

UNITED STATES BANKRUPTCY COURT
DEPARTMENT 1
JUDGE MARGARET M. MANN, PRESIDING
TUESDAY, APRIL 28, 2015

10:00 AM

1 - 10-15202-MM Ch 13 JACLYN B. CATALUNA

MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 3/31/15)

Tentative Ruling: Off calendar. Case is fully resolved. Appearances are excused.

ATTORNEY: MICHAEL D. HUDGINS (JACLYN CATALUNA)

2 - 11-01898-MM Ch 13 ROY GENE LESLIE

MOTION FOR RELIEF FROM STAY, RS #GAR-1 FILED BY NATIONSTAR MORTGAGE, LLC (fr. 4/14/15)

Tentative Ruling: Off calendar. Opposition to stay relief has been withdrawn. Lodgment and Bankruptcy Rule 4001(a)(3) are not waived. Guideline fees less \$150.00 are awarded. Appearances are excused.

ATTORNEY: DIANE C. MCDOWELL (ROY LESLIE)

ATTORNEY: GAIL A. RINALDI (NATIONSTAR MORTGAGE, LLC)

3 - 11-07780-MM Ch 13 ELOISE KING DANIELS

HEARING REGARDING POST CONFIRMATION ORDER MODIFYING CHAPTER 13 PLAN

ATTORNEY: JOHN F. BRADY (ELOISE DANIELS)

4 - 11-18752-MM Ch 13 BERNARDINO MENDOZA

MOTION TO ENFORCE THE TERMS OF THE CONFIRMED PLAN FILED BY TRUSTEE (fr. 3/31/15)

ATTORNEY: RHONDA WALKER (BERNARDINO MENDOZA)

5 - 11-19162-MM Ch 13 JAIME G & MARY ANTONIETTE GUTIERREZ

MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTORS (fr. 3/31/15)

ATTORNEY: CHERYL DEPTOWICZ-DIAZ (JAIME & MARY GUTIERREZ)

10:00 AM

6 - 12-00958-MM Ch 13 JOSEPH HARVEY & ARLENE SANTOS PASCUAL

MOTION FOR APPROVAL OF LOAN MODIFICATION AGREEMENT FILED BY DEBTORS (fr. 4/14/15)

Tentative Ruling: Continued to May 12, 2015 at 10:00 a.m., Department 1. The Court is unable to grant approval of the loan modification agreement until Debtor supplies the additional evidence of the actual loan modification agreement. In the alternative, the Debtor may seek court approval to negotiate the terms of a loan modification. Appearances at the April 28, 2015 hearing are excused.

ATTORNEY: RICHARD L. ZIERDEN (JOSEPH & ARLENE PASCUAL)

7 - 13-06376-MM Ch 13 FELICIA DAVIS

HEARING REGARDING POST CONFIRMATION ORDER MODIFYING CHAPTER 13 PLAN

Tentative Ruling: Having reviewed the declaration of the debtor, the Court will confirm this plan without further hearing if the parties upload an order that does not change the Trustee's fee provisions from what was contained in the operative plan on file.

ATTORNEY: ANDREW H. GRIFFIN (FELICIA DAVIS)

8 - 14-06160-MM Ch 13 MARGARITA CECILIA CHACON

MOTION FOR RELIEF FROM STAY, RS #PD-1 FILED BY WELLS FARGO BANK (fr. 3/26/15)

ATTORNEY: E. JOHN DAMASCO (MARGARITA CHACON)
ATTORNEY: MEGAN LEES (WELLS FARGO BANK)

9 - 14-07156-MM Ch 13 VANESSA MARIE HENDERSON

HEARING REGARDING APPLICATION FOR COMPENSATION AND CONFIRMATION OF CHAPTER 13 PLAN

ATTORNEY: RICHARD E. CHANG (VANESSA HENDERSON)

10:00 AM

10 - 14-08130-MM Ch 13 HENDRIX F NOWELLS

- 1) MOTION FOR VALUATION OF RESIDENCE AND AVOIDANCE OF JUNIOR TRUST DEED HELD BY CITIBANK

Tentative Ruling: Motion to Strip Junior Lien GRANTED. Per unopposed appraisal, house is valued at \$265,025.00; pursuant to Sec. 506(a) Court finds junior lienholder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b), the claim may be treated as unsecured for purposes of this case and the lien may be stripped off following plan confirmation, and completion of the plan.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order within 14 days of the hearing date. The Court will allow the Guideline attorney's fees plus the associated costs subject to proof.

- 2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY DEUTSCHE BANK NATIONAL TRUST COMPANY (fr. 3/31/15)

Tentative Ruling: Off calendar. Adequate Protection Order has been entered. Appearances are excused.

ATTORNEY: KERRY A. DENTON (HENDRIX NOWELLS)
ATTORNEY: NICHOLE GLOWIN (DEUTSCHE BANK NATIONAL TRUST COMPANY)

11 - 14-08494-MM Ch 13 LINDA & RUBEN ABALOS

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 3/31/15)

ATTORNEY: SAMUEL KELSALL (LINDA & RUBEN ABALOS)

12 - 14-09058-MM Ch 13 MISHELLE BANAGA

HEARING REGARDING APPLICATION FOR COMPENSATION AND CONFIRMATION OF CHAPTER 13 PLAN

ATTORNEY: CHRISTIAN MCLAUGHLIN (MISHELLE BANAGA)

13 - 14-09424-MM Ch 13 FRANCISCO JAVIER & SILVIA LOPEZ

HEARING REGARDING APPLICATION FOR COMPENSATION AND CONFIRMATION OF CHAPTER 13 PLAN

Tentative Ruling: The Court has concerns regarding the feasibility of this case. The Debtors are below median and have agreed to a 100% plan with interest. Debtors have also agreed to turn over tax refunds when they might actually be receiving tax credits. Even though Debtors are below median, it appears the case could not be completed in under 5 years.

The parties are to address these concerns at the hearing.

ATTORNEY: DAVID L. SPECKMAN (FRANCISCO & SILVIA LOPEZ)

10:00 AM

14 - 14-09744-MM Ch 13 VAN EDWARD & LISA E. STRIFFLER

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

Tentative Ruling: Continued to May 12, 2015 at 10:00 a.m., Department 1 pending submission an amended plan. Status reports are due one week before hearing. Attorney's guideline fees are awarded. Appearances at the April 28, 2015 hearing are excused.

ATTORNEY: ANIKA RENAUD-KIM (VAN & LISA STRIFFLER)

15 - 14-09856-MM Ch 13 RAMON & GEORGIANNA LOUISE JURADO

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

ATTORNEY: STEVEN J. DIAMOND (RAMON & GEORGIANNA JURADO)

16 - 14-09962-MM Ch 13 CHRISTINE FREDA SCHULZ

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY CAPITAL ONE AUTO FINANCE

ATTORNEY: JAMES BYRNES (CHRISTINE SCHULZ)

17 - 15-00078-MM Ch 13 DEBRA S. MCLEMORE

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

OTHER: DEBRA MCLEMORE

18 - 15-00572-MM Ch 13 EMRYS M. & SUSAN J. DAVIS

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY WELLS FARGO BANK

Tentative Ruling: Continued to May 26, 2015 at 10:00 a.m., Department 1. Appraisal on the vehicle to be done before the continued hearing date to determine the value on the property. Attorney's guideline fees are awarded. Status reports are due one week before hearing. Appearances at the April 28, 2015 hearing are excused.

ATTORNEY: ANIKA RENAUD-KIM (EMRYS & SUSAN DAVIS)
ATTORNEY: TIMOTHY J. SILVERMAN (WELLS FARGO BANK)

10:00 AM

19 - 15-00696-MM Ch 13 ROBERT DON KEITH ROSENSHEIN

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY ONEWEST BANK

Tentative Ruling: Continued to May 12, 2015 at 10:00 a.m., Department 1. If an amended plan is filed not later than April 24, 2015, the objection will be taken off calendar. Appearances at the April 28, 2015 hearing are excused.

ATTORNEY: ALLAN CATE (ROBERT ROSENSHEIN)
ATTORNEY: MARK D. ESTLE (ONEWEST BANK)

20 - 15-01804-MM Ch 13 ANDREA ROSE BARROS

APPLICATION TO EMPLOY DOAN LAW FIRM AS SPECIAL COUNSEL FOR DEBTOR

Tentative Ruling: Either the Chapter 13 Trustee or the United States Trustee must advise as to their position regarding this employment of special counsel before the hearing.

ATTORNEY: CHRISTOPHER R. BUSH (ANDREA BARROS)

02:00 PM

1 - 10-19121-MM Ch 13 TIMOTHY M & EMILY J CORBITT

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: Off calendar. Trustee no longer seeks dismissal. Attorney's guideline fees of \$490.00 are awarded, with \$400.00 in fees already paid directly to Debtor's Counsel. Appearances are excused.

ATTORNEY: KATIE PARKER (TIMOTHY & EMILY CORBITT)

2 - 11-04605-MM Ch 13 WILLIAM JOSEPH & DONNA LEANNE REDMOND

MOTION TO SELL REAL PROPERTY FILED BY DEBTORS

Tentative Ruling: Unopposed motion is granted and appearances are excused. The order must comport with the conditional opposition filed by the Trustee.

ATTORNEY: JOHN A. VARLEY (WILLIAM & DONNA REDMOND)

3 - 12-05095-MM Ch 13 STACY LYNN DOWNEY

MOTION TO SELL REAL PROPERTY FILED BY DEBTOR

Tentative Ruling: Unopposed motion is granted and appearances are excused. The order must comport with the conditional opposition filed by the Trustee and by the secured creditor.

ATTORNEY: BRIAN R. MASON (STACY DOWNEY)

02:00 PM

4 - 12-15483-MM Ch 13 RONALD LYNN SPILSBURY
MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: MARK AALAM (RONALD SPILSBURY)

5 - 12-16111-MM Ch 13 RONALD J CHAVEZ
MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY
DEBTOR (fr. 3/17/15)

ATTORNEY: DANIEL J. WINFREE (RONALD CHAVEZ)

6 - 13-00817-MM Ch 13 CHRISTINA ALVAREZ
MOTION TO DISMISS CASE FILED BY TRUSTEE

ATTORNEY: ANIKA RENAUD-KIM (CHRISTINA ALVAREZ)

7 - 13-07353-MM Ch 13 EDWARD C. & GLORIA J. HOBBS
MOTION FOR RELIEF FROM STAY, RS #GWH-1 FILED BY ROYAL GARDENS
HOA (fr. 4/2/15)

ATTORNEY: ANIKA RENAUD-KIM (EDWARD & GLORIA HOBBS)
ATTORNEY: GRANT HAMOR (ROYAL GARDENS HOA)

8 - 14-00793-MM Ch 13 LUCILA SORIANO
MOTION FOR RELIEF FROM STAY, RS #RCO-1 FILED BY WELLS FARGO
BANK (fr. 3/17/15)

ATTORNEY: YURI SIMPSON (LUCILA SORIANO)
ATTORNEY: SAMY S. HENEIN (WELLS FARGO BANK)

9 - 14-02497-MM Ch 13 RONALD G. & BRIDGETT C. WOODS
HEARING REGARDING POST CONFIRMATION ORDER MODIFYING
CHAPTER 13 PLAN

Tentative Ruling: Off calendar. Matter has been resolved. Post Confirmation Order Modifying Chapter 13 Plan has been entered. The Court appreciates Mr. Billingslea's attention in addressing this matter, both in this case and in the other pending cases. No further explanation is necessary. Appearances are excused.

ATTORNEY: ANIKA RENAUD-KIM (RONALD & BRIDGETT WOODS)

02:00 PM

10 - 14-07429-MM Ch 13 MORGAN RAMSAY & LUZ GARNACE MCCUNE

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 2/17/15) (fr. 3/31/15)

ATTORNEY: CHRIS A. MULLEN (MORGAN & LUZ MCCUNE)

11 - 14-07595-MM Ch 13 GREGORY ARTHUR & TYRA ADINE DROEGEMUELLER

MOTION FOR VALUATION OF RESIDENCE AND AVOIDANCE OF JUNIOR TRUST DEED HELD BY NEW CENTURY MORTGAGE CORPORATION

Tentative Ruling: Motion to Strip Junior Lien GRANTED. Per unopposed appraisal, house is valued at \$312,853.00; pursuant to Sec. 506(a) Court finds junior lienholder's lien wholly unsecured by residence's value. Pursuant to Sec. 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, counsel is excused from attending this hearing and may submit an order within 14 days of the hearing date. The Court will allow the Guideline attorney's fees plus the associated costs subject to proof.

ATTORNEY: BILL PARKS (GREGORY & TYRA DROEGEMUELLER)

12 - 14-07951-MM Ch 13 MAI MOUA LEE

1) MOTION FOR VALUATION OF RESIDENCE AND AVOIDANCE OF JUNIOR TRUST DEED HELD BY MORTGAGEIT, INC.

Tentative Ruling: Motion to Strip Junior Lien GRANTED. Per unopposed appraisal, house is valued at \$318,000.00; pursuant to Sec. 506(a) Court finds junior lienholder's lien wholly unsecured by residence's value. Pursuant to Sec. 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, counsel is excused from attending this hearing and may submit an order within 14 days of the hearing date. The Court will allow the Guideline attorney's fees plus the associated costs subject to proof.

2) MOTION FOR VALUATION OF RESIDENCE AND AVOIDANCE OF JUNIOR TRUST DEED HELD BY CALHFA MORTGAGE ASSISTANCE CORPORATION

Tentative Ruling: Motion to Strip Junior Lien GRANTED. Per unopposed appraisal, house is valued at \$318,000.00; pursuant to Sec. 506(a) Court finds junior lienholder's lien wholly unsecured by residence's value. Pursuant to Sec. 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, counsel is excused from attending this hearing and may submit an order within 14 days of the hearing date. The Court will allow the Guideline attorney's fees plus the associated costs subject to proof.

ATTORNEY: JOHN F. BRADY (MAI LEE)

02:00 PM

13 - 14-08117-MM Ch 13 JULIAN DE ANDA

MOTION FOR RELIEF FROM STAY, RS #RCO-1 FILED BY CALIFORNIA BANK & TRUST

ATTORNEY: JOHN F. BRADY (JULIAN DE ANDA)
ATTORNEY: JONATHAN J. DAMEN (CALIFORNIA BANK & TRUST)

14 - 14-09085-MM Ch 13 STEVEN & MARGARET ST. CLAIR WHITSON

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

- 2) HEARING REGARDING NOTICE OF LODGMENT OF ORDER ON TRUSTEE'S OBJECTON TO CONFIRMATION OF CHAPTER 13 AND MOTION TO DISMISS CASE WITH 180 DAY BAR IMPOSED

ATTORNEY: STEVEN K. BRUMER (STEVEN & MARGARET WHITSON)

15 - 15-00257-MM Ch 13 CELESTE LOUDON

HEARING ON NOTICE OF LODGMENT OF ORDER REGARDING MOTION FOR RELIEF FROM STAY, RS #CJO-1 FILED BY DEUTSCHE BANK NATIONAL TRUST COMPANY

Tentative Ruling: Movant must be prepared to explain the effect of *Ellis v. Yu (In re Ellis)*, 523 B.R. 673 (B.A.P. 9th Cir. 2014) on its request for in rem relief from stay at the hearing.

ATTORNEY: CHRISTINA O (DEUTSCHE BANK NATIONAL TRUST COMPANY)
OTHER: CELESTE LOUDON

16 - 15-00607-MM Ch 13 RAMIRO ROMO LIZARRAGA & DEBORAH GONZALEZ

MOTION FOR VALUATION OF RESIDENCE AND AVOIDANCE OF JUNIOR TRUST DEED HELD BY MISSION FEDERAL CREDIT UNION

Tentative Ruling: Motion to Strip Junior Lien GRANTED. Per unopposed appraisal, house is valued at \$291,000.00; pursuant to Sec. 506(a) Court finds junior lienholder's lien wholly unsecured by residence's value. Pursuant to Sec. 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, counsel is excused from attending this hearing and may submit an order within 14 days of the hearing date. The Court will allow the Guideline attorney's fees plus the associated costs subject to proof.

ATTORNEY: ERIC W. JOHNSON (RAMIRO & DEBORAH LIZARRAGA)

17 - 15-01645-MM Ch 13 JOSE RAUL FRAUSTO

MOTION TO DISMISS CASE WITH A 180 DAY BAR IMPOSED FILED BY TRUSTEE

OTHER: JOSE FRAUSTO

02:00 PM

18 - 15-02111-MM Ch 13 DAVID S. & CHRISTINE J. BOWEN

MOTION TO EXTEND AUTOMATIC STAY FILED BY DEBTORS

Tentative Ruling: Motion to Extend Automatic Stay is GRANTED. The Court finds that a presumption of bad faith has arisen because Debtors have filed a bankruptcy petition within the preceding year that was dismissed due to Debtors' failure to make payments to the chapter 13 trustee as required under the confirmed plan of reorganization. See 11 U.S.C. § 362(c)(3)(C)(i)(II)(cc). However, Debtors have presented evidence that Debtor David Bowen has recently received employment as a Supervising Electrician with San Diego State University, a permanent position where he does anticipate experiencing any periods of unemployment, and that Debtor Christine Bowen is now employed at Running USA as an event manager and no longer works as an independent contractor. This evidence is clear and convincing evidence that sufficiently rebuts the presumption of bad faith that has arisen. Appearances are excused and guideline attorney's fees are awarded. Counsel may upload an order.

ATTORNEY: ANIKA RENAUD-KIM (DAVID & CHRISTINE BOWEN)

03:00 PM

1 - 15-02245-MM Ch 7 ALICE HOWARD-NELSON

MOTION FOR RELIEF FROM STAY, RS #DDB-1 FILED BY R.C. HAUS

ATTORNEY: DONALD BEURY (R.C. HAUS)
OTHER: ALICE NELSON