

UNITED STATES BANKRUPTCY COURT  
DEPARTMENT 2  
**JUDGE LOUISE DeCARL ADLER, PRESIDING**  
WEDNESDAY, MARCH 11, 2015

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**10:00 AM**

**1 - 11-00034-LA Ch 13 JASON M & KELLY A ZIELINSKI**

TRUSTEE'S MOTION FOR APPROVAL OF MODIFIED PLAN

ATTORNEY: GREGORY HIGHNOTE (JASON M ZIELINSKI, KELLY A ZIELINSKI)

**2 - 12-01904-LA Ch 13 DANIEL LEE & YOLANDA MARIE HARDISON**

TRUSTEE'S MOTION TO ENFORCE THE TERMS OF THE CONFIRMED PLAN TO ADJUST THE AMOUNT OF THE DIVIDEND PAID TO UNSECURED CREDITORS IN ORDER TO COMPLY WITH DEBTORS' APPLICABLE COMMITMENT PERIOD FILED BY DAVID L. SKELTON

**Tentative Ruling:** Motion **GRANTED**. The Plan's plain language supports the Trustee's position and is the correct result under the holding in *In re Flores*, 735 F.3d 855,858-62(9th Cir. 2013).

In this case, the minimum, temporal ACP for this Plan is 60 mos. because the debtors were above-median debtors at the time their plan was confirmed. The provision in para. 13 of the plan assures it will be a 60 mo. plan in the event priority claims are less than scheduled by authorizing the Trustee to increase the percentage to GUCs where (as here) the percentage is filled in at less than 100% and the dollar amount is left blank. The trustee raised the 60 mo. ACP objection to the debtors' original plan; the debtors appear to have conceded the issue and stipulated to an PCM. The debtors are not being asked to pay more money to the plan; rather they are paying what they promised to pay for the duration of the time they promised to pay it--60 months.

If counsel for the debtors is prepared to accept the tentative ruling, he should notify the trustee and the courtroom deputy and his appearance will be excused. In that event, trustee to submit an order on this motion. Counsel awarded a guideline fee for his services in Opposition to the motion and should notify the trustee re: the amount of his admin. exp. claim.

ATTORNEY: JOHN C. COLWELL (DANIEL LEE HARDISON, YOLANDA MARIE HARDISON)

ATTORNEY: DANIEL WIEDECKER (DANIEL LEE HARDISON, YOLANDA MARIE HARDISON)

10:00 AM

3 - 14-04958-LA Ch 13 RICARDO GARCIA

TRUSTEE'S MOTION TO DISMISS CASE

**Tentative Ruling:** Motion to Dismiss **SUSPENDED ON CONDITIONS:** (1) Debtor is to make timely plan payments on 3/23, 4/23 and 5/23/15 in the amount of \$426 (an increase in order to permit his plan to complete within 60 months). A timely plan payment is one which posts to the trustee's account with two weeks of the due date. (3) debtor is to execute a PCM no later than 2 weeks from the date of this hearing providing that their plan payments are to increase to \$426.

If debtor fails to meet any of the conditions set forth above in a timely manner, the trustee may upload an order dismissing this case without further hearing. If debtor complies with these conditions, this motion will go off calendar and his plan allowed to continue.

If counsel for the debtors is prepared to accept the tentative ruling, he should notify the trustee and the courtroom deputy and his appearance will be excused. In that event, he will be awarded a guideline fee of \$490.

ATTORNEY: BRIAN CROZIER WHITAKER (RICARDO GARCIA)

10:00 AM

4 - 15-00742-MM Ch 13 JAMES GREGORY BARRETT

MOTION TO EXTEND AUTOMATIC STAY

**Tentative Ruling:** Motion to Extend Automatic Stay **DENIED**. Objection of S.D. Country sustained.

This case falls squarely within Sec. 363(c)(3)(B), the intention of which is to limit availability of the automatic stay where, as here, the second case is merely a repeat of--and actually worse than--the problems presented in the first case.

To extend the stay more than 30 days, the debtor has the burden of rebutting the presumption of bad faith. He has not. First, his financial circumstances are *worse* than in his prior case where, despite proposing five plans, he could not confirm one of them. Per debtor's current schedules I & J, he has income of only \$1379; expenses of \$1379.29 and DI of \$198.09. His student loans have increased to \$96,714 which he must now start paying. In contrast, in his prior case, he had scheduled income of \$2059.20; expenses of \$1201 and DI of \$857.76. In that prior case, his student loan debt was lower--\$58,554--and was deferred until 8/14/16 because he was still in school. He has since graduated. While he may have the potential for increased earnings, he must pass the bar and then get a job as an attorney. His ability to perform a Ch. 13 is based on current financial circumstances not on his hopes for a better future. Clearly, his current circumstances have not improved since his prior case sufficiently to rebut the presumption that debtor is simply seeking to delay the County's tax sale.

Second, debtor's plan hinges on the USDC reversing the claim objection order in the prior Ch. 13 case. That order ruled the County properly included 18% interest and penalties in calculating its claim. On 3/5/15, the USDC issued a final order affirming the claim objection order.

**10:00 AM**

**5 - 14-07992-LA Ch 13 CHERYL ANN MESTLER**

- 1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN; FILED BY ANDREW MOHER ON BEHALF OF CENTURY FIELD, INC. (Fr 12/17/14)

**Tentative Ruling:** Objection to plan confirmation **SUSTAINED**. Plan denied confirmation; case dismissed.

Court declines to award guideline fees to counsel for debtor. Debtor's counsel has failed to perform his obligations under LBR 3015-6. Court retains jurisdiction for 30 days after the date of this hearing to consider a timely-filed fee application from counsel. If no application is timely filed, Court will relinquish jurisdiction to consider same and counsel will have to look to his client for fees.

If counsel for debtor is prepared to accept the tentative ruling, he should notify counsel for Century Field and the courtroom deputy and appearances will be excused. In that event, counsel for Century Field shall prepare and lodge an order dismissing this case.

- 2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN ILED BY JOSEPH DELMOTTE ON BEHALF OF WELLS FARGO BANK, N.A.

**Tentative Ruling:** Objection to plan confirmation **SUSTAINED**. Plan denied confirmation; case dismissed.

Court declines to award guideline fees to counsel for debtor. Debtor's counsel has failed to perform his obligations under LBR 3015-6. Court retains jurisdiction for 30 days after the date of this hearing to consider a timely-filed fee application from counsel. If no application is timely filed, Court will relinquish jurisdiction to consider same and counsel will have to look to his client for fees.

If counsel for debtor is prepared to accept the tentative ruling, he should notify counsel for Wells Fargo and the courtroom deputy and appearances will be excused. In that event, counsel for Wells Fargo shall prepare and lodge an order dismissing this case.

ATTORNEY: JOHN F. BRADY (CHERYL ANN MESTLER)

**6 - 14-08832-LA Ch 13 LAWRENCE P. & LAURA A. BREITE**

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE. FILED BY DAVID L. SKELTON

**Tentative Ruling:** If the PCM anticipated by the Ch. 13 trustee is filed in advance of this hearing, notify the courtroom deputy and appearances will be excused. IN that event, the plan as modified by the PCM will be confirmed.

ATTORNEY: DIANE H. GIBSON (LAURA A. BREITE, LAWRENCE P. BREITE)

10:00 AM

7 - 12-02466-LA Ch 13 RANDALL D & MARNA E. JOHNSON

TRUSTEE'S MOTION FOR APPROVAL OF MODIFIED PLAN

**Tentative Ruling:** Motion to Modify **DENIED**. Trustee is seeking to modify the debtors' confirmed plan under Sec. 1329. Therefore, trustee bears the burden of establishing that the proposed plan modification is in "good faith". In re Mattson, 468 B.R. 361, 370 (9th Cir. BAP 2012). "Good faith" determinations are made on a case-by-case basis, applying the totality of circumstances test of *In re Goeb*, 675 F.3d 1386, 1390 (9th Cir. 1982).

Here the trustee's motion sets forth no facts to assess the totality of the debtors' financial circumstances. His argument appears to be that if the plan completes before the minimum ACP, it must be modified to continue for the full ACP to comply with *In re Flores*, 735 F.3d 855 (9th Cir. 2013). The trustee's position effectively imports the minimum duration period into Sec. 1329, which is contrary to the plain language of Sec. 1329 and applicable case law. See *In re Sunahara*, 326 B.R. 768 (9th Cir. BAP 2005); *In re Roe*, 511 B.R. 137, 138-9 (Bankr. D. Hawaii, 2014) [holding there is no minimum duration period for plan modifications under Sec. 1329 even after *In re Flores*]. Contrary to the trustee's assertion, it is NOT the debtor's burden to provide the factual data to prove modification is not feasible.

Finally, the Court declines to penalize the debtors for remaining current on their plan payments for the past 3 years. This is not a basis--by itself--to modify their plan.

If trustee is prepared to accept the tentative ruling, he should notify counsel for the debtors and the courtroom deputy and appearances will be excused. In that event, counsel for debtors will be awarded the guideline fee requested and is directed to prepare an order in accordance with the tentative ruling.

ATTORNEY: BRIAN A. KRETSCH (MARNA E. JOHNSON, RANDALL D JOHNSON)

8 - 14-08254-LA Ch 13 MARIA CUEVAS

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE. FILED BY DAVID L. SKELTON

**Tentative Ruling:** If anticipated PCM is filed (See ECF #54) prior to this hearing, notify the courtroom deputy and appearances will be excused. In that event, the plan as modified by the PCM will be confirmed.

ATTORNEY: AHREN TILLER (MARIA CUEVAS)

10:00 AM

9 - 14-09538-LA Ch 13 LAEL ALAN MONDROWSKY

1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE. FILED BY DAVID L. SKELTON

Tentative Ruling: Trustee's objection to Plan Confirmation **GRANTED IN PART; SUSTAINED IN PART.**

*Denied* as to request for additional language in plan stating:

"1. Paragraph 3(A) of the plan needs to be amended to delete "at the time of disbursement" as the EOUST requires Trustee to take his percentage fee at the time of receipt. "

As Trustee is no doubt aware, on 3/1/15, a compromise on this language was reached with the Court and the plan language may provide as follows:

"(A). Trustees Fees: The Chapter 13 Trustee will receive a fee, the percentage of which is set by the United States Trustee in accordance with applicable law. "

*Sustained* as to failure to provide complete proof of income and for failure to make payments for the required ACP of 36 months. Debtor has one week from the date of this hearing to file a second amended Ch. 13 plan providing for payments to run 36 months at minimum (unless, of course, debtor is paying 100% plus interest) and to provide complete financial information to trustee. Debtor's failure to do either of these things within this one week period will be cause for the trustee to upload an order dismissing this case without further hearing.

If counsel for the debtor is prepared to accept the tentative ruling, he should notify the trustee and the courtroom deputy and appearances will be excused.

2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY DANIEL K. FUJIMOTO ON BEHALF OF CITIBANK, N.A., AS TRUSTEE, IN TRUST FOR REGISTERED HOLDERS OF WAMU ASSET-BACKED CERTIFICATES WAMU SERIES 2007-HE4 TRUST.

Tentative Ruling: **MATTER OFF CALENDAR.** Objection withdrawn. (ECF #28)

No appearance required.

ATTORNEY: JOHN A. VARLEY (LAEL ALAN MONDROWSKY)

**10:00 AM**

**10 - 14-02288-LA Ch 13 JOHN R & ANA A. DENIET**

TRUSTEE'S MOTION TO DISMISS CASE

**Tentative Ruling:** Motion to Dismiss **SUSPENDED ON CONDITIONS:** (1) Debtors are to make timely plan payments on 3/27, 4/27 and 5/27/15 in the amount of \$1051 (an increase in order to permit their plan to complete within 60 months). A timely plan payment is one which posts to the trustee's account with two weeks of the due date. (2) Debtors are to provide current income information to the trustee no later than 2 weeks from the date of this hearing; (3) debtors are to execute a PCM no later than 2 weeks from the date of this hearing providing that their plan payments are to increase to \$1051.

If debtors fail to meet any of the conditions set forth above in a timely manner, the trustee may upload an order dismissing this case without further hearing. If debtors comply with these conditions, this motion will go off calendar and their plan allowed to continue.

If counsel for the debtors is prepared to accept the tentative ruling, he should notify the trustee and the courtroom deputy and his appearance will be excused. In that event, he will be awarded a guideline fee of \$490.

ATTORNEY: JEFFERY S. STYERS (ANA A. DENIET, JOHN R DENIET)

**11 - 14-07656-LA Ch 13 KARI LYNN BECKMAN**

1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY MARK D. ESTLE ON BEHALF OF U.S. BANK NATIONAL ASSOCIATION. (Fr 12/17/14)

**Tentative Ruling:** **MATTER CONTINUED TO MAY 6, 2015 at 10:00 a.m.** to await outcome of hearing on lien strip motion.

No appearances required. Counsel are reminded of obligation to file case status report one week in advance of continued hearing.

2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN; FILED BY AUSTIN P. NAGEL ON BEHALF OF HYUNDAI MOTOR FINANCE.

**Tentative Ruling:** **MATTER OFF CALENDAR.** Objection withdrawn (ECF #29).

No appearances required.

ATTORNEY: JOHN A. VARLEY (KARI LYNN BECKMAN)

**12 - 14-09042-LA Ch 13 JODY R. FOSTER**

NOTICE OF CLASSIFICATION OF CLAIM FILED BY MITCHELL B. LUDWIG ON BEHALF OF COMMUNITY BANK.

**Tentative Ruling:** It appears the Amended Notice of Classification (ECF #31) resolves Community Bank's objection to the modified plan (which was confirmed on 3/5/15). Court is unclear why this matter is still on calendar and there is no trustee's status report indicating the trustee (or any other party) has opposition to ECF #31. If the trustee agrees there is no longer an issue re: this claim, please notify the courtroom deputy and counsel for Community so that appearances may be excused.

ATTORNEY: ANDREW H. GRIFFIN (JODY R. FOSTER)

10:00 AM

13 - 11-16342-LA Ch 13 JOSHUA PAUL & MICHELLE DIANE COLEMAN

TRUSTEE MOTION FOR APPROVAL OF MODIFIED PLAN

Tentative Ruling: Motion **GRANTED**. Unopposed.

No appearances required. Submit order.

ATTORNEY: LARISSA L. LAZARUS (JOSHUA PAUL COLEMAN, MICHELLE DIANE COLEMAN)

ATTORNEY: MARK L. MILLER (JOSHUA PAUL COLEMAN, MICHELLE DIANE COLEMAN)

02:00 PM

1 - 14-08933-LA Ch 13 VINCENT ENERVA BADA

MOTION FOR RELIEF FROM STAY, RS # PD-1 .00 FILED BY JOSEPH DELMOTTE ON BEHALF OF U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF8 MASTER PARTICIPATION TRUST

**Tentative Ruling:** Motion for Relief from Stay **GRANTED**. Debtor is incorrect that movant lacks standing to file this stay relief motion. Ex. A to the motion shows that the note was endorsed in favor of the movant. As the debtor is 3 months delinquent in his payments and there is no other defense to this motion, stay relief is granted.

2 - 09-15363-LA Ch 13 JOANN M FRIOLI-TALBOT

TRUSTEE'S MOTION TO DISMISS BANKRUPTCY CASE

**Tentative Ruling:** Motion to Dismiss **SUSPENDED ON CONDITIONS:** Debtor is to pay sufficient funds to complete her Ch. 13 plan no later than 5/9/15. If she does so, this motion will go off calendar and the trustee may file his final report indicating debtor has completed her plan after his audit. If she does not do so timely--and timely is defined as the payment being posted to the trustee's account within 14 days of the above deadline--the trustee may upload an order dismissing this case without further hearing.

If counsel for the debtor is prepared to accept this tentative ruling, she should notify the trustee and the courtroom deputy and her appearance will be excused. In that event, she will be awarded a guideline fee of \$475.

ATTORNEY: EVELYN JOHNSON (JOANN M FRIOLI-TALBOT)

3 - 14-01779-LA Ch 13 KENNETH R. & AMANDA M. BALLARD

TRUSTEE'S MOTION TO DISMISS CASE

**Tentative Ruling:** Motion to Dismiss **SUSPENDED ON CONDITIONS:** Because the debtors have made recent payments, Court will suspend this motion on the condition that they make timely plan payments on 4/9, 5/9 and 6/9/2015 in the amount of \$400 plus an additional \$200 until arrearages owed are cured. A timely plan payment is one which is posted to the trustee's account within 14 days of the above-stated due date. If the debtors make these payments timely and in full, this motion will go off calendar and their case allowed to continue. If they fail to make the payments on time and in full, the trustee may upload an order dismissing this case without further hearing.

It appears from counsel's case status report (ECF #25) that counsel accepts this disposition; accordingly, his appearance is excused and a guideline fee will be awarded as requested.

ATTORNEY: BRIAN CROZIER WHITAKER (AMANDA M. BALLARD, KENNETH R. BALLARD)

02:00 PM

4 - 15-00159-LA Ch 13 ELENE L KUNIT

CHAPTER 13 TRUSTEE'S MOTION TO DISMISS BANKRUPTCY CASE WITH A 180-DAY BAR FROM REFILEING CHAPTER 13 FILED BY TODD HEADDEN ON BEHALF OF THOMAS H. BILLINGSLEA

**Tentative Ruling:** Motion to Dismiss with 180 bar to refiling **GRANTED**. Unopposed. Debtor's 2 prior filings and this one as well without schedules and a SOFA appear to be a pattern of abuse of the bankruptcy system to garner the benefit of the automatic stay.

Trustee to submit order forthwith as this motion is unopposed and hearing is going off calendar.

5 - 14-05755-LA Ch 13 SCOTT C FLAMMANG

- 1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY MARK D. ESTLE ON BEHALF OF U.S. BANK, NATIONAL ASSOCIATION.

**Tentative Ruling:** Court has the impression that this objection to confirmation has been resolved by the modified plan dtd 2/6/15. However, counsel's case status report (ECF #43) is unclear.

If the modified plan satisfies US Bank's concerns, please withdraw the objection to confirmation and notify the courtroom deputy and counsel for the debtor.

If it does not, counsel for objecting creditor must appear.

- 2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS BANKRUPTCY CASE FILED BY GARY B. ELMER ON BEHALF OF MONROE MANOR HOA.

**Tentative Ruling:** It appears Monroe Manor HOA and debtor are in discussions to arrive at an APO (ECF #44). If one is filed in advance of this hearing, please notify the courtroom deputy and appearances will be excused.

ATTORNEY: BRIAN CROZIER WHITAKER (SCOTT C FLAMMANG)

6 - 14-08145-LA Ch 13 JOSE ANTONIO ARROYO & NORA ROCHA

- 1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY MICHAEL M. WINTRINGER ON BEHALF OF TBSF4, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY.

**Tentative Ruling: MATTER TO BE SET FOR EVIDENTIARY HEARING.** Court finds that Objection to Plan confirmation raises concerns about debtors' good faith in proposing this plan. Parties to meet and confer before this hearing to determine how much time is required for discovery.

- 2) MOTION TO VALUE REAL PROPERTY, TREAT THE CLAIM AS PARTIALLY UNSECURED AND CRAMDOWN JUNIOR LIEN OF TBSF4, LLC FILED BY JEFFERY R. MENARD

ATTORNEY: JEFFERY R. MENARD (JOSE ANTONIO ARROYO, NORA ROCHA)

02:00 PM

7 - 14-08173-LA Ch 13 TRACY EVANS & JANICE ROSE HENRY

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY TODD HEADDEN ON BEHALF OF TRUSTEE THOMAS H. BILLINGSLEA

**Tentative Ruling:** Trustee's objection to plan confirmation **SUSTAINED**. Debtors' plan provides for payments of \$2150/mo. Debtors payment of \$2K (See ECF #30) is woefully short of their obligation to make regular payments starting on 11/16/14. Plan is not feasible.

Trustee has requested dismissal with 180 day bar. Court **grants** that request as no evidence presented for failure to make timely plan payments.

If counsel for the debtors is prepared to accept the tentative ruling, he should notify the Ch.13 trustee and the courtroom deputy and his appearance will be excused. In that event he will be awarded a guideline fee for a consumer Ch. 13 case.

ATTORNEY: STEVEN J. DIAMOND (JANICE ROSE HENRY, TRACY EVANS HENRY)

8 - 13-11725-LA Ch 13 MIKLOS & ROZALIA TOTH

MOTION FOR APPROVAL OF MODIFIED PLAN

**Tentative Ruling:** Modified Plan dtd 1/27/15 **CONFIRMED**.

Appearance excused; submit order forthwith.

ATTORNEY: D.J. RAUSA (MIKLOS TOTH, ROZALIA TOTH)

9 - 14-02449-LA Ch 13 ELVA CARDENAS

TRUSTEE'S MOTION TO DISMISS CASE

**Tentative Ruling:** **MATTER OFF CALENDAR**. Motion withdrawn by trustee. (ECF #54)

No appearances required.

ATTORNEY: CHRISTOPHER FUNTALL (ELVA CARDENAS)

02:00 PM

10 - 14-08095-LA Ch 13 BEATRIZ EUGENIA DEANDA

- 1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY JOSEPH DELMOTTE ON BEHALF OF U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF8 MASTER PARTICIPATION TRUST.

**Tentative Ruling:** Objection to Plan Confirmation **SUSTAINED**. Plan denied confirmation. Debtor's counsel stated in a pleading filed in opposition on 1/16/15 that the debtor was going to be filing a modified plan providing for the over \$51K in arrearages owed this creditor. 45 days have passed and that still has not occurred. For that reason, Court will dismiss this case for prejudicial delay.

Court declines to award guideline fees to counsel. Court will retain jurisdiction to consider a fee application filed by counsel, should he desire to file one within the 30 day period after this hearing. Thereafter, Court will relinquish jurisdiction to consider any fee request.

If counsel is prepared to accept the tentative ruling, he should notify the courtroom deputy and counsel for U.S. Bank and appearances will be excused.

Counsel for bank to coordinate with trustee as to submission of dismissal order.

- 2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE

**Tentative Ruling:** Trustee's Objection to plan confirmation **SUSTAINED**. Plan denied confirmation; case dismissed. Debtor has failed to cooperate with trustee and her counsel has unreasonably delayed in moving this matter forward.

Court declines to award guideline fees to counsel. Court will retain jurisdiction to consider a fee application filed by counsel, should he desire to file one within the 30 day period after this hearing. Thereafter, Court will relinquish jurisdiction to consider any fee request.

If counsel is prepared to accept the tentative ruling, he should notify the courtroom deputy and the trustee and his appearance will be excused.

ATTORNEY: MARK A. NELSON (BEATRIZ EUGENIA DEANDA)  
ATTORNEY: GEORGE PANAGIOTOU (BEATRIZ EUGENIA DEANDA)

11 - 15-00389-LA Ch 13 JOHN PAUL QUINONES

MOTION TO EXTEND AUTOMATIC STAY (Fr 2/25/15)

**Tentative Ruling:** Motion **GRANTED**. Unopposed and cause shown.

Appearance excused. Submit order.

ATTORNEY: KEITH E. HERRON (JOHN PAUL QUINONES)

02:00 PM

12 - 14-02097-LA Ch 13 FRANCINE YVETTE SCHMID

TRUSTEE'S MOTION TO DISMISS CASE

**Tentative Ruling:** Motion to Dismiss **GRANTED**. Debtor has failed to resume payments and EWO is not producing payments either. Plan no longer feasible.

If counsel for debtor is prepared to accept the tentative ruling, he should notify the trustee and the courtroom deputy and his appearance will be excused. In that event he will be awarded the guideline fee of \$490.

ATTORNEY: JOHN A. VARLEY (FRANCINE YVETTE SCHMID)

13 - 13-07137-LA Ch 13 RICHARD J THIRAKUL

MOTION FOR RELIEF FROM STAY, RS # MJ 01 .00 FILED BY MICKEY JEW ON BEHALF OF EASTRIDGE CONDOMINIUM CORPORATION, A CALIFORNIA NON PROFIT MUTUAL BENEFIT CORPORATION

**Tentative Ruling:** Motion for Relief from Stay **GRANTED**. Court is not sympathetic to Mr. Shanner's alleged "mistake". He negotiated an agreement on behalf of his client, may not have completely read and understood it but nevertheless, it became a court order which his client has now breached. This debtor is not proceeding in good faith as according to the original tentative ruling posted in connection with the 1/23/15 hearing, debtor was to have paid the delinquencies in full (See ECF 34).

If counsel for the debtor is prepared to accept the tentative ruling, he should notify counsel for the HOA and the courtroom deputy and appearances will be excused. Court declines to award fees.

ATTORNEY: THOMAS K. SHANNER (RICHARD J THIRAKUL)