSON (MARGARITA RAMIREZ DE CARRERA)

11:00 AM

3 - 09-12290-LT Ch 13 CESAR LUGO

MOTION TO AVOID LIEN FILED ON BEHALF OF CESAR LUGO

Tentative Ruling: Service defects. **Matter continued to JAN. 12, 2010 at 11:00 a.m. in DEPT. 4.**

(1) Movant has failed to serve creditor at address designated for receipt of notices shown in proof of claim. Movant must serve underlying pleadings and notice of continued hearing on address shown in POC. Further, movant must re-serve all parties originally served with notice of continued hearing in the manner they were entitled to be served (either 7004(b)(3) service or 7004(h) service, as appropriate).

(2) The lender appears to be an FDIC-insured institution which triggers the additional service requirement in FRBP 7004(h) of certified mail service to the attention of a corporate officer.

Counsel must re-serve all originally served parties with Notice of Continued Hearing, plus serve underlying pleadings together with Notice of Continued Hearing as required by 7004(h).

(3) Movant has not served underlying pleadings on parties entitled to be served. Proof of service indicates that only Notice of Motion and hearing served; no evidence that underlying pleadings served. If they were, in fact, served and proof of service is wrong, proof of service must be amended. If they were not served, all parties to be re-served with Notice of Continued Hearing and underlying pleadings.

.
Counsel is excused from attending this hearing.

ATTORNEY: JEFFERY R. MENARD (CESAR LUGO)

4 - 09-13616-LT Ch 13 RODERICK PENDON

MOTION TO AVOID LIEN MOTION TO DETERMINE SECURED VALUE OF REAL PROPERTY; TO STAY POST PETITION PAYMENTS TO CITIBANK

Tentative Ruling: Service defects. **Matter continued to JAN. 12, 2010 at 11:00 a.m. in DEPT. 4.**

(1) The lender appears to be an FDIC-insured institution which triggers the additional service requirement in FRBP 7004(h) of certified mail service to the attention of a corporate officer.

Counsel must re-serve all originally served parties with Notice of Continued Hearing, plus serve underlying pleadings together with Notice of Continued Hearing as required by 7004(h).

(2) Movant has not served underlying pleadings on parties entitled to be served. Proof of service indicates that only Notice of Motion and hearing served; no evidence that underlying pleadings served. If they were, in fact, served and proof of service is wrong, proof of service must be amended. If they were not served, all parties to be re-served with Notice of Continued Hearing and underlying pleadings.

.
Counsel is excused from attending this hearing.

ATTORNEY: GARY J. HOLT (RODERICK PENDON)

02:00 PM

- 1 - 06-02115-LT Ch 13 JOSHUA A. & GLICINA WILLIS**
TRUSTEE'S MOTION TO DISMISS CASE

ATTORNEY: D.J. RAUSA (GLICINA WILLIS, JOSHUA A. WILLIS)
- 2 - 07-01887-JM Ch 13 BRUCE A. & CHERYL E. FANSHAW**
MOTION FOR RELIEF FROM STAY RS # PD-2 FILED BY ERIN L. LANEY ON BEHALF OF WELLS FARGO BANK, N.A. (fr. 8/11/09)

ATTORNEY: JOHN B. CLODIG (BRUCE A. FANSHAW, CHERYL E. FANSHAW)
ATTORNEY: ERIN L. LANEY (WELLS FARGO BANK, N.A.)
- 3 - 08-01217-LA Ch 13 EMMA NERY**
TRUSTEE'S MOTION TO DISMISS (fr 9/22/09)

ATTORNEY: IWO OSTOJA-LOJASIEWICZ (EMMA NERY)
- 4 - 08-04359-PB Ch 13 GARY W. & SHANNON E. KEY**
1) MOTION FOR APPROVAL OF MODIFIED PLAN POST-CONFIRMATION (Fr 11/3)

2) TRUSTEE'S MOTION TO DISMISS CASE (Fr 11/3)

ATTORNEY: DON E. BOKOVOY (GARY W. KEY, SHANNON E. KEY)
- 5 - 08-05991-LA Ch 13 DIANA MAURILE JONES**
TRUSTEE'S MOTION TO DISMISS CASE

ATTORNEY: MARK L. MILLER (DIANA MAURILE JONES)
ATTORNEY: LARISSA L. LAZARUS (DIANA MAURILE JONES)
- 6 - 08-06317-JM Ch 13 ROBERTO NAVARRO**
DEBTOR'S MOTION FOR APPROVAL OF MODIFIED PLAN

ATTORNEY: D.J. RAUSA (ROBERTO NAVARRO)
- 7 - 08-06663-JM Ch 13 NORBERTO GRUESO & MARIANNE SALAZAR CREENCIA**
DEBTOR'S MOTION FOR APPROVAL OF MODIFIED PLAN

ATTORNEY: D.J. RAUSA (MARIANNE SALAZAR CREENCIA, NORBERTO GRUESO CREENCIA)

02:00 PM

8 - 08-07413-PB Ch 13 PEDRO BALERIO TORRES & DELIA MARIA VAZQUEZ

TRUSTEE'S MOTION TO DISMISS CASE

ATTORNEY: JOHN F. BRADY (DELIA MARIA VAZQUEZ, PEDRO BALERIO TORRES)

9 - 08-07685-LA Ch 13 BRUCE F. & CAROLSUE DUMMIT

TRUSTEE'S MOTION TO DISMISS CASE (Fr 9/1)

ATTORNEY: Don E. Somerville (Bruce F. Dummit, Carolsue Dummit)

10 - 08-08027-LA Ch 13 KARI M. GONTER

MOTION FOR RELIEF FROM STAY NISSAN MOTOR ACCEPTANCE CORP.'S
(RS #VC-1) (fr 11/3/09)

ATTORNEY: EVELYN JOHNSON (KARI M. GONTER)

ATTORNEY: STEPHEN L. CHESNEY (NISSAN MOTOR ACCEPTANCE CORP.)

11 - 08-08603-JM Ch 13 GERALD EUGENE & DEBHRA ANN CLARK

TRUSTEE'S MOTION TO DISMISS CASE

ATTORNEY: JOHN F. BRADY (DEBHRA ANN CLARK, GERALD EUGENE CLARK)

12 - 08-10867-LT Ch 13 ROBERT V. & AIDA A. NAVARRO

TRUSTEE'S MOTION TO DISMISS CASE

ATTORNEY: WILLIAM L. URBAN (AIDA A. NAVARRO, ROBERT V. NAVARRO)

13 - 09-01579-LA Ch 13 RICARDO S. & TRINA I DAVILA

MOTION FOR RELIEF FROM STAY, RS # MBL-1 FILED BY MATTHEW B.
LEARNED ON BEHALF OF WACHOVIA MORTGAGE (Fr9/22)

ATTORNEY: D.J. RAUSA (RICARDO S. DAVILA, TRINA I DAVILA)

14 - 09-03717-JM Ch 13 MARTIN CASIMIRO TOPETE

GMAC MORTGAGE'S MOTION FOR RELIEF FROM STAY (RS #RCO-1) (fr.
10/20/09)

ATTORNEY: CRAIG S. TRENTON (MARTIN CASIMIRO TOPETE)

ATTORNEY: KATHY SHAKIBI (GMAC MORTGAGE, LLC)

02:00 PM

15 - 09-03855-PB Ch 13 ALBERT WAYNE & MARIA ELAINE BOARDINGHAM

MOTION FOR RELIEF FROM STAY, RS # DVD-1 FILED BY DOYNA V. DARDON ON BEHALF OF JP MORGAN CHASE BANK, NATIONAL ASSOCIATION AS SERVICING AGENT FOR U.S. BANK NATIONAL ASSOCIATION AS SUCCESSOR TRUSTEE TO BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NA (Fr 11/3)

ATTORNEY: DAVID E. BRITTON (ALBERT WAYNE BOARDINGHAM, MARIA ELAINE BOARDINGHAM)

16 - 09-05939-JM Ch 13 JOEL & MARICELA CANCIO ARIAS

MOTION FOR RELIEF FROM STAY, RS # DVD-1 FILED BY DOYNA V. DARDON ON BEHALF OF LITTON LOAN SERVICING LP AS SERVICING AGENT FOR THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKEDCERTIFICATES, SERIES 2006-01, ITS ASSIGNEES AND/OR SUCCESSORS

ATTORNEY: KERRY A. DENTON (JOEL ARIAS, MARICELA CANCIO ARIAS)

17 - 09-06031-PB Ch 13 RONALD PAUL & CYNTHIA ANN SANCHEZ

MOTION FOR RELIEF FROM STAY, RS # WGM-1 FILED BY WILLIAM G. MALCOLM ON BEHALF OF HSBC BANK USA AS TRUSTEE FOR OMAC 2005-4

ATTORNEY: ALISON J. MALOOF (CYNTHIA ANN SANCHEZ, RONALD PAUL SANCHEZ)

18 - 09-06767-LT Ch 13 LUCIANO & SUEANN SILVA

MOTION FOR RELIEF FROM STAY, RS # RCO-1 FILED BY EDWARD T. WEBER ON BEHALF OF GMAC MORTGAGE, LLC AS SERVICER FOR DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE AND MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR LENDER

ATTORNEY: MARJAN MORTAZAVI (LUCIANO SILVA, SUEANN SILVA)

19 - 09-07539-JM Ch 13 SABRINA R. RUMINER

MOTION FOR RELIEF FROM STAY, RS # JKB-01 FILED ON BEHALF OF U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE SPECIALTY UNDERWRITING AND RESIDENTIAL FINANCE TRUST MORTGAGE LOAN ASSET-BACKED CERTIFICATES SERIES 2006-BC2 (Fr 8/25)

ATTORNEY: D.J. RAUSA (SABRINA R. RUMINER)

02:00 PM

20 - 09-08481-LA Ch 13 BIEISHA MONA PRICE

MOTION FOR VALUATION TO AVOID LIEN

Tentative Ruling: Service defect. **Matter continued to Jan. 10, 2010 at 2:00 p.m. in Dept. 4.** Court cannot determine true service date for this motion. Proof of service indicates that service occurred on 11/20/09 which is impossible since as of the time this tentative is being created, that date has not passed. For this reason, court cannot tell if respondent was given adequate time to reply. Respondent must be re-served with Notice of Continued Hearing.

Movant is excused from attending this hearing.

ATTORNEY: CRAIG S. TRENTON (BIEISHA MONA PRICE)

21 - 09-09979-JM Ch 13 BRUCE ALAN EVENSON

MOTION TO DETERMINE VALUE OF PROPERTY FILED BY WILLIAM C. MATHEWS ON BEHALF OF BRUCE ALAN EVENSON

Tentative Ruling: Motion to Strip Off Junior Lien **DENIED.** Relief from Stay was granted; court denied debtor's motion to reconsider the order granting relief from the stay. Plan confirmation was denied on 10/2/09. No new plan has been filed. There is no basis for a lien strip motion in the absence of (a) property of the estate and (b) a Ch. 13 plan.

If counsel for the debtor is prepared to accept this tentative, he should advise opposing counsel and contact the Ch. 13 courtroom deputy and appearances will be excused. In that event, counsel for Hunt, Excr. should submit an order denying this motion.

ATTORNEY: WILLIAM C. MATHEWS (BRUCE ALAN EVENSON)

22 - 09-11611-LT Ch 13 ALMA AUDELIA CONTRERAS

MOTION FOR VALUATION AND TO AVOID LIEN

Tentative Ruling: Service defect. Motion to Strip Junior Lien **CONTINUED TO JAN 12, 2010 at 2:00 p.m. in DEPT. 4.** Movant was required to serve the lienholder pursuant to FRBP 7004(b)(3) which requires service of the underlying pleadings and the hearing notice be directed to the attention of an officer of the entity or to the registered agent for service of process. Movant has only served North Island at its physical address. Movant directed to serve Notice of Continued Hearing together with underlying pleadings as required. Counsel's appearance at this hearing is excused.

ATTORNEY: CRAIG S. TRENTON (ALMA AUDELIA CONTRERAS)

02:00 PM

23 - 09-13253-LA Ch 13 KIROS M RODGERS

MOTION TO AVOID LIEN /SECOND DEED OF TRUST HELD BY FIRST NLC
FINANCIAL SERVICES AND VALUATION OF DEBTOR'S RESIDENCE

Tentative Ruling: Service defect. Motion to Strip Junior Lien **CONTINUED TO JAN 12, 2010 at 2:00 p.m.in DEPT. 4.** Movant was required to serve the lienholder pursuant to FRBP 7004(b)(3) which requires service of the underlying pleadings and the hearing notice be directed to the attention of an officer of the entity or to the registered agent for service of process. Movant has only served First NLC Financial at its physical address. Movant directed to serve Notice of Continued Hearing together with underlying pleadings as required.
Counsel's appearance at this hearing is excused.

ATTORNEY: BRIAN J. MCGOLDRICK (KIROS M RODGERS)
ATTORNEY: SVENNA PRADO (KIROS M RODGERS)

24 - 09-16251-LA Ch 13 VIRGINIA MARIE GARRETT

MOTION TO EXTEND AUTOMATIC STAY

Tentative Ruling: Motion GRANTED. Unopposed.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Guideline fee for this motion authorized for addition to confirmation order.

ATTORNEY: JOHN C. COLWELL (VIRGINIA MARIE GARRETT)

25 - 08-10185-LA Ch 13 JUDY ANNE MALONE

MOTION FOR RELIEF FROM STAY, RS # PD-1 FILED BY ERIN L. LANEY ON
BEHALF OF WACHOVIA MORTGAGE, FSB FKA WORLD SAVINGS BANK, FSB

ATTORNEY: MARK L. MILLER (JUDY ANNE MALONE)

03:00 PM

1 - 09-10067-LA Ch 13 ANDRE MARTIN & CHRISTINE MARIE PARE

MOTION TO AVOID LIEN FILED ON BEHALF OF ANDRE MARTIN PARE,
CHRISTINE MARIE PARE

Tentative Ruling: Motion to Strip Junior Lien **GRANTED.** Per unopposed appraisal, house is valued at \$211K; pursuant to Sec. 506(a) Court finds junior lien holder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b) the lien is stripped off and claim treated as unsecured, contingent upon Ch. 13 plan confirmation, plan performance and entry of a discharge, if appropriate.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

Further, in the event the Ch. 13 trustee objected to confirmation of the debtor's plan and scheduled a hearing on the objection for the sole reason that debtor's lien strip motion has not been granted, debtor's counsel must (1) advise the Ch. 13 trustee that this motion has been granted; (2) request the objection hearing be taken off calendar and (3) if the trustee agrees, submit an order confirming the debtor's plan forthwith.

ATTORNEY: JOHN F. BRADY (ANDRE MARTIN PARE, CHRISTINE MARIE PARE)

03:00 PM

2 - 09-13563-LT Ch 13 ABRAHAM MAUN & LISA LAURINE CORTEZ

DEBTORS' MOTION TO VALUE COLLATERAL FOR VALUATION OF DEBTORS' RESIDENCE FOR "STRIP OFF" PURPOSES IN CONJUNCTION OF CH. 13 PLAN

Tentative Ruling: **Matter to be set for evidentiary hearing.** Parties should confer prior to this hearing to discuss discovery, if any, of each other's appraisers and likely length of hearing. Trial counsel should be present at this hearing with their calendars.

ATTORNEY: KRISTIN LAMAR (ABRAHAM MAUN CORTEZ, LISA LAURINE CORTEZ)

3 - 09-13991-LT Ch 13 MICHAEL DAVID & JAMIE THOMAS-YATES FEYK

DEBTORS' MOTION TO VALUE COLLATERAL ND MEMORANDUM OF POINTS AND AUTHORITIES FOR VALUATION OF DEBTORS' RESIDENCE FOR "STRIP OFF" PURPOSES FILED BY KRISTIN LAMAR ON BEHALF OF JAMIE THOMAS-YATES FEYK, MICHAEL DAVID FEYK

Tentative Ruling: Service defect. Motion to Strip Junior Lien **CONTINUED TO JAN 12, 2010 at 3:00 p.m. in DEPT. 4.** Movant was required to serve the lienholder pursuant to FRBP 7004(b)(3) which requires service of the underlying pleadings and the hearing notice be directed to the attention of an officer of the entity or to the registered agent for service of process. Movant has only served lienholder at its physical address. Movant directed to serve Notice of Continued Hearing together with underlying pleadings as required. Counsel's appearance at this hearing is excused.

ATTORNEY: KRISTIN LAMAR (JAMIE THOMAS-YATES FEYK, MICHAEL DAVID FEYK)

4 - 09-14027-JM Ch 13 GLEN JOSEPH & NICOLE MICHELE RHOADES

MOTION TO VALUE COLLATERAL OF WELLS FARGO BANK, N.A., ITS SUCCESSORS, HEIRS, AND/OR ASSIGNS' SECOND TRUST DEED

Tentative Ruling: **Matter to be set for evidentiary hearing.** Parties should confer prior to this hearing to discuss discovery, if any, of each other's appraisers and likely length of hearing. Trial counsel should be present at this hearing with their calendars.

ATTORNEY: ADAM B. ARNOLD (GLEN JOSEPH RHOADES, NICOLE MICHELE RHOADES)

5 - 09-14243-JM Ch 13 DONALD DAVID SWARTZ

MOTION TO VALUE COLLATERAL OF WORLD SAVINGS BANK, FSB, ITS SUCCESSORS, HEIRS, AND/OR ASSIGNS' SECOND TRUST DEED

Tentative Ruling: Service defect. **Matter continued to JAN. 10, 2010 at 3:00 p.m. in DEPT 4.** Movant has failed to serve creditor at the correct address designated for receipt of notices shown in proof of claim. [P.O. Box is wrong number] Movant must serve underlying pleadings and notice of continued hearing on address shown in POC. Further, movant must re-serve all parties originally served with notice of continued hearing in the manner they were entitled to be served (either 7004(b)(3) service or 7004(h) service, as appropriate).

Counsel is excused from attending this hearing.

ATTORNEY: ADAM B. ARNOLD (DONALD DAVID SWARTZ)

03:00 PM

6 - 09-14673-JM Ch 13 CHRISTOPHER JAY & TONYA NICOLE PRENTICE

MOTION TO VALUE COLLATERAL OF COUNTRYWIDE BANK, N.A., ITS SUCCESSORS, HEIRS, AND/OR ASSIGNS' SECOND TRUST DEED

Tentative Ruling: Motion to Strip Junior Lien **GRANTED**. Per unopposed appraisal, house is valued at \$510K; pursuant to Sec. 506(a) Court finds junior lien holder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b) the lien is stripped off and claim treated as unsecured, contingent upon Ch. 13 plan confirmation, plan performance and entry of a discharge, if appropriate.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

Further, in the event the Ch. 13 trustee objected to confirmation of the debtor's plan and scheduled a hearing on the objection for the sole reason that debtor's lien strip motion has not been granted, debtor's counsel must (1) advise the Ch. 13 trustee that this motion has been granted; (2) request the objection hearing be taken off calendar and (3) if the trustee agrees, submit an order confirming the debtor's plan forthwith.

ATTORNEY: ADAM B. ARNOLD (CHRISTOPHER JAY PRENTICE, TONYA NICOLE PRENTICE)