

UNITED STATES BANKRUPTCY COURT
DEPARTMENT 3
CHIEF JUDGE LAURA S. TAYLOR, PRESIDING
TUESDAY, MAY 5, 2015

10:00 AM

1 - 11-10490-LT Ch 13 SANDRA HERNANDEZ

1) MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: Hear as to status. It appears that this will resolve through the plan modification.

2) MOTION FOR APPROVAL OF MODIFIED PLAN FILED ON BEHALF OF SANDRA HERNANDEZ

Tentative Ruling: Hear as to status. The Trustee does not appear to request additional payments; he merely wants the percentage to line up with the amount of money already paid. This seems reasonable.

ATTORNEY: EUGENIO RAMOS (SANDRA HERNANDEZ)

2 - 11-16046-LT Ch 13 PAUL J. & PATRICIA R LUCIO

MOTION TO DISMISS CASE FILED BY TRUSTEE (fr 4/7/15)

Tentative Ruling: Continued to June 30, 2015 at 10:00 a.m. to allow Debtors opportunity to turn over tax refund as requested by the parties. Appearances excused.

ATTORNEY: JOHN GOODRICH (PATRICIA R LUCIO, PAUL J. LUCIO)

3 - 11-18874-LT Ch 13 LINDA BOLAND

MOTION FOR APPROVAL OF MODIFIED PLAN FILED ON BEHALF OF LINDA BOLAND

Tentative Ruling: Grant. The Trustee has withdrawn the only opposition. Appearances are excused and Movant may submit an order.

ATTORNEY: GARY A. QUACKENBUSH (LINDA BOLAND)

10:00 AM

4 - 12-00076-LT Ch 13 LARRY M. & RENEE L. KOCH

MOTION TO BE EXCUSED FROM TURNING OVER 2014 INCOME TAX REFUNDS FILED ON BEHALF OF LARRY AND RENEE KOCH

Tentative Ruling: Based upon the Trustee's Statement of Case Status filed April 21, 2015, it appears Debtors have agreed to turn over the 2014 tax returns, and that the parties need more time to accomplish this. If that is the understanding of the parties, this matter will be continued to June 30, 2015 at 10:00 a.m. and appearances are excused. If that is not the understanding of the parties, counsel shall appear and this will be heard as to status.

ATTORNEY: ANDREW J. MILLER (LARRY M. KOCH, RENEE L. KOCH)

5 - 12-09236-LT Ch 13 LAURA LAVONNE DROGAN

MOTION FOR RELIEF FROM STAY, RS # GAR-1 FILED ON BEHALF OF NATIONSTAR MORTGAGE LLC, AS SERVICER FOR U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO WILMINGTON TRUST COMPANY, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, N.A., AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2005-6 (fr 3/10/15)

Tentative Ruling: Hear as to status of efforts to resolve accounting dispute. It appears that the remaining dispute relates to insurance and the possibility of duplicate coverage.

ATTORNEY: MONTINE NYHAN (LAURA LAVONNE DROGAN)

6 - 13-02074-LT Ch 13 SANNA RUTH GOINS

MOTION FOR RELIEF FROM STAY, RS # DJD-001 FILED ON BEHALF OF SETERUS, INC., AS THE AUTHORIZED SUBSERVICER FOR FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), CREDITOR, C/O SETERUS, INC. (fr 2/24/15)

Tentative Ruling: Hear as to status of loan modification.

ATTORNEY: THOMAS F. MILES (SANNA RUTH GOINS)

10:00 AM

7 - 13-02092-LT Ch 13 MALINDA S. DIXON

MOTION FOR AUTHORITY TO SELL REAL PROPERTY FILED ON BEHALF OF MALINDA S. DIXON

Tentative Ruling: Grant. This motion is unopposed and is supported by the evidence and law. The Court will allow fees in the presumptive amount. Appearances are excused.

ATTORNEY: AHREN TILLER (MALINDA S. DIXON)

8 - 13-02674-LT Ch 13 JEFFREY W GUISE

STATUS CONFERENCE RE: OBJECTION TO CLAIM NO. 6, CLAIMANT: JACQUELINE GUISE FILED ON BEHALF OF JEFFREY GUISE (fr 11/18/14)

Tentative Ruling: Hear as to status. The Debtor needs to be prepared to explain how this matter can be promptly resolved.

ATTORNEY: THOMAS B. GORRILL (JEFFREY W GUISE)

9 - 13-04796-LT Ch 13 CHRISTIAN J. SEAVELLO

1) MOTION TO DISMISS CASE FILED BY TRUSTEE (fr 4/7/15)

Tentative Ruling: Hear as to status of Debtor's compliance with Court's prior order. According to Debtor, the matter is settled. See Dkt # 82. If so, appearance is excused.

2) MOTION FOR APPROVAL OF MODIFIED PLAN FILED ON BEHALF OF CHRISTIAN J. SEAVELLO (fr 4/7/15)

Tentative Ruling: Hear as to status if not resolved. If resolved, appearance is excused.

ATTORNEY: THOMAS K. SHANNER (CHRISTIAN J. SEAVELLO)

10 - 13-11994-LT Ch 13 MAHALOAKUA O. & FE T. FLORES

MOTION FOR APPROVAL OF MODIFIED PLAN FILED ON BEHALF OF MAHALOAKUA AND FE FLORES

Tentative Ruling: Hear as to status. The length issue must be resolved. It appears that the Debtors intend to provide additional information. A continuance may be appropriate.

ATTORNEY: R. CREIG GREAVES (FE T. FLORES, MAHALOAKUA O. FLORES)

10:00 AM

11 - 14-06234-LT Ch 13 JOHN P. OSUNA

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr 3/10/15)

Tentative Ruling: Hear as to status.

ATTORNEY: ALLAN CATE (JOHN P. OSUNA)

12 - 14-06404-LT Ch 13 AFSOON ALAGHEHBAND

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE (DOCKET #82) FILED BY TRUSTEE (fr 4/7/15)

Tentative Ruling: Hear. The Court understands that technical amendment, amendment to deal with length, and the filing of the 2016 statement must all occur. But more important is the representation that the Debtor is not current on plan payments. If this issue is not resolved, dismissal is appropriate.

13 - 14-08180-LT Ch 13 LORENA O. SEARLES

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr 2/24/15)

Tentative Ruling: This matter was continued to 5/5/15 at 10:00 a.m. based upon Debtor's stated intention to become current on her plan payments. In her Statement of Case filed 4/28/15, she contends she is current. If the Trustee agrees with this, then Ms. Pennington for the Trustee may submit an order for confirmation and appearances are excused. If not, the parties shall appear and the Court will hear as to status. The several months of payments appears to resolve the Court's feasibility concerns.

ATTORNEY: AHREN TILLER (LORENA O. SEARLES)

10:00 AM

14 - 14-08282-LT Ch 13 RICHARD FLORENTINO & IRMA PAGDILAO

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

Tentative Ruling: Sustain objection; grant motion to dismiss unless Debtors agree to a modified plan. Debtors did not file a timely response to the Trustee's Objection and Motion to Dismiss. Debtors, thus, may be deemed to have agreed to Trustee's request for a denial of confirmation and a dismissal of the case. See LBR 3015-5(c).

Debtors' schedules support the Trustee's assertion that their pro rata payment must be increased to comply with section 1325(a)(4). If the Debtors are unable or unwilling to make this change, there is no need to consider the other objections.

ATTORNEY: HENRY AHRENS (IRMA PAGDILAO, RICHARD FLORENTINO PAGDILAO)

15 - 14-08310-LT Ch 13 ROBERT GORDON SHUFFELTON

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED ON BEHALF OF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, ITS ASSIGNEES AND/OR SUCCESSORS

Tentative Ruling: Hear. This is an objection where a reasoned resolution has to exist. The Objector should provide an explanation beyond the minimal discussion contained in the objection itself. The parties should consider a stipulation to allow this to be resolved through ordinary course payments as the problem appears to be one involving a conflict between the automatic stay and the timing of the deposits into escrow.

ATTORNEY: AHREN TILLER (ROBERT GORDON SHUFFELTON)

16 - 14-09396-LT Ch 13 EDWIN O & ADRIANA N ARGUETA

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr 4/7/15)

Tentative Ruling: Hear. The Debtors very recently provided additional evidence and revised schedules. The Trustee may need additional time to respond.

ATTORNEY: BRIAN CROZIER WHITAKER (ADRIANA N ARGUETA, EDWIN O ARGUETA)

11:00 AM

1 - 08-03018-LT Ch 7 RYAN J. & LILIA G. BRANCO

MOTION FOR SANCTIONS FOR VIOLATION OF THE AUTOMATIC STAY AND VIOLATION OF THE DISCHARGE INJUNCTION FILED ON BEHALF OF RYAN AND LILIA BRANCO (fr 4/21/15)

ATTORNEY: LAWRENCE R. FIESELMAN (LILIA G. BRANCO, RYAN J. BRANCO)
ATTORNEY: AHREN TILLER (LILIA G. BRANCO, RYAN J. BRANCO)
ATTORNEY: DAVID G. WEIL (LILIA G. BRANCO, RYAN J. BRANCO)

2 - 13-07204-LT Ch 13 RYAN J. & LILIA G. BRANCO

- 1) MOTION TO DISMISS BANKRUPTCY CASE FILED ON BEHALF OF HILLSBOROUGH AT OTAY RANCH COMMUNITY ASSOC. (fr 4/21/15)
- 2) MOTION FOR APPROVAL OF MODIFIED PLAN FILED ON BEHALF OF LILIA AND RYAN BRANCO (fr 4/21/15)

ATTORNEY: AHREN TILLER (LILIA G. BRANCO, RYAN J. BRANCO)

02:00 PM

1 - 12-14037-LT Ch 13 JOEL L & VALENTINA T DIAZ

MOTION FOR RELIEF FROM STAY, RS# GAR-1 FILED ON BEHALF OF NATIONSTAR MORTGAGE LLC (fr 3/5/15)

Tentative Ruling: Hear. Debtors' failure to make 22 post-petition/post-confirmation payments in a chapter 13 case constitutes cause for stay relief under section 362(d)(1). *Ellis v. Parr (In re Ellis)*, 60 B.R. 432, 435 (9th Cir. BAP 1985). Notwithstanding, the Court has discretion as to the form of relief and may condition relief from stay on prompt cure as opposed to terminating the stay immediately. The Court will hear argument as to the appropriate remedy if the parties do not reach an agreement prior to hearing. The Court understands that loan modification negotiations are continuing. Thus, a continuance may be appropriate.

ATTORNEY: DAYNA C. CHILLAS (JOEL L DIAZ, VALENTINA T DIAZ)
ATTORNEY: GAIL A. RINALDI (NATIONSTAR MORTGAGE LLC)

02:00 PM

2 - 13-04899-LT Ch 13 CHRISTOPHER MICHAEL & BRITTNEY WILLIAMS

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: Hear. Debtors originally stated that their income was stabilizing and that they would propose a plan for arrearage cure a week before the hearing. Since that time, they failed to make any payment, and they failed to propose a method for cure. Dismissal appears appropriate. If Debtors no longer oppose dismissal, attendance of their attorney is excused.

ATTORNEY: DAVID L. SPECKMAN (BRITTNEY WILLIAMS, CHRISTOPHER MICHAEL WILLIAMS)

3 - 13-08443-LT Ch 13 KENNETH DALE KOLDEN

MOTION FOR RELIEF FROM STAY, RS # JG-1 FILED ON BEHALF OF U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE LSX 2005-05N TRUST FUND, ITS ASSIGNEES AND/OR SUCCESSORS IN INTEREST (fr 4/7/15)

Tentative Ruling: Hear as to status of parties' attempts to resolve.

ATTORNEY: AHREN TILLER (KENNETH DALE KOLDEN)

4 - 13-10567-LT Ch 13 EDUARDO GONZALEZ

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: Trustee requests a three month tracking order beginning with the May 30, 2015 payment. See Dkt. # 100. Debtor appears to agree with this method of resolution. Dkt. # 101. If this is the case, the Court will resolve this matter through such a tracking order, excuses Debtor's appearance, and awards presumptive fees.

ATTORNEY: DAVID L. SPECKMAN (EDUARDO GONZALEZ)

5 - 14-03021-LT Ch 13 VENETIA GAIL NORTH

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: Hear as to status of Debtor's benefit payments and proposed plan completion. If the Debtor agrees to a tracking order as proposed by the Trustee, appearances are excused , and the Court will allow fees in the presumptive amount.

ATTORNEY: DAVID E. BRITTON (VENETIA GAIL NORTH)

02:00 PM

6 - 14-03537-LT Ch 13 DALEENA MARIE HARKER-REID & DALE PAUL REID

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: Hear as to status.

ATTORNEY: ROBERT F. WIGGINS (DALE PAUL REID, DALEENA MARIE HARKER-REID)

7 - 14-04685-LT Ch 13 ROBERT D SAMANIEGO

1) MOTION TO DISMISS CASE FILED BY TRUSTEE (fr 4/7/15)

Tentative Ruling: Hear as to status. The Trustee's recent statement suggests that this matter is capable of resolution through a plan modification and PCM. The Court is concerned, however, as to feasibility. The Debtor is not performing as required by even his modified plan. See Dkt. # 45.

2) MOTION FOR APPROVAL OF MODIFIED PLAN FILED ON BEHALF OF ROBERT D SAMANIEGO (fr 4/7/15)

Tentative Ruling: Hear as to status. In order for the Court to modify the motion it must meet the requirements of section 1325(a) and, in particular, section 1325(a)(6). See section 1329(b)(1). Here there are real feasibility concerns given Debtor's continued erratic and insufficient payments. Debtor should be prepared to address this concern.

ATTORNEY: KERRY A. DENTON (ROBERT D SAMANIEGO)

8 - 14-08043-LT Ch 13 CARLOS M. & ROSA CARDENAS

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF BANK OF NEW YORK MELLON

Tentative Ruling: Motion GRANTED. Based on Debtors' uncontroverted evidence, the Court: (1) values the real property at issue ("Property") at \$335,000; (2) pursuant to section 506(a), determines that the lien at issue ("Lien") is wholly unsecured for all purposes of this case; and (3) pursuant to section 1322(b), determines that Debtors' plan may provide that the Lien will be stripped from the Property following plan confirmation, plan completion, and discharge.

As the Motion is unopposed after appropriate notice, counsel is excused from hearing attendance and may submit an order forthwith. The Court allows fees in the presumptively reasonable amount.

ATTORNEY: RICK G MELENDEZ (CARLOS M. CARDENAS, ROSA CARDENAS)

02:00 PM

9 - 14-08105-LT Ch 13 JOSE LUIS & BEATRIZ GARCIA MENDOZA

DEBTOR'S AMENDED MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR MERRILL LYNCH MORTGAGE INVESTORS TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2005-NCB (fr 3/4/15)

Tentative Ruling: This matter is CONTINUED to June 30, 2015 at 2:00 p.m., in Department 3. The Court continued this matter and required Debtors to rectify service defects. Despite a detailed tentative, correct service was not made. Debtors must remedy service defects as required in the prior Tentative. If Debtors fail to effect timely, correct, service the Court will vacate the continued hearing date and deny the Motion. Further, the failure to promptly comply with the directives of this Tentative may be a basis for case dismissal under 11 U.S.C. § 1307(c)(1).

Counsel is excused from attending this hearing.

ATTORNEY: SCOTT R. BURTON (BEATRIZ GARCIA MENDOZA, JOSE LUIS MENDOZA)

10 - 14-08809-LT Ch 13 RITA ANNE HELLER

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr 3/10/15)

11 - 14-08975-LT Ch 13 DANIEL B & OLIVIA BEST DAVIS

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED ON BEHALF OF WELLS FARGO BANK, N.A. DBA WELLS FARGO DEALER SERVICES (fr 4/7/15)

Tentative Ruling: Hear. Objector must appear and provide a short deadline for submission of contrary evidence of actual value or Court will overrule objection.

ATTORNEY: CHRISTOPHER R. BUSH (DANIEL B DAVIS, OLIVIA BEST DAVIS)