

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

10:30 AM

6:19-18460 Jose Luis Pulido

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-6-19, 11-22-19, 3-16-20, 9-21-20, 11-9-20

Docket 2

Party Information

Debtor(s):

Jose Luis Pulido

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

10:30 AM

6:19-20975 Eric Adrian Bell and Lillian Louise Bell

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 6-24-20, 7-1-20, 12-14-20

Docket 1

Party Information

Debtor(s):

Eric Adrian Bell

Represented By
Todd L Turoci

Joint Debtor(s):

Lillian Louise Bell

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

10:30 AM

6:20-11375 Beatriz Banuelos

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-25-20, 6-3-20, 7-29-20, 12-15-20

Docket 2

Party Information

Debtor(s):

Beatriz Banuelos

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

10:30 AM

6:20-11437 Marie Scott

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-25-20, 6-3-20, 7-29-20, 12-15-20

Docket 2

Party Information

Debtor(s):

Marie Scott

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

10:30 AM

6:20-11761 Joseph Ysidro Diaz and Cecelia Diaz

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-8-20, 6-17-20, 12-14-20

Docket 2

Party Information

Debtor(s):

Joseph Ysidro Diaz

Represented By
Todd L Turoci

Joint Debtor(s):

Cecelia Diaz

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

10:30 AM

6:20-11826 Tyrone Cranford and Mary Louise Cranford

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-8-20, 6-17-20, 12-14-20

Docket 2

Party Information

Debtor(s):

Tyrone Cranford

Represented By
Todd L Turoci

Joint Debtor(s):

Mary Louise Cranford

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

10:30 AM

6:20-13874 Dawn Lynn Menge

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 7-15-20, 7-22-20, 12-14-20

Docket 2

Party Information

Debtor(s):

Dawn Lynn Menge

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

10:30 AM

6:20-14022 Ponce Deleon Overton

Chapter 13

#8.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM 7-22-20, 8-5-20, 12-15-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 12-8-20**

Party Information

Debtor(s):

Ponce Deleon Overton

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

12:00 PM

6:20-10759 Tomaso Giannelli and Melanie Giannelli

Chapter 13

#9.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-4-20, 3-25-20, 6-15-20, 12-14-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-17-20; CONT'D TO 1-4-21 AT 2:15 P.M.**

Party Information

Debtor(s):

Tomaso Giannelli

Represented By
Julie J Villalobos

Joint Debtor(s):

Melanie Giannelli

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

12:00 PM

6:20-12856 William Albert Hoffman

Chapter 13

#10.00 Hrg re status conference regarding confirmation of the chapter 13

FROM: 5-13-20, 6-10-20, 12-14-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-17-20; CONT'D TO 1-4-21 AT 2:15 P.M.**

Party Information

Debtor(s):

William Albert Hoffman

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

12:00 PM

6:20-12888 Estevan Rodriguez

Chapter 13

#11.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 6-10-20, 6-24-20, 12-14-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-17-20; CONT'D TO 1-4-21 AT 2:15 P.M.**

Party Information

Debtor(s):

Estevan Rodriguez

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

12:00 PM

6:20-13440 Brandy Castanon Medina

Chapter 13

#12.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 7-1-20, 7-15-20, 12-14-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-17-20; CONT'D TO 1-4-21 AT 2:15 P.M.**

Party Information

Debtor(s):

Brandy Castanon Medina

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

12:00 PM

6:20-14020 Silvia S Moreno and Leonardo Moreno

Chapter 13

#13.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM 7-22-20, 8-5-20, 12-15-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-17-20; CONT'D TO 1-4-21 AT 2:15 P.M.**

Party Information

Debtor(s):

Silvia S Moreno

Represented By
Julie J Villalobos

Joint Debtor(s):

Leonardo Moreno

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

12:00 PM

6:20-14314 Brent Eugene Fast and Tamara Lynn Fast

Chapter 13

#14.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 8-5-20, 8-12-20, 12-15-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-17-20; CONT'D TO 1-4-21 AT 2:15 P.M.**

Party Information

Debtor(s):

Brent Eugene Fast

Represented By
Julie J Villalobos

Joint Debtor(s):

Tamara Lynn Fast

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

1:30 PM

6:20-10877 Martha Vaca Herrera and Gabriel Yanez

Chapter 13

#15.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-11-20, 6-19-20, 12-14-20

Docket 2

Party Information

Debtor(s):

Martha Vaca Herrera

Represented By
Dana Travis

Joint Debtor(s):

Gabriel Yanez

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

1:30 PM

6:20-12457 Timothy Edward Messmer and Tammy Renee Messmer

Chapter 13

#16.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-29-20, 6-11-20, 12-14-20

Docket 2

Party Information

Debtor(s):

Timothy Edward Messmer

Represented By
Dana Travis

Joint Debtor(s):

Tammy Renee Messmer

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

1:30 PM

6:20-12703 Robert Charles Boardman

Chapter 13

#17.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 5-13-20, 6-8-20, 12-14-20

Docket 2

Party Information

Debtor(s):

Robert Charles Boardman

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

1:30 PM

6:20-13178 Nikolai John Samarin and Emily Caroline Samarin

Chapter 13

#18.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 6-24-20, 7-1-20, 12-14-20

Docket 1

Party Information

Debtor(s):

Nikolai John Samarin

Represented By
Dana Travis

Joint Debtor(s):

Emily Caroline Samarin

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

1:30 PM

6:20-14028 Henry Albert Ramirez and Alison Marie Wright

Chapter 13

#19.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 7-22-20, 8-5-20, 12-15-20

Docket 2

Party Information

Debtor(s):

Henry Albert Ramirez

Represented By
Dana Travis

Joint Debtor(s):

Alison Marie Wright

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

2:15 PM

6:20-10759 Tomaso Giannelli and Melanie Giannelli

Chapter 13

#20.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-4-20, 3-25-20, 6-15-20, 12-14-20

Docket 2

Party Information

Debtor(s):

Tomaso Giannelli

Represented By
Julie J Villalobos

Joint Debtor(s):

Melanie Giannelli

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

2:15 PM

6:20-12856 William Albert Hoffman

Chapter 13

#21.00 Hrg re status conference regarding confirmation of the chapter 13

FROM: 5-13-20, 6-10-20, 12-14-20

Docket 2

Party Information

Debtor(s):

William Albert Hoffman

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

2:15 PM

6:20-12888 Estevan Rodriguez

Chapter 13

#22.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 6-10-20, 6-24-20, 12-14-20

Docket 2

Party Information

Debtor(s):

Estevan Rodriguez

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

2:15 PM

6:20-13440 Brandy Castanon Medina

Chapter 13

#23.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 7-1-20, 7-15-20, 12-14-20

Docket 2

Party Information

Debtor(s):

Brandy Castanon Medina

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

2:15 PM

6:20-14020 Silvia S Moreno and Leonardo Moreno

Chapter 13

#24.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM 7-22-20, 8-5-20, 12-15-20

Docket 2

Party Information

Debtor(s):

Silvia S Moreno

Represented By
Julie J Villalobos

Joint Debtor(s):

Leonardo Moreno

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

2:15 PM

6:20-14314 Brent Eugene Fast and Tamara Lynn Fast

Chapter 13

#25.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 8-5-20, 8-12-20, 12-15-20

Docket 2

Party Information

Debtor(s):

Brent Eugene Fast

Represented By
Julie J Villalobos

Joint Debtor(s):

Tamara Lynn Fast

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

3:00 PM

6:19-21084 Martin Castellanos Romo and Xochilh J Castellanos

Chapter 13

#26.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-8-20, 7-29-20, 12-15-20

Docket 1

Party Information

Debtor(s):

Martin Castellanos Romo

Represented By
Paul Y Lee

Joint Debtor(s):

Xochilh J Castellanos

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

3:00 PM

6:20-10499 Cameron S. Tillery and Diana R Core-Tillery

Chapter 13

#27.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 2-26-20, 3-11-20, 6-15-20, 12-14-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 11-4-20**

Party Information

Debtor(s):

Cameron S. Tillery

Represented By
Paul Y Lee

Joint Debtor(s):

Diana R Core-Tillery

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

3:00 PM

6:20-10696 Rachiel R Jones

Chapter 13

#28.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-4-20, 3-25-20, 6-15-20

Docket 2

Party Information

Debtor(s):

Rachiel R Jones

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

3:00 PM

6:20-11788 David Charles Wagnier

Chapter 13

#29.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-8-20, 6-17-20, 12-14-20

Docket 2

Party Information

Debtor(s):

David Charles Wagnier

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

3:00 PM

6:20-12004 Jesus Rodriguez Gomez and Migdalia Alicia Diaz

Chapter 13

#30.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-8-20, 7-29-20, 12-15-20

Docket 2

Party Information

Debtor(s):

Jesus Rodriguez Gomez

Represented By
Paul Y Lee

Joint Debtor(s):

Migdalia Alicia Diaz

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

3:00 PM

6:20-12664 Viola D Peoples

Chapter 13

#31.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 5-13-20, 6-8-20, 12-14-20

Docket 2

Party Information

Debtor(s):

Viola D Peoples

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

4:30 PM

6:20-10815 Tatanisha Juandalynn Player

Chapter 13

#32.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-4-20, 6-22-20, 12-14-20

Docket 2

Party Information

Debtor(s):

Tatanisha Juandalynn Player

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

4:30 PM

6:20-12243 John Anthony Espejo

Chapter 13

#33.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-22-20, 6-8-20, 12-14-20

Docket 2

Party Information

Debtor(s):

John Anthony Espejo

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

4:30 PM

6:20-11642 Melvin Ferido Austria

Chapter 13

#34.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-25-20, 7-29-20, 12-15-20

Docket 2

Party Information

Debtor(s):

Melvin Ferido Austria

Represented By

Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

4:30 PM

6:20-11683 Noriel Jorge Victorio Dela Cruz and Ma Jenny Rose Bueta Chapter 13

#35.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-25-20, 6-3-20, 7-29-20, 12-15-20

Docket 2

Party Information

Debtor(s):

Noriel Jorge Victorio Dela Cruz

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Ma Jenny Rose Bueta Dela Cruz

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

4:30 PM

6:20-12235 Denise Cuevas

Chapter 13

#36.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-22-20, 6-8-20, 12-14-20

Docket 2

Party Information

Debtor(s):

Denise Cuevas

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

4:30 PM

6:20-12475 Debra Ann Karr

Chapter 13

#37.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-29-20, 6-10-20, 12-14-20

Docket 2

Party Information

Debtor(s):

Debra Ann Karr

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

4:30 PM

6:20-13031 Jeffrey Lynn Booth

Chapter 13

#38.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 6-10-20, 6-24-20, 12-14-20

Docket 0

Party Information

Debtor(s):

Jeffrey Lynn Booth

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 4, 2021

Hearing Room 304

4:30 PM

6:20-13164 Shontae Hill

Chapter 13

#39.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 6-10-20, 6-24-20, 12-14-20

Docket 0

Party Information

Debtor(s):

Shontae Hill

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 7, 2021

Hearing Room 304

10:30 AM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:20-01167 Bui et al v. ML Factors Funding LLC et al

#1.00 Status conference re: Complaint for (1) Declaratory relief; (2) Avoidance of preferential transfers; (3) Avoidance of lien and equitable subordination; (4) Avoidance and preservation of claims; (5) Avoidance of fraudulent

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-3-20; CONT;D TO 2-11-21 AT 11:00 A.M.**

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

ML Factors Funding LLC	Pro Se
SPG Advance LLC, a New York	Pro Se
TVT 2.0, LLC, a Utah Limited	Pro Se
BP Funding, LLC, a New York LLC	Pro Se
David Rubin	Pro Se
Lazer Preizler	Pro Se
Baruch Weinstock	Pro Se
Samuel Selmar	Pro Se
Asher Fensterheim	Pro Se

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea
Elmer D Martin III
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 7, 2021

Hearing Room 304

10:30 AM

CONT... Vario Corp.
East West Bank

Chapter 7

Represented By
Elmer D Martin III
Curtis C Jung
Clifford P Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 7, 2021

Hearing Room 304

10:30 AM

6:20-14758 Ridge Park Point, LLC

Chapter 7

Adv#: 6:20-01164 A. Cisneros, Chapter 7 Trustee v. Garland

#2.00 Status conference re: Complaint (1) Breach of contract; (2) Turnover

Docket 1

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Defendant(s):

Ryan Garland

Pro Se

Plaintiff(s):

A. Cisneros, Chapter 7 Trustee

Represented By
Nathan F Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 7, 2021

Hearing Room 304

10:30 AM

6:20-14758 Ridge Park Point, LLC

Chapter 7

Adv#: 6:20-01165 A. Cisneros, Chapter 7 Trustee v. Paradyme Funding, Inc., a California

#3.00 Status conference re: Complaint (1) Breach of contract; (2) Turnover

Docket 1

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Defendant(s):

Paradyme Funding, Inc., a California

Pro Se

Plaintiff(s):

A. Cisneros, Chapter 7 Trustee

Represented By
Nathan F Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, January 8, 2021

Hearing Room 304

1:00 PM

6:10-16163 Lawrence Eugene Forester and Vicki Lovell Forester

Chapter 13

#1.00 Hrg re motion to avoid junior lien on principal residence or in the alternative application for entry of order nunc pro tunc on motion to avoid junior lien on principal residence upon Citibank N.A.

[Property: 4525 Center Ave., Norco, CA 92860]

FROM: 3-4-20, 4-22-20, 7-24-20, 10-23-20

Docket 105

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-17-20; CONT'D TO 1-15-21 AT 1:00 P.M.**

Party Information

Debtor(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Joint Debtor(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, January 8, 2021

Hearing Room 304

1:00 PM

6:10-16163 Lawrence Eugene Forester and Vicki Lovell Forester

Chapter 13

#2.00 Hrg re objection to claim number 10 filed by Citibank N.A.

FROM: 5-6-20, 7-24-20, 10-23-20

Docket 110

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-17-20; CONT'D TO 1-15-21 AT 1:00 P.M.**

Party Information

Debtor(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Joint Debtor(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Friday, January 8, 2021

Hearing Room 304

2:00 PM

6:18-16396 Leslie E. Tingley

Chapter 7

#3.00 Hrg re motion to reopen chapter 7 case

FROM: 6-24-20, 7-14-20, 10-6-20

Docket 17

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-17-20; CONT'D TO 1-15-21 AT 2:00 P.M.

Party Information

Debtor(s):

Leslie E. Tingley

Represented By
Michael D Franco

Movant(s):

Leslie E. Tingley

Represented By
Michael D Franco
Michael D Franco
Michael D Franco
Michael D Franco

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14450 Christopher L. Lamperts and Cynthia L. Lamperts

Chapter 13

#1.00 Confirmation of Chapter 13 Plan

FROM: 8-19-20

Docket 1

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 10, 2020, the Court entered a scheduling order [docket #25] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 1:30 p.m.

On December 16 and December 23, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #36 & 38] ("Statement") recommending confirmation of the amended chapter 13 plan filed by

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... **Christopher L. Lamperts and Cynthia L. Lamperts** **Chapter 13**

the debtors in this bankruptcy case ("Debtors") on December 11, 2020 [docket #35] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on December 21, 2020 [docket #37] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #14] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

- Starting August 1, 2020, the monthly plan payment is \$1,115.
- Starting September 1, 2020, the monthly plan payment is \$1,722.
- Starting April 1, 2021, the monthly plan payment is \$13,007.
- Starting May 1, 2021, the monthly plan payment is \$1,722.
- Starting April 1, 2022, the monthly plan payment is \$13,007.
- Starting May 1, 2022, the monthly plan payment is \$1,722

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Christopher L. Lamperts and Cynthia L. Lamperts

Chapter 13

Starting April 1, 2023, the monthly plan payment is \$13,007.
Starting May 1, 2023, the monthly plan payment is \$1,722.
Starting April 1, 2024, the monthly plan payment is \$13,007.
Starting May 1, 2024, the monthly plan payment is \$1,722.
Starting April 1, 2025, the monthly plan payment is \$13,007.
Starting May 1, 2025, the monthly plan payment is \$1,722.

The due date for each payment is the 1st day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$159,138. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,000, counsel is entitled to payment of \$4,000 from the estate at a rate no more than \$400 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Christopher L. Lamperts and Cynthia L. Lamperts

Chapter 13

proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Christopher L. Lamperts and Cynthia L. Lamperts Chapter 13

nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Matrix Financial Services (c/o Flagstar Bank) in the amount of \$2,232.31 at a rate no less than \$37.21 per month for 60 months.

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Christopher L. Lamperts and Cynthia L. Lamperts

Chapter 13

location of the meeting of creditors and confirmation hearing
(i.e. F 3015-1.02.NOTICE.341.CNFRM or
F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... **Christopher L. Lamperts and Cynthia L. Lamperts** **Chapter 13**

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

 All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$1,999.32 per month. (Creditor: Flagstar Bank).

 All payments for the junior mortgage against the residence of the Debtors in the approximate amount of \$378.52 per month. (Creditor: Flagstar Bank).

 All payments for the automobile loan for the 2017 Kia Sorento in the approximate amount of \$559.29 per month. (Creditor: Chevron Federal Credit Union).

 All payments for the automobile loan for the 2020 Chevy Colorado in the approximate amount of \$782 per month. (Creditor: Arrowhead Credit Union).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Christopher L. Lamperts and Cynthia L. Lamperts Chapter 13

financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, the Debtors shall file and serve a cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Christopher L. Lamperts and Cynthia L. Lamperts

Chapter 13

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, all timeshares (collectively, "Abandoned Property") are hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Christopher L. Lamperts

Represented By
M. Wayne Tucker

Joint Debtor(s):

Cynthia L. Lamperts

Represented By
M. Wayne Tucker

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Christopher L. Lamperts and Cynthia L. Lamperts

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14450 Christopher L. Lamperts and Cynthia L. Lamperts

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-12-20

Docket 1

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Christopher L. Lamperts

Represented By
M. Wayne Tucker

Joint Debtor(s):

Cynthia L. Lamperts

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14452 Michelle Wendy Stern

Chapter 13

#3.00 Confirmation of Chapter 13 Plan

FROM: 8-19-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 10, 2020, the Court entered a scheduling order [docket #18] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 1:30 p.m.

On December 16, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #30] ("Statement") recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Michelle Wendy Stern

Chapter 13

case ("Debtors") on August 11, 2020 [docket #21] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on December 16, 2020 [docket #31] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting August 1, 2020, the monthly plan payment is \$800.
Starting May 1, 2022, the monthly plan payment is \$1,254.

The due date for each payment is the 1st day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$65,706.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Michelle Wendy Stern

Chapter 13

Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$3,000, counsel for the debtors shall refund \$500 to the Trustee within seven days of Plan confirmation and \$500 shall be added to the base. Counsel is entitled to payment of the remaining \$2,500 from the estate at a rate no more than \$250 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Michelle Wendy Stern
preceding paragraph).

Chapter 13

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Michelle Wendy Stern
creditors.

Chapter 13

4. Additional provisions:
- a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.
 - b. No claims listed in Class 3B (or any other class) shall be bifurcated.
 - c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.
 - d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.
 - e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).
 - f. The Plan is modified to comply with the requirements of the court's approved plan form.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Michelle Wendy Stern

Chapter 13

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2017 Toyota Prius in the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Michelle Wendy Stern

Chapter 13

approximate amount of \$453.80 per month. (Creditor: Toyota Motor Credit Corporation).

All payments for the solar panels in the approximate amount of \$68 per month. (Creditor: Loanpal).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Michelle Wendy Stern

Chapter 13

to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, the Debtors shall file and serve a cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Michelle Wendy Stern

Chapter 13

Debtor(s):

Michelle Wendy Stern

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14452 Michelle Wendy Stern

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-12-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Michelle Wendy Stern

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14470 Alexander Spalla and Michelle Deschamp Spalla

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

FROM: 8-19-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 10, 2020, the Court entered a scheduling order [docket #19] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 1:30 p.m.

On December 21, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #29] ("Statement") recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Alexander Spalla and Michelle Deschamp Spalla

Chapter 13

("Debtors") on June 29, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 2, 2021 [docket #30] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$715 commencing on August 1, 2020. The due date for each payment is the 1st day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$42,900. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Alexander Spalla and Michelle Deschamp Spalla Chapter 13

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$4,000; having previously received \$2,000, counsel is entitled to payment of \$2,000 from the estate at a rate no more than \$200 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Alexander Spalla and Michelle Deschamp Spalla

Chapter 13

order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of CarMax Auto Finance in the amount of \$304.34 at a rate no less than \$15.76 per month for 20 months with interest at the rate of 4% per annum.

4. Additional provisions:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Alexander Spalla and Michelle Deschamp Spalla

Chapter 13

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Alexander Spalla and Michelle Deschamp Spalla

Chapter 13

governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$2,061.01 per month. (Creditor: Freedom Mortgage).

All payments for the automobile loan for the 2012 Subaru Impreza in the approximate amount of \$289.34 per month. (Creditor: CarMax Auto Finance).

b. As used in this order, the term "Direct Payments" means (i) all

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Alexander Spalla and Michelle Deschamp Spalla

Chapter 13

payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, the Debtors shall file and serve a cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Alexander Spalla and Michelle Deschamp Spalla

Chapter 13

a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Alexander Spalla

Represented By
Andrew Nguyen

Joint Debtor(s):

Michelle Deschamp Spalla

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

**CONT... Alexander Spalla and Michelle Deschamp Spalla
Andrew Nguyen**

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14470 Alexander Spalla and Michelle Deschamp Spalla

Chapter 13

**#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-12-20**

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Alexander Spalla

Represented By
Andrew Nguyen

Joint Debtor(s):

Michelle Deschamp Spalla

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14548 Ryan Eli

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

FROM: 8-19-20

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 4-12-21 AT 10:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Eli

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14548 Ryan Eli

Chapter 13

#8.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 8-12-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 4-12-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Eli

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14553 Christopher Paul Kern and Nicole Kimberly Kern

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

FROM: 8-19-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 10, 2020, the Court entered a scheduling order [docket #23] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 1:30 p.m.

On December 21, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #33] ("Statement") recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Christopher Paul Kern and Nicole Kimberly Kern Chapter 13

case ("Debtors") on August 12, 2020 [docket #25] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 4, 2021 [docket #34] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting August 1, 2020, the monthly plan payment is \$320.

Starting September 1, 2020, the monthly plan payment is \$2,400.

The due date for each payment is the 1st day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 22% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$141,920.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Christopher Paul Kern and Nicole Kimberly Kern Chapter 13

Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$350 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Christopher Paul Kern and Nicole Kimberly Kern

Chapter 13

payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$19,149.24 at a rate no less than \$319.15 per month for 60 months.
2. The Trustee shall pay the secured claim of the Internal Revenue

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Christopher Paul Kern and Nicole Kimberly Kern

Chapter 13

Service in the amount of \$16,132 at a rate no less than \$304.43 per month for 60 months with interest at the rate of 5% per annum.

3. Gross income over \$100,000 is pledged to the Plan, less tax deductions.

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... **Christopher Paul Kern and Nicole Kimberly Kern**
F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

Chapter 13

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Christopher Paul Kern and Nicole Kimberly Kern

Chapter 13

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2017 Nissan Pathfinder in the approximate amount of \$507.32 per month. (Creditor: Fair Financial Corp).

All payments for the automobile loan for the Jayco RV in the approximate amount of \$305 per month. (Creditor: Merrick Bank).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Christopher Paul Kern and Nicole Kimberly Kern Chapter 13

including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, the Debtors shall file and serve a cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... **Christopher Paul Kern and Nicole Kimberly Kern**
default under the terms of the Plan, the local rules or other applicable law.

Chapter 13

Party Information

Debtor(s):

Christopher Paul Kern

Represented By
Paul Y Lee

Joint Debtor(s):

Nicole Kimberly Kern

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14553 Christopher Paul Kern and Nicole Kimberly Kern

Chapter 13

#10.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-12-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Christopher Paul Kern

Represented By
Paul Y Lee

Joint Debtor(s):

Nicole Kimberly Kern

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14574 Danny Ray Navarro and Antonette Rodriguez Navarro

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

FROM: 8-19-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 10, 2020, the Court entered a scheduling order [docket #19] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 1:30 p.m.

On December 17, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #30] ("Statement") recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Danny Ray Navarro and Antonette Rodriguez Navarro Chapter 13

("Debtors") on July 2, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 4, 2021 [docket #31] agreeing with the Trustee's terms in the Statement and the worksheet.

The Debtors have not objected to the Court's procedures order [docket #12] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting August 2, 2020, the monthly plan payment is \$3,135.

Starting September 2, 2020, the monthly plan payment is \$3,891.

The due date for each payment is the 2nd day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$232,704. Debtors must pay sufficient funds to pay (1) the base plan amount or (2)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Danny Ray Navarro and Antonette Rodriguez Navarro Chapter 13

the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$350 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Danny Ray Navarro and Antonette Rodriguez Navarro

Chapter 13

Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$2,471.24 at a rate no less than \$41.19 per month for 60 months.
2. The Trustee shall pay the secured claim of Specialized Loan Servicing in the amount of \$5,491.41 at a rate no less than

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT...

Danny Ray Navarro and Antonette Rodriguez Navarro

Chapter 13

\$91.52 per month for 60 months.

3. The Trustee shall pay the secured claim of Navy Federal Credit Union in the amount of \$15,046.89 at a rate no less than \$250.78 per month for 60 months.
4. The Trustee shall pay the secured claim of BMW Financial Services in the amount of \$18,431.66 at a rate no less than \$347.83 per month for 60 months with interest at the rate of 5% per annum.
5. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Danny Ray Navarro and Antonette Rodriguez Navarro Chapter 13

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Danny Ray Navarro and Antonette Rodriguez Navarro

Chapter 13

attachment), that attachment is hereby disapproved and stricken.

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$2,308.18 per month. (Creditor: Specialized Loan Servicing).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the junior mortgage in September of 2020 in the approximate amount of \$627.08 per month to the creditor Navy Federal Credit Union. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Danny Ray Navarro and Antonette Rodriguez Navarro Chapter 13

away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, the Debtors shall file and serve a cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

CONT... Danny Ray Navarro and Antonette Rodriguez Navarro Chapter 13

the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Danny Ray Navarro

Represented By
Paul Y Lee

Joint Debtor(s):

Antonette Rodriguez Navarro

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14574 Danny Ray Navarro and Antonette Rodriguez Navarro

Chapter 13

#12.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-12-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Danny Ray Navarro

Represented By
Paul Y Lee

Joint Debtor(s):

Antonette Rodriguez Navarro

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14579 Tritia LaJoyce Humphries

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

FROM: 8-19-20

Docket 1

*** VACATED *** REASON: CASE DISMISSED 8-19-19

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tritia LaJoyce Humphries

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14579 Tritia LaJoyce Humphries

Chapter 13

#14.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 8-12-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 8-19-19**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tritia LaJoyce Humphries

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14593 Jorge A Mora and Maria Del Rocio Mora

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

FROM: 8-19-20

Docket 14

*** VACATED *** REASON: CASE DISMISSED 12-28-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge A Mora

Represented By
Raymond Perez

Joint Debtor(s):

Maria Del Rocio Mora

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

1:30 PM

6:20-14593 Jorge A Mora and Maria Del Rocio Mora

Chapter 13

#16.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 8-12-20

Docket 1

*** VACATED *** REASON: CASE DISMISSED 12-28-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge A Mora

Represented By
Raymond Perez

Joint Debtor(s):

Maria Del Rocio Mora

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14607 Asdrubal Diaz

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

FROM: 9-2-20

Docket 0

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 4-12-21 AT 10:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Asdrubal Diaz

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14607 Asdrubal Diaz

Chapter 13

#18.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 8-19-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 4-12-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Asdrubal Diaz

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14615 Selena Hoa Tran

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

FROM: 9-2-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 8-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Selena Hoa Tran

Represented By
Tina H Trinh

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14615 Selena Hoa Tran

Chapter 13

#20.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-19-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 8-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Selena Hoa Tran

Represented By
Tina H Trinh

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14652 Lawrence Herman Grounds, Jr. and Julie Ann Grounds

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

FROM: 9-2-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 11, 2020, the Court entered a scheduling order [docket #18] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 2:30 p.m.

On December 17, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #29] ("Statement") recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT... Lawrence Herman Grounds, Jr. and Julie Ann Grounds Chapter 13

("Debtors") on July 8, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on December 30, 2020 [docket #30] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting August 8, 2020, the monthly plan payment is \$4,975.
Starting February 8, 2021, the monthly plan payment is \$5,188.

The due date for each payment is the 8th day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$310,002.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT... Lawrence Herman Grounds, Jr. and Julie Ann Grounds Chapter 13

Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$2,000, counsel is entitled to payment of \$3,000 from the estate at a rate no more than \$300 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT...

Lawrence Herman Grounds, Jr. and Julie Ann Grounds

Chapter 13

payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$967.42 at a rate no less than \$16.12 per month for 60 months.
2. The Trustee shall pay the secured claim of Schools First

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT...

Lawrence Herman Grounds, Jr. and Julie Ann Grounds

Chapter 13

Federal Credit Union in the amount of \$41,278.42 at a rate no less than \$760.20 per month for 60 months with interest at the rate of 4% per annum.

3. The Trustee shall pay the secured claim of Schools First Federal Credit Union in the amount of \$29,306.93 at a rate no less than \$539.73 per month for 60 months with interest at the rate of 4% per annum.
4. The Trustee shall pay the secured claim of Schools First Federal Credit Union in the amount of \$26,810.05 at a rate no less than \$493.75 per month for 60 months with interest at the rate of 4% per annum.
5. The Trustee shall pay the secured claim of Toyota Financial Services in the amount of \$22,393.99 at a rate no less than \$425.17 per month for 60 months with interest at the rate of 5.25% per annum.
6. The Trustee shall pay the secured claim of Alliant Credit Union in the amount of \$17,900 at a rate no less than \$329.66 per month for 60 months with interest at the rate of 4% per annum.
7. The Trustee shall pay the secured claim of Sun West Mortgage Company in the amount of \$3,611.89 at a rate no less than \$60.20 per month for 60 months.

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT... Lawrence Herman Grounds, Jr. and Julie Ann Grounds Chapter 13

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT... Lawrence Herman Grounds, Jr. and Julie Ann Grounds Chapter 13

without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$1,543.50 per month. (Creditor: Sun West Mortgage Company).

All payments for the solar panels in the approximate amount of \$370 per month. (Creditor: Tesla).

All payments for the timeshares in the approximate amount of \$114 per month. (Creditor: Welk Resort Group).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT... Lawrence Herman Grounds, Jr. and Julie Ann Grounds Chapter 13

other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, the Debtors shall file and serve a cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT... Lawrence Herman Grounds, Jr. and Julie Ann Grounds Chapter 13

report regarding all Direct Payments required from the petition date to December 31, 2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Lawrence Herman Grounds Jr.

Represented By
Dana Travis

Joint Debtor(s):

Julie Ann Grounds

Represented By
Dana Travis

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT... Lawrence Herman Grounds, Jr. and Julie Ann Grounds

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14652 Lawrence Herman Grounds, Jr. and Julie Ann Grounds

Chapter 13

#22.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-19-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Lawrence Herman Grounds Jr.

Represented By
Dana Travis

Joint Debtor(s):

Julie Ann Grounds

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14741 Kathryn Hemstreet

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

FROM: 9-2-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 8-31-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathryn Hemstreet

Represented By
Tom A Moore

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14741 Kathryn Hemstreet

Chapter 13

#24.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 8-19-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 8-31-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathryn Hemstreet

Represented By
Tom A Moore

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14764 Melissa Ann Santa Maria Antonucci

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

FROM: 9-2-20

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melissa Ann Santa Maria Antonucci

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14764 Melissa Ann Santa Maria Antonucci

Chapter 13

#26.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 8-19-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 8-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melissa Ann Santa Maria Antonucci

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14809 Richard Wayne Wilcox and Judith Ann Wilcox

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

FROM: 9-2-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 11, 2020, the Court entered a scheduling order [docket #21] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 2:30 p.m.

On December 21, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #35] ("Statement") recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT... Richard Wayne Wilcox and Judith Ann Wilcox Chapter 13

case ("Debtors") on July 20, 2020 [docket #14] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on December 30, 2020 [docket #36] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting August 15, 2020, the monthly plan payment is \$1,000.
Starting October 15, 2020, the monthly plan payment is \$1,250.
Starting May 15, 2024, the monthly plan payment is \$1,753.

The due date for each payment is the 15th day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 40% of their

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT... Richard Wayne Wilcox and Judith Ann Wilcox Chapter 13

allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$82,045. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$2,000, counsel is entitled to payment of \$3,000 from the estate at a rate no more than \$300 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT...

Richard Wayne Wilcox and Judith Ann Wilcox

Chapter 13

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$2,000 at a rate no less than \$33.34 per month for 60 months.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT...

Richard Wayne Wilcox and Judith Ann Wilcox

Chapter 13

2. The Trustee shall pay the secured claim of MUFG Union Bank in the amount of \$88.29 at a rate no less than \$17.66 per month for five months.
3. The Trustee shall pay the secured claim of OneMain Financial in the amount of \$10,336.72 at a rate no less than \$190.37 per month for 60 months with interest at the rate of 4% per annum.
4. The Trustee shall pay the secured claim of Arrowhead Credit Union in the amount of \$10,480.08 at a rate no less than \$190.60 per month for 60 months with interest at the rate of 3.49% per annum.

4. Additional provisions:

- a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.
- b. No claims listed in Class 3B (or any other class) shall be bifurcated.
- c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.
- d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.
- e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT...

Richard Wayne Wilcox and Judith Ann Wilcox

Chapter 13

be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT...

Richard Wayne Wilcox and Judith Ann Wilcox

Chapter 13

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$1,348.21 per month. (Creditor: Union Bank).

All payments for the junior mortgage against the residence of the Debtors in the approximate amount of \$402.35 per month. (Creditor: Wilmington Savings Fund).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT...

Richard Wayne Wilcox and Judith Ann Wilcox

Chapter 13

otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, the Debtors shall file and serve a cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date.

f. If the Debtors later seek to convert this case to another chapter or to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

CONT... Richard Wayne Wilcox and Judith Ann Wilcox Chapter 13

dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Richard Wayne Wilcox

Represented By
Dana Travis

Joint Debtor(s):

Judith Ann Wilcox

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14809 Richard Wayne Wilcox and Judith Ann Wilcox

Chapter 13

#28.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 8-19-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Richard Wayne Wilcox

Represented By
Dana Travis

Joint Debtor(s):

Judith Ann Wilcox

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14817 Tomas Colon and Soaira Rueda

Chapter 7

#29.00 Confirmation of Chapter 13 Plan

FROM: 9-2-20

Docket 2

***** VACATED *** REASON: CASE CONVERTED 8-19-20 TO
CHAPTER 7**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tomas Colon

Represented By
Edward Torres

Joint Debtor(s):

Soaira Rueda

Represented By
Edward Torres

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14817 Tomas Colon and Soaira Rueda

Chapter 7

#30.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-19-20

Docket 2

***** VACATED *** REASON: CASE CONVERTED 8-19-20 TO
CHAPTER 7**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tomas Colon

Represented By
Edward Torres

Joint Debtor(s):

Soaira Rueda

Represented By
Edward Torres

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14846 Andre Jones, Jr. and Helena Mercedes Jones

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

FROM: 9-2-20

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 4-12-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andre Jones Jr.

Represented By
Kristin R Lamar

Joint Debtor(s):

Helena Mercedes Jones

Represented By
Kristin R Lamar

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14846 Andre Jones, Jr. and Helena Mercedes Jones

Chapter 13

#32.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 8-19-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 4-12-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andre Jones Jr.

Represented By
Kristin R Lamar

Joint Debtor(s):

Helena Mercedes Jones

Represented By
Kristin R Lamar

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14855 Jose Alejandro Contreras

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

FROM: 9-2-20

Docket 17

***** VACATED *** REASON: CASE DISMISSED 8-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Alejandro Contreras

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:30 PM

6:20-14855 Jose Alejandro Contreras

Chapter 13

#34.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 8-9-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 8-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Alejandro Contreras

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-14927 Michelle M. LuVisi

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 25, 2020, the Court entered a scheduling order [docket #19] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 2:30 p.m.

On December 22, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #26] ("Statement") recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... Michelle M. LuVisi

Chapter 13

("Debtors") on July 21, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on December 23, 2020 [docket #27] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$1,226 commencing on August 21, 2020. The due date for each payment is the 21st day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$73,560. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT...

Michelle M. LuVisi

Chapter 13

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$0, counsel is entitled to payment of \$5,000 from the estate at a rate no more than \$500 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT...

Michelle M. LuVisi

Chapter 13

order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$5,655.91 at a rate no less than \$94.27 per month for 60 months.
2. The Trustee shall pay the secured claim of Mr. Cooper in the amount of \$860.68 at a rate no less than \$15.10 per month for 57 months.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT...

Michelle M. LuVisi

Chapter 13

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... Michelle M. LuVisi

Chapter 13

contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$1,236.62 per month. (Creditor: Mr. Cooper).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT...

Michelle M. LuVisi

Chapter 13

All payments for the automobile loan for the 2015 Honda Civic in the approximate amount of \$361.88 per month. (Creditor: American Honda Finance).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, the Debtors shall file and serve a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... Michelle M. LuVisi

Chapter 13

cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Michelle M. LuVisi

Represented By
Joselina L Medrano

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... Michelle M. LuVisi

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-14927 Michelle M. LuVisi

Chapter 13

#36.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-2-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Michelle M. LuVisi

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-14939 Alma Rosa Amaya

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 9-14-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alma Rosa Amaya

Represented By
William J Smyth
Stephen S Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-14939 Alma Rosa Amaya

Chapter 13

#38.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-2-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 9-14-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alma Rosa Amaya

Represented By
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-14957 Rudy B Reyes

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 5

***** VACATED *** REASON: CASE DISMISSED 9-8-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rudy B Reyes

Represented By
Anthony Wilaras

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-14957 Rudy B Reyes

Chapter 13

#40.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-2-20

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9-8-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rudy B Reyes

Represented By
Anthony Wilaras

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-14982 Theresa K. Rosenveldt

Chapter 13

#41.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 12-29-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Theresa K. Rosenveldt

Represented By
W. Derek May

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-14982 Theresa K. Rosenveldt

Chapter 13

#42.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-2-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 12-29-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Theresa K. Rosenveldt

Represented By
W. Derek May

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-14987 Gary Louis Spears and Carmencita Vivienne Spears

Chapter 13

#43.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 9-14-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Louis Spears

Represented By
Gary S Saunders

Joint Debtor(s):

Carmencita Vivienne Spears

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-14987 Gary Louis Spears and Carmencita Vivienne Spears

Chapter 13

#44.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-2-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 9-14-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Louis Spears

Represented By
Gary S Saunders

Joint Debtor(s):

Carmencita Vivienne Spears

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-14997 Joseph Maestas

Chapter 13

#45.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 9-14-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Maestas

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-14997 Joseph Maestas

Chapter 13

#46.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-2-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 9-14-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Maestas

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15033 Althaea Flicek

Chapter 13

#47.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 1

*** VACATED *** REASON: CASE DISMISSED 9-14-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Althaea Flicek

Represented By
Tom A Moore

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15033 Althaea Flicek

Chapter 13

#48.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-2-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 9-14-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Althaea Flicek

Represented By
Tom A Moore

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15034 Aaron Cameron Mooring and Shirley Mooring

Chapter 13

#49.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 9-14-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aaron Cameron Mooring

Represented By
Chris T Nguyen

Joint Debtor(s):

Shirley Mooring

Represented By
Chris T Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15034 Aaron Cameron Mooring and Shirley Mooring

Chapter 13

#50.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-2-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 9-14-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aaron Cameron Mooring

Represented By
Chris T Nguyen

Joint Debtor(s):

Shirley Mooring

Represented By
Chris T Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15038 Joel Ronquillo Ramos and Ashley Nicole Ramos

Chapter 13

#51.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 25, 2020, the Court entered a scheduling order [docket #21] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 2:30 p.m.

On December 21, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #50] ("Statement") recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... Joel Ronquillo Ramos and Ashley Nicole Ramos Chapter 13

("Debtors") on July 27, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on December 30, 2020 [docket #51] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$1,550 commencing on August 27, 2020. The due date for each payment is the 27th day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$93,000. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... Joel Ronquillo Ramos and Ashley Nicole Ramos Chapter 13

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$2,000, counsel is entitled to payment of \$3,000 from the estate at a rate no more than \$300 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT...

Joel Ronquillo Ramos and Ashley Nicole Ramos

Chapter 13

order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Mr. Cooper in the amount of \$1,077.50 at a rate no less than \$17.96 per month for 60 months.
2. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... Joel Ronquillo Ramos and Ashley Nicole Ramos

Chapter 13

4. Additional provisions:
- a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.
 - b. No claims listed in Class 3B (or any other class) shall be bifurcated.
 - c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.
 - d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.
 - e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).
 - f. The Plan is modified to comply with the requirements of the court's approved plan form.
 - g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... Joel Ronquillo Ramos and Ashley Nicole Ramos

Chapter 13

contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$2,327.80 per month. (Creditor: Mr. Cooper).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT...

Joel Ronquillo Ramos and Ashley Nicole Ramos

Chapter 13

All payments for the automobile loan for the 2017 BMW 320i in the approximate amount of \$688.04 per month. (Creditor: BMW Financial Services).

All payments for the automobile loan for the 2015 Dodge Durango in the approximate amount of \$636 per month. (Creditor: CAHP Credit Union).

All payments for the timeshares in the approximate amount of \$75 per month. (Creditor: Shell Vacations Club).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... Joel Ronquillo Ramos and Ashley Nicole Ramos Chapter 13

the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, the Debtors shall file and serve a cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... **Joel Ronquillo Ramos and Ashley Nicole Ramos**
default under the terms of the Plan, the local rules or other applicable law.

Chapter 13

Party Information

Debtor(s):

Joel Ronquillo Ramos

Represented By
Dana Travis

Joint Debtor(s):

Ashley Nicole Ramos

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15038 Joel Ronquillo Ramos and Ashley Nicole Ramos

Chapter 13

#52.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-2-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Joel Ronquillo Ramos

Represented By
Dana Travis

Joint Debtor(s):

Ashley Nicole Ramos

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15039 Pedro Michael Samaro and Yolanda Silva Samaro

Chapter 13

#53.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 25, 2020, the Court entered a scheduling order [docket #19] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 2:30 p.m.

On December 23, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed an amended statement [docket #30] ("Statement") recommending confirmation of the chapter 13 plan filed by the debtors in this

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... Pedro Michael Samaro and Yolanda Silva Samaro Chapter 13

bankruptcy case ("Debtors") on July 27, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on December 30, 2020 [docket #31] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$750 commencing on August 27, 2020. The due date for each payment is the 27th day of each month and the duration of the Plan is 50 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$37,500. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... Pedro Michael Samaro and Yolanda Silva Samaro Chapter 13

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,400, counsel is entitled to payment of \$3,600 from the estate at a rate no more than \$360 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT...

Pedro Michael Samaro and Yolanda Silva Samaro

Chapter 13

order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$855 at a rate no less than \$17.10 per month for 50 months.

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT...

Pedro Michael Samaro and Yolanda Silva Samaro

Chapter 13

bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... Pedro Michael Samaro and Yolanda Silva Samaro

Chapter 13

governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2016 Chevy Malibu in the approximate amount of \$324 per month. (Creditor: Thinkwise Federal Credit Union).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT...

Pedro Michael Samaro and Yolanda Silva Samaro

Chapter 13

during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, the Debtors shall file and serve a cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT...

Pedro Michael Samaro and Yolanda Silva Samaro

Chapter 13

2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, all timeshares ("Abandoned Property") are hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... Pedro Michael Samaro and Yolanda Silva Samaro Chapter 13

Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Pedro Michael Samaro

Represented By
Dana Travis

Joint Debtor(s):

Yolanda Silva Samaro

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15039 Pedro Michael Samaro and Yolanda Silva Samaro

Chapter 13

#54.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-2-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Pedro Michael Samaro

Represented By
Dana Travis

Joint Debtor(s):

Yolanda Silva Samaro

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15047 Sheila Renee Spence

Chapter 13

#55.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 9-14-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheila Renee Spence

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15047 Sheila Renee Spence

Chapter 13

#56.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-2-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 9-14-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheila Renee Spence

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15070 Karl Anthony Kunak

Chapter 13

#57.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 6

***** VACATED *** REASON: CASE DISMISSED 9-8-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karl Anthony Kunak

Represented By
Aaron Lloyd

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15070 Karl Anthony Kunak

Chapter 13

#58.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-2-20

Docket 1

*** VACATED *** REASON: CASE DISMISSED 9-8-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karl Anthony Kunak

Represented By
Aaron Lloyd

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15072 John Linares, Jr. and Yolanda Maria Linares

Chapter 13

#59.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 25, 2020, the Court entered a scheduling order [docket #21] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 2:30 p.m.

On December 22, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #31] ("Statement") recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... **John Linares, Jr. and Yolanda Maria Linares** **Chapter 13**

("Debtors") on July 28, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 4, 2021 [docket #32] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$1,275 commencing on August 28, 2020. The due date for each payment is the 28th day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$76,500. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... John Linares, Jr. and Yolanda Maria Linares Chapter 13

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$0, counsel is entitled to payment of \$5,000 from the estate at a rate no more than \$500 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT...

John Linares, Jr. and Yolanda Maria Linares

Chapter 13

order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$2,272.89 at a rate no less than \$37.88 per month for 60 months.
2. The Trustee shall pay the secured claim of Capital Community Bank c/o Loanmart in the amount of \$8,480.52 at a rate no less than \$158.10 per month for 60 months with interest at the rate of 4.5% per annum.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... John Linares, Jr. and Yolanda Maria Linares

Chapter 13

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... John Linares, Jr. and Yolanda Maria Linares

Chapter 13

contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors.

b. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

CONT... **John Linares, Jr. and Yolanda Maria Linares** **Chapter 13**

Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing.

d. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

John Linares Jr.

Represented By
Joselina L Medrano

Joint Debtor(s):

Yolanda Maria Linares

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15072 John Linares, Jr. and Yolanda Maria Linares

Chapter 13

#60.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-2-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

John Linares Jr.

Represented By
Joselina L Medrano

Joint Debtor(s):

Yolanda Maria Linares

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15109 Tracy Ann Davis

Chapter 13

#61.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 4-12-21 AT 10:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tracy Ann Davis

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15109 Tracy Ann Davis

Chapter 13

#62.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-2-20

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 4-12-21 AT 10:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tracy Ann Davis

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15112 Victoria Yvonne Becerra

Chapter 13

#63.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 1

*** VACATED *** REASON: CASE DISMISSED 9-14-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victoria Yvonne Becerra

Represented By
Laleh Ensafi

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15112 Victoria Yvonne Becerra

Chapter 13

#64.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-2-20

Docket 1

*** VACATED *** REASON: CASE DISMISSED 9-14-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victoria Yvonne Becerra

Represented By
Laleh Ensafi

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15207 Gerald Lynn Pryor

Chapter 13

#65.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 9-14-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerald Lynn Pryor

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15207 Gerald Lynn Pryor

Chapter 13

#66.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-2-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 9-14-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerald Lynn Pryor

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15231 Ruben E. Moreno, Jr and Stephanie M. Moreno

Chapter 13

#67.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 9-14-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben E. Moreno Jr

Represented By
Christine A Kingston

Joint Debtor(s):

Stephanie M. Moreno

Represented By
Christine A Kingston

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

2:31 PM

6:20-15231 Ruben E. Moreno, Jr and Stephanie M. Moreno

Chapter 13

#68.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-2-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 9-14-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben E. Moreno Jr

Represented By
Christine A Kingston

Joint Debtor(s):

Stephanie M. Moreno

Represented By
Christine A Kingston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

6:20-15285 Henry John Citarella

Chapter 13

#69.00 Confirmation of Chapter 13 Plan

FROM: 9-23-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 1-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henry John Citarella

Represented By
Christopher P Walker

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

3:30 PM

6:20-15285 Henry John Citarella

Chapter 13

#70.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-16-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 1-5-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henry John Citarella

Represented By
Christopher P Walker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

6:20-15286 Stephen David Head and Tamara Janice Head

Chapter 13

#71.00 Confirmation of Chapter 13 Plan

FROM: 9-23-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 27, 2020, the Court entered a scheduling order [docket #20] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 3:30 p.m.

On December 21, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #32] ("Statement") recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT... Stephen David Head and Tamara Janice Head Chapter 13

case ("Debtors") on August 26, 2020 [docket #18] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 4, 2021 [docket #33] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

- Starting September 3, 2020, the monthly plan payment is \$1,625.
- Starting October 3, 2020, the monthly plan payment is \$4,232.
- Starting January 3, 2022, the monthly plan payment is \$4,601.

The due date for each payment is the 3rd day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT... Stephen David Head and Tamara Janice Head Chapter 13

allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$267,549. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$6,000; having previously received \$1,700, counsel is entitled to payment of \$4,300 from the estate at a rate no more than \$430 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT...

Stephen David Head and Tamara Janice Head

Chapter 13

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$856.33 at a rate no less than \$15.02 per month for 57 months.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT...

Stephen David Head and Tamara Janice Head

Chapter 13

2. The Trustee shall pay the secured claim of Freedom Mortgage in the amount of \$48,419.01 at a rate no less than \$806.98 per month for 60 months.
3. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
4. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

4. Additional provisions:

- a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.
- b. No claims listed in Class 3B (or any other class) shall be bifurcated.
- c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.
- d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.
- e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT... Stephen David Head and Tamara Janice Head Chapter 13

timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT... Stephen David Head and Tamara Janice Head

Chapter 13

shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the solar panels lease in the approximate amount of \$187 per month. (Creditor: Tesla).

All payments for the automobile loan for the 2015 Chevy Equinox in the approximate amount of \$368.90 per month. (Creditor: Ally Financial).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in October of 2020 in the approximate amount of \$2,250.08 per month to the creditor Freedom Mortgage. The Trustee shall also commence paying the monthly homeowners association dues for the same property in October of 2020 in the approximate amount of \$118 per month to the creditor First Service Residential. Until that time, the Debtors shall timely make the post-petition payments directly to both creditors.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT... Stephen David Head and Tamara Janice Head

Chapter 13

advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, the Debtors shall file and serve a cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT... Stephen David Head and Tamara Janice Head Chapter 13

Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Stephen David Head

Represented By
Paul Y Lee

Joint Debtor(s):

Tamara Janice Head

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

6:20-15286 Stephen David Head and Tamara Janice Head

Chapter 13

#72.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-16-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Stephen David Head

Represented By
Paul Y Lee

Joint Debtor(s):

Tamara Janice Head

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

6:20-15335 Donald W. Mosley and Angela Mosley

Chapter 13

#73.00 Confirmation of Chapter 13 Plan

FROM: 9-23-20

Docket 0

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 27, 2020, the Court entered a scheduling order [docket #22] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 3:30 p.m.

On December 22, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #41] ("Statement") recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT... Donald W. Mosley and Angela Mosley Chapter 13

("Debtors") on August 6, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on December 23, 2020 [docket #42] agreeing with the Trustee's terms in the Statement and the worksheet.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting September 6, 2020, the monthly plan payment is \$677.
Starting October 6, 2020, the monthly plan payment is \$2,445.
Starting January 6, 2021, the monthly plan payment is \$2,505.

The due date for each payment is the 6th day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$148,292.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT... Donald W. Mosley and Angela Mosley Chapter 13

Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$0, counsel is entitled to payment of \$5,000 from the estate at a rate no more than \$85 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT...

Donald W. Mosley and Angela Mosley

Chapter 13

payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Specialized Loan Servicing in the amount of \$31,006.44 at a rate no less than \$516.77 per month for 60 months.
2. The Trustee shall pay the secured claim of the Law Offices of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT...

Donald W. Mosley and Angela Mosley

Chapter 13

Clark Garen in the amount of \$2,189 at a rate no less than \$40.31 per month for 60 months with interest at the rate of 4% per annum.

3. The Trustee shall pay the secured claim of Sherwood Management (Daniel's Jewelers) in the amount of \$2,718.40 at a rate no less than \$50.06 per month for 60 months with interest at the rate of 4% per annum.
4. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.

4. Additional provisions:

- a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.
- b. No claims listed in Class 3B (or any other class) shall be bifurcated.
- c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.
- d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.
- e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT... Donald W. Mosley and Angela Mosley

Chapter 13

be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT... Donald W. Mosley and Angela Mosley

Chapter 13

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors except to the following limited extent:

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in October of 2020 in the approximate amount of \$1,566.20 per month to the creditor Specialized Loan Servicing. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor. Other than those few payments by the Debtors prior to October of 2020, this case does not involve any other direct payments by the Debtors to creditors and, therefore, the Debtors need only file reports pursuant to paragraph 5(e) for the period of time during which they are responsible for making Direct Payments.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT... Donald W. Mosley and Angela Mosley

Chapter 13

abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, the Debtors shall file and serve a cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT... Donald W. Mosley and Angela Mosley
year and served on the Trustee by the same date.

Chapter 13

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Donald W. Mosley

Represented By
Michael Smith

Joint Debtor(s):

Angela Mosley

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

6:20-15335 Donald W. Mosley and Angela Mosley

Chapter 13

#74.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-16-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Donald W. Mosley

Represented By
Michael Smith

Joint Debtor(s):

Angela Mosley

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

6:20-15346 Kevin E. Mitchell

Chapter 13

#75.00 Confirmation of Chapter 13 Plan

FROM: 9-23-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On August 27, 2020, the Court entered a scheduling order [docket #19] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 3:30 p.m.

On December 21, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #38] ("Statement") recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT...

Kevin E. Mitchell

Chapter 13

case ("Debtors") on September 14, 2020 [docket #29] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on December 23, 2020 [docket #39] agreeing with the Trustee's terms in the Statement and the worksheet.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting September 6, 2020, the monthly plan payment is \$930.
Starting October 6, 2020, the monthly plan payment is \$3,900.

The due date for each payment is the 6th day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$231,030. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT...

Kevin E. Mitchell

Chapter 13

percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$0, counsel is entitled to payment of \$5,000 from the estate at a rate no more than \$85 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT...

Kevin E. Mitchell

Chapter 13

Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$7,003.35 at a rate no less than \$116.72 per month for 60 months.
2. The Trustee shall pay the secured claim of Shellpoint Mortgage in the amount of \$49,496.26 at a rate no less than \$824.94 per

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT...

Kevin E. Mitchell

Chapter 13

month for 60 months.

3. The Trustee shall pay the secured claim of Santander Consumer USA in the amount of \$641.79 at a rate no less than \$16.05 per month for 43 months with interest at the rate of 4% per annum.
4. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$229.48 at a rate no less than \$15.30 per month for fifteen months.
5. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
6. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT...

Kevin E. Mitchell

Chapter 13

any debts are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT...

Kevin E. Mitchell

Chapter 13

an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2014 Kia Forte in the approximate amount of \$337.39 per month. (Creditor: Capital One Auto Finance).

All payments for the automobile loan for the 2015 Kia Forte in the approximate amount of \$372.64 per month. (Creditor: Santander Consumer USA).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in October of 2020 in the approximate amount of \$2,209.45 per month to the creditor Shellpoint Mortgage. Likewise, the Trustee shall commence making the monthly payments for the junior mortgage for the same property in October of 2020 in the approximate amount of \$290 per month to the creditor Citi. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to both creditors.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT... Kevin E. Mitchell

Chapter 13

Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, the Debtors shall file and serve a cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

CONT...

Kevin E. Mitchell

Chapter 13

shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Kevin E. Mitchell

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

6:20-15346 Kevin E. Mitchell

Chapter 13

#76.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-16-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Kevin E. Mitchell

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

3:30 PM

6:20-15347 James Birdsong

Chapter 13

#77.00 Confirmation of Chapter 13 Plan

FROM: 9-23-20

Docket 0

*** VACATED *** REASON: CASE DISMISSED 1-5-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Birdsong

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:30 PM

6:20-15347 James Birdsong

Chapter 13

#78.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-16-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 1-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Birdsong

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, January 11, 2021

Hearing Room 304

3:31 PM

6:20-15496 Maricela Hurtado

Chapter 13

#79.00 Confirmation of Chapter 13 Plan

FROM: 10-7-20

Docket 0

*** VACATED *** REASON: CASE DISMISSED 10-5-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maricela Hurtado

Represented By
David A Akintimoye

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

6:20-15496 Maricela Hurtado

Chapter 13

#80.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-23-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-5-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maricela Hurtado

Represented By
David A Akintimoye

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

6:20-15570 Steven Edward Bier and Samantha Elizabeth Bier

Chapter 13

#81.00 Confirmation Hearing
RE: [1] Chapter 13 Voluntary Petition Individual . Samantha Elizabeth Bier
(Korompis, Nancy)

FROM: 10-7-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-5-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Edward Bier

Represented By
Nancy Korompis

Joint Debtor(s):

Samantha Elizabeth Bier

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

6:20-15570 Steven Edward Bier and Samantha Elizabeth Bier

Chapter 13

#82.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-23-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 10-5-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Edward Bier

Represented By
Nancy Korompis

Joint Debtor(s):

Samantha Elizabeth Bier

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

6:20-15615 Thanh V Nguyen and Veronica Prado

Chapter 13

#83.00 Confirmation of Chapter 13 Plan

FROM: 10-7-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 4-12-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thanh V Nguyen

Represented By
Daniel King

Joint Debtor(s):

Veronica Prado

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

6:20-15615 Thanh V Nguyen and Veronica Prado

Chapter 13

#84.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-23-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 4-12-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thanh V Nguyen

Represented By
Daniel King

Joint Debtor(s):

Veronica Prado

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

6:20-15623 Marcio A. Kubaski

Chapter 13

#85.00 Confirmation of Chapter 13 Plan

FROM: 10-7-20

Docket 1

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On September 4, 2020, the Court entered a scheduling order [docket #17] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 3:30 p.m.

On December 23, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #29] ("Statement") recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT...

Marcio A. Kubaski

Chapter 13

("Debtors") on August 19, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 4, 2021 [docket #30] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting September 19, 2020, the monthly plan payment is \$890.
Starting January 19, 2021, the monthly plan payment is \$1,084.

The due date for each payment is the 19th day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT...

Marcio A. Kubaski

Chapter 13

\$64,264. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$6,000; having previously received \$2,000, counsel is entitled to payment of \$4,000 from the estate at a rate no more than \$400 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT...

Marcio A. Kubaski

Chapter 13

payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Golden 1 Credit Union in the amount of \$619.65 at a rate no less than \$207.93 per month for three months with interest at the rate of 4% per annum.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT...

Marcio A. Kubaski

Chapter 13

2. The Trustee shall pay the secured claim of Select Portfolio Servicing in the amount of \$3,488.02 at a rate no less than \$58.13 per month for 60 months.
3. Debtors must pay 100% to the unsecured creditors per the liquidation analysis.
4. Additional provisions:
 - a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.
 - b. No claims listed in Class 3B (or any other class) shall be bifurcated.
 - c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.
 - d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.
 - e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT... Marcio A. Kubaski

Chapter 13

F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT...

Marcio A. Kubaski

Chapter 13

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$2,197.46 per month. (Creditor: Select Portfolio Servicing).

All payments for the automobile loan for the 2017 Ford Edge in the approximate amount of \$619.65 per month. (Creditor: Golden 1 Credit Union).

All payments for JT Windshield Repair in the approximate amount of \$1,000 per month. (Creditor: John Tochtrop).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT... Marcio A. Kubaski

Chapter 13

confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, the Debtors shall file and serve a cumulative report regarding Direct Payments. Between January 1st and 31st of each year, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to the preceding December 31st. So, for example, between January 1, 2021 and January 31, 2021, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2020. Then, between January 1, 2022 and January 31, 2022, the Debtors shall file a report regarding all Direct Payments required from the petition date to December 31, 2021. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT... Marcio A. Kubaski

Chapter 13

Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Marcio A. Kubaski

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

6:20-15623 Marcio A. Kubaski

Chapter 13

#86.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-23-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Marcio A. Kubaski

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

6:20-15651 Aurea Elisa Bolt

Chapter 13

#87.00 Confirmation of Chapter 13 Plan

FROM: 10-7-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 4-12-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aurea Elisa Bolt

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

6:20-15651 Aurea Elisa Bolt

Chapter 13

#88.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-23-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 4-12-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aurea Elisa Bolt

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

6:20-15661 Jose Jesus Nungaray

Chapter 13

#89.00 Confirmation of Chapter 13 Plan

FROM: 10-7-20

Docket 1

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On September 4, 2020, the Court entered a scheduling order [docket #16] ("Order") in this case continuing various hearings due to the closing of the courthouse during the coronavirus pandemic. As set forth in that Order, the confirmation hearing and the status conference in this case are currently set for January 11, 2021 at 3:30 p.m.

On December 23, 2020, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #33] ("Statement") recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT... Jose Jesus Nungaray Chapter 13

case ("Debtors") on November 19, 2020 [docket #28] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 4, 2021 [docket #34] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 11, 2021, the Court held the confirmation hearing and the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee consented to the terms on the record. Normally, the Court would have provided a draft of this order to all parties at the hearing (in the courtroom in-person) but, given that the courthouse is currently closed, no in-person hearing in the courtroom was possible.

Therefore, prior to the hearing, the Court posted this form of order as a tentative ruling. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 11, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Accordingly, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting September 20, 2020, the monthly plan payment is \$319.
Starting January 20, 2021, the monthly plan payment is \$329.

The due date for each payment is the 20th day of each month and the duration of the Plan is 60 months. General unsecured claims shall be paid 10% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT... Jose Jesus Nungaray

Chapter 13

\$19,700. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,000, counsel is entitled to payment of \$4,000 from the estate at a rate no more than \$75 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying any and all domestic support obligations, trustee's fees and secured obligations (including, but not limited to, conduit and non-conduit secured obligations).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT...

Jose Jesus Nungaray

Chapter 13

payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or, if different, in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turnover all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$1,277.50 at a rate no less than \$21.29 per month for 60 months.
2. The Trustee shall pay the priority claim of the Franchise Tax

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT...

Jose Jesus Nungaray

Chapter 13

Board in the amount of \$345.70 at a rate no less than \$15.03 per month for 23 months.

3. The Trustee shall pay the secured claim of Ally Financial in the amount of \$9,750 at a rate no less than \$183.99 per month for 60 months with interest at the rate of 5% per annum.

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT... Jose Jesus Nungaray

Chapter 13

F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Procedures Order shall continue to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT...

Jose Jesus Nungaray

Chapter 13

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors.

b. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing.

d. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Jose Jesus Nungaray

Represented By
L. Tegan Rodkey

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

CONT... Jose Jesus Nungaray

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

3:31 PM

6:20-15661 Jose Jesus Nungaray

Chapter 13

#90.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-23-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Jose Jesus Nungaray

Represented By
L. Tegan Rodkey

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

4:00 PM

6:18-14772 David Wayne Hillyer and Kathleen Annette Clelland

Chapter 13

#91.00 Confirmation of Chapter 13 Plan

FROM: 7-31-19, 10-4-19, 1-17-20, 2-21-20, 9-8-20

Docket 79

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-8-21;
CONT'D TO 8-16-21 AT 10:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Wayne Hillyer

Represented By
Douglas A Plazak

Joint Debtor(s):

Kathleen Annette Clelland

Represented By
Douglas A Plazak

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

4:30 PM

6:20-10633 Hyun Joo Thompson

Chapter 13

#92.00 Confirmation of Chapter 13 Plan

FROM: 3-25-20, 6-26-20, 9-24-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-8-21;
CONT'D TO 8-16-21 AT 10:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hyun Joo Thompson

Represented By
Krystina T Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 11, 2021

Hearing Room 304

4:30 PM

6:20-10633 Hyun Joo Thompson

Chapter 13

#93.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-4-20, 6-26-20, 9-24-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-8-21;
CONT'D TO 8-16-21 AT 10:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hyun Joo Thompson

Represented By
Krystina T Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:00 PM

6:16-13847 Kevin Chae Kim and Amy Mi Kim

Chapter 7

#1.00 Hrg re trustee's final report and applications for compensation

Docket 127

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

The Court thanks the trustee and his professionals for their efforts in the case and for taking steps to ensure that not all available funds were used for administrative expenses. Pursuant to the trustee's final report, the following administrative claims will be allowed:

- (1) Trustee: fees of \$1,824.64 and expenses of \$300.13.
- (2) Levene, Neale, Bender, Yoo & Brill LLP: fees of \$7,874.30 and expenses of \$724.94.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Kevin Chae Kim

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:00 PM

CONT... Kevin Chae Kim and Amy Mi Kim

Chapter 7

David S Lee
Michael D Franco

Joint Debtor(s):

Amy Mi Kim

Represented By
Michael D Franco

Trustee(s):

Larry D Simons (TR)

Represented By
Juliet Y Oh
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:00 PM

6:16-20735 Barbara Jean Sleigh

Chapter 7

#2.00 Hrg re objection to claim number 11 filed by JP Morgan Chase Bank

Docket 74

***** VACATED *** REASON: NTC OF WITHDRAWAL FILED 1-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Barbara Jean Sleigh

Represented By
Robert L Firth

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:00 PM

6:18-12716 Maria Lourdes Millan

Chapter 7

#3.00 Hrg re trustee's final report and applications for compensation

Docket 0

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

The Court thanks the trustee for his efforts in this case. The results are impressive. The trustee recovered sufficient funds to pay all creditors in full and achieved this result by minimizing administrative expenses. Well done!

Pursuant to the trustee's final report, the following administrative claims will be allowed:

- (1) Trustee: fees of \$3,750 and expenses of \$199.09.
- (2) Donald Fife: fees of \$1,000.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Maria Lourdes Millan

Represented By
Robert Jeffrey Gerber

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:00 PM

CONT... Maria Lourdes Millan

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Karen S. Naylor

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:30 PM

6:17-17472 Aguina Aguina

Chapter 7

#4.00 Hrg re objection to stipulation between debtor and trustee regarding trustee's intention to abandon property of the estate

FROM: 11-17-20

Docket 232

***** VACATED *** REASON: ORDER ENTERED 1-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:30 PM

6:17-17472 Aguina Aguina

Chapter 7

#5.00 Hrg re motion for turnover of confidential information to debtor
FROM: 12-1-20

Docket 243

***** VACATED *** REASON: ORDER ENTERED 1-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:30 PM

6:17-17472 Aguina Aguina

Chapter 7

#6.00 Hrg re motion objecting to amended exemptions

FROM: 12-1-20

Docket 238

***** VACATED *** REASON: ORDER DENYING ENTERED 1-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#7.00 Hrg re chapter 11 status conference

FROM: 3-24-20, 5-12-20, 6-23-20, 8-4-20, 10-6-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-8-21;
CONT'D TO 4-20-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#8.00 Hrg re application for payment of interim fees and or expenses

FROM: 8-4-20, 10-6-20

Docket 166

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-8-21;
CONT'D TO 4-20-21 AT 1:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#9.00 Hrg re motion requesting the court fix dates in a subchapter V case in which there is no disclosure statement
FROM: 5-12-20, 6-23-20, 8-4-20, 10-6-20

Docket 82

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-8-21;
CONT'D TO 4-20-21 AT 1:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#10.00 Hrg re motion to approve debtor's disclosure statement

FROM: 8-4-20, 10-6-20

Docket 144

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-8-21;
CONT'D TO 4-20-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#11.00 Hrg re motion for order authorizing continued use of cash collateral

Docket 235

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci
Amelia Puertas-Samara

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

1:45 PM

6:20-17503 Pro Installs Appliance Installations, Inc.

Chapter 11

#12.00 Hrg re motion for order authorizing debtor in possession to: (1) Pay pre-petition payroll and (2) Pre-petition payroll taxes

FROM: 11-30-20, 12-8-20

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pro Installs Appliance Installations,

Represented By
Michael Jay Berger

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

2:00 PM

6:20-13006 Bar Piatto, LLC

Chapter 7

#13.00 Hrg re motion by United States Trustee to dismiss bankruptcy case, convert, or appoint chapter 11 trustee

Docket 57

***** VACATED *** REASON: CASE CONVERTED 1-11-21 TO
CHAPTER 7**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bar Piatto, LLC

Represented By
Thomas C Corcovelos

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green
Abram Feuerstein esq
Cameron C Ridley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

2:00 PM

6:20-14795 Virginia Lynn Rodriguez

Chapter 13

#14.00 Hrg re motion for order compelling attorney to file disclosure of compensation

Docket 31

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Virginia Lynn Rodriguez

Represented By
Anthony P Cara

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

2:00 PM

CONT... Virginia Lynn Rodriguez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

2:30 PM

6:20-17551 CNC Puma Corporation

Chapter 11

#15.00 Hrg re cash collateral motion

FROM: 11-30-20, 12-2-20

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CNC Puma Corporation

Represented By
J. Luke Hendrix

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

3:30 PM

6:16-13497 Dana Rae Burgess

Chapter 7

#16.00 Hrg re status conference

FROM: 11-17-20

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-12-21; CONT'D TO 3-23-1 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Rae Burgess

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Represented By
Reem J Bello
William N Lobel
Michael R Adele
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

3:30 PM

6:16-13497 Dana Rae Burgess

Chapter 7

#16.01 Hrg re motion for contempt for willfully violating an order of the court entered on 3-12-18

FROM: 9-1-20, 10-6-20, 11-17-20

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-12-21; CONT'D TO 3-23-1 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Rae Burgess

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Represented By
Reem J Bello
William N Lobel
Michael R Adele

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

4:00 PM

6:17-10732 Robert Carlucci and Jacquelyn Carlucci

Chapter 7

#17.00 Hrg re chapter 7 trustee's first interim fee application for the period of January 20, 2017 to October 19, 2020

FROM 11-17-20

Docket 162

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Carlucci

Represented By
Todd L Turoci

Joint Debtor(s):

Jacquelyn Carlucci

Represented By
Todd L Turoci

Trustee(s):

Larry D Simons (TR)

Represented By
Nancy H Zamora
Zamora & Hoffmeier APC

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

4:00 PM

6:17-10732 Robert Carlucci and Jacquelyn Carlucci

Chapter 7

#18.00 Hrg re application of Zamora & Hoffmeier trustee's counsel for approval of compensation and reimbursement

FROM: 11-17-20

Docket 164

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Carlucci

Represented By
Todd L Turoci

Joint Debtor(s):

Jacquelyn Carlucci

Represented By
Todd L Turoci

Trustee(s):

Larry D Simons (TR)

Represented By
Nancy H Zamora
Zamora & Hoffmeier APC

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

4:00 PM

6:17-10732 Robert Carlucci and Jacquelyn Carlucci

Chapter 7

#19.00 Hrg re trustee's motion for order approving compromise and distributions

FROM: 12-17-19, 2-25-20, 3-24-20, 7-21-20, 9-11-20, 11-17-20

Docket 90

Tentative Ruling:

Party Information

Debtor(s):

Robert Carlucci

Represented By
Todd L Turoci

Joint Debtor(s):

Jacquelyn Carlucci

Represented By
Todd L Turoci

Movant(s):

Larry D Simons (TR)

Represented By
Nancy H Zamora
Zamora & Hoffmeier APC

Trustee(s):

Larry D Simons (TR)

Represented By
Nancy H Zamora
Zamora & Hoffmeier APC

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 12, 2021

Hearing Room 304

4:00 PM

6:17-10732 Robert Carlucci and Jacquelyn Carlucci

Chapter 7

#20.00 Hrg re application for payments of final fees and or expenses for Bob B. Khakshooy

Docket 192

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Carlucci

Represented By
Todd L Turoci

Joint Debtor(s):

Jacquelyn Carlucci

Represented By
Todd L Turoci

Trustee(s):

Larry D Simons (TR)

Represented By
Nancy H Zamora
Zamora & Hoffmeier APC

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

1:30 PM

6:20-14915 Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 30

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Valdovinos

Represented By
Sundee M Teeple

Joint Debtor(s):

Geovanna A. Valdovinos

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

1:30 PM

6:20-17688 Leticia Cisneros

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leticia Cisneros

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

1:30 PM

6:20-17705 Nemesis Gissel Ortiz Mcqueen

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nemesis Gissel Ortiz Mcqueen

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

1:30 PM

6:20-17772 Charles A. Runge and Irma E. Runge

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles A. Runge

Represented By
Gary S Saunders

Joint Debtor(s):

Irma E. Runge

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

1:30 PM

6:20-17784 D'Aniel Anthony Causey

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

D'Aniel Anthony Causey

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, January 13, 2021

Hearing Room 304

1:30 PM

6:20-17806 Mark Alan Roybal

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Alan Roybal

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

1:30 PM

6:20-17817 Johnny Lam Nguyen

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Johnny Lam Nguyen

Represented By
Rex Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

2:00 PM

6:19-17718 Alejandro Gonzalez and Julia Elizabeth Gonzales

Chapter 13

#8.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 64

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 12-24-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alejandro Gonzalez

Represented By
Keith Q Nguyen

Joint Debtor(s):

Julia Elizabeth Gonzales

Represented By
Keith Q Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

2:00 PM

6:14-13161 Martha Campa

Chapter 13

#8.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 153

***** VACATED *** REASON: SCHEDULNG ORDER ENTERED 1-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martha Campa

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

2:00 PM

6:20-17481 Amy Lynn Goldenberg

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-4-20; CONT'D TO 4-12-21 AT 3:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amy Lynn Goldenberg

Represented By
Sara E Razavi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

2:00 PM

6:20-17509 Aaron Joseph Loft

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 12-2-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aaron Joseph Loft

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, January 13, 2021

Hearing Room 304

2:00 PM

6:20-17514 Sonya Yvonne Wright

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-4-20; CONT'D TO 4-12-21 AT 3:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sonya Yvonne Wright

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

2:00 PM

6:20-17667 Ronald Jesse Jimenez, Sr. and Melanie Gaye Jimenez

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

Docket 6

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-4-20; CONT'D TO 4-12-21 AT 3:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Jesse Jimenez Sr.

Represented By
Melissa A Raskey

Joint Debtor(s):

Melanie Gaye Jimenez

Represented By
Melissa A Raskey

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

2:00 PM

6:20-17677 Yadira Sandra Santa Maria

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 5

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-4-20; CONT'D TO 4-12-21 AT 3:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yadira Sandra Santa Maria

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

2:30 PM

6:18-15790 Corey Frausto

Chapter 13

#14.00 Motion for relief from stay

TOYOTA LEASE TRUST VS DEBTOR

Property: 2017 Toyota RAV4
[Personal Prop] Kirsten Martinez, attorney/movant

Docket 44

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-12-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corey Frausto

Represented By
Amanda G Billyard
Andy C Warshaw

Movant(s):

Toyota Lease Trust, as serviced by

Represented By
Kirsten Martinez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

2:30 PM

6:20-13503 Gena Rae Munoz

Chapter 13

#15.00 Motion for relief from stay

TOYOTA MOTOR CREDIT VS DEBTOR

Property: 2018 Toyota Corolla
[Personal Prop] Kirsten Martinez, attorney/movant

Docket 33

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-12-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gena Rae Munoz

Represented By
Natalie A Alvarado

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

2:30 PM

6:20-17864 Paul Joseph Elwart and Angela Elli Elwart

Chapter 13

#16.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Joseph Elwart

Represented By
Paul Y Lee

Joint Debtor(s):

Angela Elli Elwart

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

3:00 PM

6:15-18214 Anibal W Diaz Aguilar and Patricia R Diaz

Chapter 13

#17.00 Hrg re status conference regarding application of discharge

Docket 19

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anibal W Diaz Aguilar

Represented By
Vincent B Garcia

Joint Debtor(s):

Patricia R Diaz

Represented By
Vincent B Garcia

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

3:00 PM

6:16-17515 Eliseo C Oliva and Ortentia Diana Oliva

Chapter 13

#18.00 Hrg re status conference regarding application of discharge

CASE DISCHARGE 12-15-20

Docket 1

Tentative Ruling:

Final Ruling. The Court has reviewed the new applications for entry of discharge filed in this case. Based on that review, the court entered a discharge in this case and, therefore, it does not appear that a status conference is necessary at this time. **No appearances are required.**

If the debtors have any concerns, questions or objections regarding these matters or anything else regarding this case that the debtors wish to address, the debtors or counsel for the debtors are welcome to appear at the status conference. Likewise, if the debtors or counsel for the debtors wish to discuss the chapter 13 procedures order or ask any questions, the status conference is an opportunity to do so. Any issues in this case may be addressed at the status conference. However, as stated above, no appearances are required and, in the absence of an appearance, the Court will simply conclude the status conference.

Party Information

Debtor(s):

Eliseo C Oliva

Represented By
William J Howell

Joint Debtor(s):

Ortentia Diana Oliva

Represented By
William J Howell

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

3:00 PM

6:17-12363 Bertha Cortez

Chapter 13

#19.00 Hrg re status conference regarding application of discharge

CASE DISCHARGE 1-12-21

Docket 1

Tentative Ruling:

Final Ruling. The Court has reviewed the new application for entry of discharge filed in this case. Based on that review, the court entered a discharge in this case and, therefore, it does not appear that a status conference is necessary at this time. **No appearances are required.**

If the debtor has any concerns, questions or objections regarding these matters or anything else regarding this case that the debtor wishes to address, the debtor or counsel for the debtor is welcome to appear at the status conference. Likewise, if the debtor or counsel for the debtor wishes to discuss the chapter 13 procedures order or ask any questions, the status conference is an opportunity to do so. Any issues in this case may be addressed at the status conference. However, as stated above, no appearances are required and, in the absence of an appearance, the Court will simply conclude the status conference.

Party Information

Debtor(s):

Bertha Cortez

Represented By
Edward A Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

3:15 PM

6:15-13848 Jose Paz Carrillo and Marisela Carrillo

Chapter 13

#20.00 Hrg re status conference regarding application of discharge

FROM: 11-18-20

CASE DISCHARGE 1-12-21

Docket 10

Tentative Ruling:

Final Ruling. The Court has reviewed the new applications for entry of discharge filed in this case. Based on that review, the court entered a discharge in this case and, therefore, it does not appear that a status conference is necessary at this time. **No appearances are required.**

If the debtors have any concerns, questions or objections regarding these matters or anything else regarding this case that the debtors wish to address, the debtors or counsel for the debtors are welcome to appear at the status conference. Likewise, if the debtors or counsel for the debtors wish to discuss the chapter 13 procedures order or ask any questions, the status conference is an opportunity to do so. Any issues in this case may be addressed at the status conference. However, as stated above, no appearances are required and, in the absence of an appearance, the Court will simply conclude the status conference.

Party Information

Debtor(s):

Jose Paz Carrillo

Represented By
David R Chase

Joint Debtor(s):

Marisela Carrillo

Represented By
David R Chase

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

3:15 PM

CONT... Jose Paz Carrillo and Marisela Carrillo

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

3:15 PM

6:16-10901 Elena Ibarra Velasco

Chapter 13

#21.00 Hrg re status conference regarding application of discharge

FROM: 11-18-20

CASE DISCHARGE 1-12-21

Docket 1

Tentative Ruling:

Final Ruling. The Court has reviewed the new application for entry of discharge filed in this case. Based on that review, the court entered a discharge in this case and, therefore, it does not appear that a status conference is necessary at this time. **No appearances are required.**

If the debtor has any concerns, questions or objections regarding these matters or anything else regarding this case that the debtor wishes to address, the debtor or counsel for the debtor is welcome to appear at the status conference. Likewise, if the debtor or counsel for the debtor wishes to discuss the chapter 13 procedures order or ask any questions, the status conference is an opportunity to do so. Any issues in this case may be addressed at the status conference. However, as stated above, no appearances are required and, in the absence of an appearance, the Court will simply conclude the status conference.

Party Information

Debtor(s):

Elena Ibarra Velasco

Represented By
Yelena Gurevich

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

3:15 PM

6:17-17743 Kyle Christopher Core

Chapter 13

#22.00 Hrg re status conference regarding application of discharge

FROM: 11-18-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-12-21; CONT'D TO 4-21-21 AT 3:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kyle Christopher Core

Represented By
Mona V Patel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

3:30 PM

6:16-14711 Eugenio Hernandez and Carmen Hernandez

Chapter 13

#23.00 Status conference regarding post-confirmation default

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eugenio Hernandez

Represented By
Sunita N Sood

Joint Debtor(s):

Carmen Hernandez

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

3:30 PM

6:17-16571 Jerry Allen Holland

Chapter 7

#24.00 Status conference regarding post-confirmation default

Docket 0

***** VACATED *** REASON: CASE CONVERTED 1-8-21 TO CHAPTER
7**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerry Allen Holland

Represented By
Brad Weil

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

4:00 PM

6:17-10165 Shelia Maria Taylor

Chapter 13

#25.00 Hrg re motion for authority to refinance real property

[Property: 545 W. Rosewood, Street, Rialto, CA 92376]

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shelia Maria Taylor

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

4:00 PM

6:17-15746 Romeo Abelita Apelo

Chapter 13

#26.00 Hrg re status conference

FROM: 7-22-20, 9-23-20, 10-7-20, 12-9-20

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Romeo Abelita Apelo

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 13, 2021

Hearing Room 304

4:30 PM

6:19-11638 Sandra Lucia Chavarria Lopez

Chapter 13

#27.00 Hrg re application for payment of interim fees and or expenses

FROM: 12-30-20

Docket 60

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra Lucia Chavarria Lopez

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Thursday, January 14, 2021

Hearing Room 304

8:30 AM

6:20-15636 JASON WILLIAM STULTS and BRANDI RHIANNON

Chapter 7

#1.00 Hrg re reaffirmation agreement filed 11-12-20 between Debtor and Logix
Federal Credit Union in the amount of 5390.33

RE: 2012 Ford Mustang

Docket 12

*** VACATED *** REASON: ORDER REGARDING REAFFIRMATION
AGREEMENT ENTERED 1-12-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

JASON WILLIAM STULTS

Represented By
Brian J Soo-Hoo

Joint Debtor(s):

BRANDI RHIANNON STULTS

Represented By
Brian J Soo-Hoo

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

8:30 AM

6:20-16060 Atoshaa Marie Turner

Chapter 7

#2.00 Hrg re reaffirmation agreement filed 11-18-20 between Debtor and Hyundai Capital America DBA Kia Motors Finance in the amount of \$1,631.15

RE: 2015 Kia Optima

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER CONT ENTERED
1-13-20; CONT'D TO 2-11-21 AT 8:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Atoshaa Marie Turner

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

8:30 AM

6:20-16078 Cory L. Roland and Karen A Roland

Chapter 7

#3.00 Hrg re reaffirmation agreement filed 12-7-20 between Debtor and Santander Consumer USA in the amount of \$30,914.45

RE: 16 Toyota Sienna

Docket 19

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-13-21; CONT'D TO 3-11-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cory L. Roland

Represented By
Michael Smith

Joint Debtor(s):

Karen A Roland

Represented By
Michael Smith

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

8:30 AM

6:20-16078 Cory L. Roland and Karen A Roland

Chapter 7

#4.00 Hrg re reaffirmation agreement filed 11-18-20 between Debtor and Ally Bank in the amount of \$26,669.04

RE: 2018 Lexus NX 300

Docket 14

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-13-21; CONT'D TO 3-11-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cory L. Roland

Represented By
Michael Smith

Joint Debtor(s):

Karen A Roland

Represented By
Michael Smith

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

8:30 AM

6:20-16442 Mike Luis Vega

Chapter 7

#5.00 Hrg re reaffirmation agreement filed 11-29-20 between Debtor and U.S. Bank National Association in the amount of \$40,465.95

RE: 2018 Chevrolet Truck Silverado 1500

Docket 9

***** VACATED *** REASON: SCHEDULING ORDER CONT ENTERED
1-13-20; CONT'D TO 2-11-21 AT 8:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mike Luis Vega

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

8:30 AM

6:20-16785 Maria Patricia Vidal

Chapter 7

#6.00 Hrg re reaffirmation agreement filed 11-16-20 between Debtor and Ally Bank in the amount of \$20,981.34

RE: 2017 Mercedes-Benz C-Class

Docket 9

***** VACATED *** REASON: ORDER REGARDING REAFFIRMATION
ENTERED 1-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Patricia Vidal

Represented By
Omar Zambrano

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

8:30 AM

6:20-16887 Eunice S Flores

Chapter 7

#7.00 Hrg re reaffirmation agreement filed 12-16-20 between Debtor and Alaska USA Federal Credit Union in the amount of \$10,755.66

RE: 2017 Ford Mustang

Docket 14

***** VACATED *** REASON: ORDER REGARDING REAFFIRMATION
ENTERED 1-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eunice S Flores

Represented By
Jose Cervantes

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

8:30 AM

6:20-16890 Matthew Michael Bomengen

Chapter 7

#8.00 Hrg re reaffirmation agreement filed 12-9-20 between Debtor and Bank of America, N.A. in the amount of \$19,893.59

RE: 2018 Honda Accord Sedan #3147

Docket 8

***** VACATED *** REASON: SCHEDULING ORDER CONT ENTERED
1-13-20; CONT'D TO 2-11-21 AT 8:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Matthew Michael Bomengen	Pro Se
--------------------------	--------

Trustee(s):

Robert Whitmore (TR)	Pro Se
----------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

8:30 AM

6:20-17448 Alan Justus Mash

Chapter 7

#9.00 Hrg re reaffirmation agreement filed 12-18-20 between Debtor and Bank of the West in the amount of \$41,002.35

RE: 2017 Jayco North TT

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER CONT ENTERED
1-13-20; CONT'D TO 2-11-21 AT 8:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alan Justus Mash

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

9:30 AM

6:20-15215 Richard Cole, Jr.

Chapter 7

#10.00 Hrg re reaffirmation agreement filed 9-4-20 between Debtor and Ford Motor Credit Company LLC in the amount of \$15,452.40

RE: 2015 Ford Edge

FROM: 11-4-20, 12-3-20

Docket 11

***** VACATED *** REASON: ORDER REGARDING REAFFIRMATION
ENTERED 1-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Cole Jr.

Represented By
Terrence Fantauzzi

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

9:30 AM

6:20-16164 Marco Alberto Andrade

Chapter 7

#11.00 Hrg re reaffirmation agreement filed 10-30-20 between Debtor and Hyundai Capital America in the amount of \$20,716.69

RE: 2018 Hyundai Ioniq Hybird

FROM: 12-3-20

Docket 10

***** VACATED *** REASON: ORDER DISAPPROVING
REAFFIRMAITON ENTERED 1-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marco Alberto Andrade

Represented By
Daniel King

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

10:00 AM

6:20-17381 Sienna Kaylee Smith

Chapter 7

#12.00 Motion for relief from stay

AMERICAN HONDA FINANCE VS DEBTOR

Property: 2018 Honda Civic
[Personal Prop] Vincent V. Frounjian, attorney/movant

Docket 11

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sienna Kaylee Smith

Represented By
Aaron Lloyd

Movant(s):

American Honda Finance

Represented By
Vincent V Frounjian

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

10:15 AM

6:17-10151 Kevin Neri

Chapter 7

#13.00 Motion for relief from stay

U.S. BANK VS DEBTOR

Property: 555 Indian Trail, Palm Springs, CA 92264
[Real Prop] Sean C. Ferry, attorney/movant

FROM: 11-4-20, 12-9-20

Docket 131

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 12-18-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Neri

Represented By
Christopher Hewitt

Movant(s):

U.S Bank N.A.

Represented By
April Harriott
Sean C Ferry

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

10:30 AM

6:15-14612 Reinier Santos Dela Cruz

Chapter 13

Adv#: 6:20-01168 Dela Cruz et al v. Wilmington Trust, National Association, as success

#14.00 Status conference re: Complaint to avoid junior lien on principal residence

[Property: 574 Highland Court, Upland, CA 91786]

Docket 1

Tentative Ruling:

Counsel should review the proofs of service for the complaint, summons and motion for default judgment. It appears that defendant Wilmington Trust was not served at the correct zipcode.

Party Information

Debtor(s):

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Defendant(s):

Wilmington Trust, National

Pro Se

Joint Debtor(s):

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Plaintiff(s):

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

10:30 AM

6:20-10170 Juvenal Mora

Chapter 7

Adv#: 6:20-01173 Cisneros (TR) v. Gordon et al

#15.00 Status conference re: Avoidance, Recovery, and Preservation of: (1) Intentional fraudulent transfer; (2) Constructive fraudulent transfer; (3) Intentional fraudulent transfer; and (4) Constructive fraudulent transfer

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juvenal Mora

Represented By
James D. Hornbuckle

Defendant(s):

Brandon Gordon

Pro Se

Monica Gordon

Pro Se

Maria Acosta

Pro Se

Michael Mora

Pro Se

David Beas

Pro Se

Joint Debtor(s):

Rosario M. Mora

Represented By
James D. Hornbuckle

Plaintiff(s):

A. Cisneros (TR)

Represented By
Claudia Coleman
Tinho Mang
D Edward Hays

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

10:30 AM

CONT... Juvenal Mora

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
D Edward Hays
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

10:30 AM

6:20-11457 David Allen Cramer

Chapter 7

Adv#: 6:20-01172 Lake v. Cramer

#16.00 Status conference re: Complaint for revocation of debtor's discharge

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Allen Cramer

Represented By
Michael A Cisneros

Defendant(s):

David Allen Cramer

Pro Se

Plaintiff(s):

Peter Lake

Represented By
Thomas J Polis

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

11:00 AM

6:20-13919 Donald Ray Paulson

Chapter 7

Adv#: 6:20-01155 Saunders et al v. Paulson

#17.00 Status conference re: Complaint to determine dischargeability of debt

FROM: S/C 12-3-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Ray Paulson

Represented By
Ronald W Ask

Defendant(s):

Donald Ray Paulson

Pro Se

Plaintiff(s):

Dawn Saunders

Represented By
Paul Y Lee

George Saunders

Represented By
Paul Y Lee

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

11:00 AM

6:20-13919 Donald Ray Paulson

Chapter 7

Adv#: 6:20-01155 Saunders et al v. Paulson

#17.01 Hrg re order to show cause regarding why this adversary proceeding should not be dismissed

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Ray Paulson

Represented By
Ronald W Ask

Defendant(s):

Donald Ray Paulson

Pro Se

Plaintiff(s):

Dawn Saunders

Represented By
Raul B Garcia

George Saunders

Pro Se

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang
Garcia Reed & Ramirez LLP

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

11:00 AM

6:20-13919 Donald Ray Paulson

Chapter 7

Adv#: 6:20-01154 Knobloch v. Paulson

#18.00 Status conference re: Compliant to determine dischargeability of debt

FROM: S/C 12-3-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Ray Paulson

Represented By
Ronald W Ask

Defendant(s):

Donald Ray Paulson

Pro Se

Plaintiff(s):

Joseph Knobloch

Represented By
Paul Y Lee

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

11:00 AM

6:20-13919 Donald Ray Paulson

Chapter 7

Adv#: 6:20-01154 Knobloch v. Paulson

#18.01 Hrg re order to show cause regarding why this adversary proceeding should not be dismissed

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Ray Paulson

Represented By
Ronald W Ask

Defendant(s):

Donald Ray Paulson

Pro Se

Plaintiff(s):

Joseph Knobloch

Represented By
Raul B Garcia

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang
Garcia Reed & Ramirez LLP

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

11:00 AM

6:20-14390 Long Hung Ha

Chapter 7

Adv#: 6:20-01143 Moon v. Ha

#19.00 Status conference re: Complaint objecting and seeking exception to discharge of debtor

FROM: S/C 12-3-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Long Hung Ha

Represented By
Leslie A Cohen

Defendant(s):

Long Hung Ha

Represented By
Andrew S Cho

Plaintiff(s):

Jeong Moon

Represented By
Christine Ham
Andrew S Cho

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

11:00 AM

6:20-14390 Long Hung Ha

Chapter 7

Adv#: 6:20-01143 Moon v. Ha

#20.00 Hrg re order to show cause regarding why the answer of the defendant should not be stricken and judgment entered in favor of the plaintiff

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Long Hung Ha

Represented By
Leslie A Cohen

Defendant(s):

Long Hung Ha

Represented By
Andrew S Cho

Plaintiff(s):

Jeong Moon

Represented By
Christine Ham
Andrew S Cho

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

6:11-38187 Mike Joseph Tagliavia

Chapter 7

Adv#: 6:20-01117 Tagliavia v. Walsh et al

#21.00 Order to show cause regarding why this adversary proceeding should not be dismissed

FROM: 10-8-20, 12-10-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mike Joseph Tagliavia

Represented By
Walter Scott
Stephen R Wade

Defendant(s):

Mark D. Walsh

Pro Se

Equable Ascent Financial LLC

Pro Se

Joint Debtor(s):

Tiffany Jane Tagliavia

Represented By
Walter Scott
Stephen R Wade

Plaintiff(s):

Mike Joseph Tagliavia

Represented By
Stephen R Wade

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

6:11-38187 Mike Joseph Tagliavia

Chapter 7

Adv#: 6:20-01117 Tagliavia v. Walsh et al

#22.00 Status conference re: Complaint for violation of the automatic stay; Removal of abstract of judgment and damages

FROM: S/C 9-3-20, 10-8-20, 12-10-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mike Joseph Tagliavia

Represented By
Walter Scott
Stephen R Wade

Defendant(s):

Mark D. Walsh

Pro Se

Equable Ascent Financial LLC

Pro Se

Joint Debtor(s):

Tiffany Jane Tagliavia

Represented By
Walter Scott
Stephen R Wade

Plaintiff(s):

Mike Joseph Tagliavia

Represented By
Stephen R Wade

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

6:15-14612 Reinier Santos Dela Cruz

Chapter 13

Adv#: 6:20-01168 Dela Cruz et al v. Wilmington Trust, National Association, as success

#23.00 Hrg re motion for default judgment

Docket 12

Tentative Ruling:

Counsel should review the proofs of service for the complaint, summons and motion for default judgment. It appears that defendant Wilmington Trust was not served at the correct zipcode.

Party Information

Debtor(s):

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Defendant(s):

Wilmington Trust, National

Pro Se

Joint Debtor(s):

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Plaintiff(s):

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

CONT... Reinier Santos Dela Cruz

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

6:15-18688 Manuel Moreno

Chapter 13

Adv#: 6:20-01176 Moreno et al v. Mirabella Investments Group, LLC

#24.00 Hrg re motion for default judgment

Docket 8

Tentative Ruling:

The tentative ruling of the court is to deny the motion due to insufficient service. The motion seeks to avoid a lien but, according to the proof of service, the motion was not served upon any officer of the lienholder (or any other individual). Pursuant to F.R.B.P. 7004(b)(3) and 7004(h), a moving party must serve the appropriate named officer of the lienholder. Service that is not upon an officer is void. Beneficial Cal., Inc. v. Villar (In re Villar), 317 B.R. 88, 93 (9th Cir. BAP 2004) (reversing an order granting lien avoidance under section 522(f) and holding that service of a 522(f) motion upon "Beneficial, P.O. Box 60101, City of Industry, CA 91716-0101" did not comply with Rule 7004(b)(3) and stating that "service was insufficient under the plain words of Rule 7004(b)(3). In order to assure that the party being served is apprised of the pendency of an action, valid service requires more than to address the document to a post office box."); Jacobo v. BAC Home Loans Servicing LP, 477 B.R. 533 (D.N.J. 2012) (holding that a confirmed chapter 13 plan which sought to cramdown a mortgage on real property was not binding upon the secured creditor because the debtor failed to serve an officer as required by Rule 7004(h) and, instead, only served the creditor as follows: "BAC Home Loans/Countrywide 450 American Street, #SV416 Simi Valley, CA 93065, and Bank of America, 4161 Piedmont Pkwy NC4-105-01-34, Greensboro, NC 27410-8119."); York v. Bank of America, N.A. (In re York), 291 B.R. 806, 811 (Bankr. E.D. Tenn. 2003) (holding that "the original summons was not addressed to an officer by either name or title. As a result, it was not proper service under Rule 7004(b)(3)."); Braden v. General Motors Acceptance Corp., 142 B.R. 317 (Bankr. E.D. Ark. 1992) (holding that service of a complaint by a debtor upon "the defendant General Motors Acceptance Corporation . . . at 'P.O. Box 988, Blytheville, AR 72315'" failed to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

CONT...

Manuel Moreno

Chapter 13

comply with Rule 7004(b)(3)); see also In re Bolden, 2014 Bankr. LEXIS 699 (Bankr. M.D.Fla. 2014) (holding that service of a 522(f) motion upon "Main Street Acquisition Corp., 3715 Davinci Court, Suite 200, Norcross, GA 30092" did not comply with Rule 7004(b)(3) because no officer or individual was served); In re St. Louis, 2013 Bankr. LEXIS 3397 (Bankr. W.D. Tex. 2013) (holding that the debtor failed to comply with Rule 7004 when it served an objection to a claim as follows: "Home Loan Services, Inc. c/o Home Loan Services, Inc., PA9150-01-01, at 150 Allegheny Center, Pittsburgh, PA 15212" because no officer or individual was served); In re Smith, 2012 Bankr. LEXIS 6174, *13 (Bankr. E.D. Cal. 2012) (holding that a debtor who served a motion to extend the automatic stay failed to comply with Rule 7004(h) because the debtor served the motion upon "'Wells Fargo Home Mortgage/ACS' by First Class Mail, not addressed to the attention of an officer, and sent to a Post Office Box in Des Moines, Iowa."); In re Sunde, 2007 Bankr. LEXIS 3704, *5 (Bankr. W.D. Wis. 2007) (holding that service of an objection to claim to "Glen E. Johnson Construction, 634 Commerce Drive, Hudson, WI 54016-9178" did not satisfy Rule 7004(b)(3) – even though the movant used precisely the information listed in the proof of claim – because the debtor failed to serve it upon an officer or agent); In re Sun Healthcare Group, Inc. v. Mead Johnson Nutritional (In re Sun Healthcare Group, Inc.), 2004 Bankr. LEXIS 572, *18 (Bankr. D.Del. 2004) (granting a motion to set aside default judgments because the debtor plaintiff did not serve an officer of the defendant and only used a post office box and stating "the Debtors have admitted serving Mead only at P.O. Box 751735, Charlotte, NC 28275, without addressing the documents to the attention of any officer, managing or general agent of Mead. Mead asserts that this address is a lockbox to receive payments, which is maintained and administered by a bank . . . Failure to address the service of process to the attention of an officer or agent of Mead violates the statutory requirements of Bankruptcy Rule 7004(b)(3).").

Note: serving an unnamed officer would not comply with the applicable rules. Pursuant to F.R.B.P. 7004(b)(3) and 7004(h), a moving party must serve the appropriate named officer of the lienholder. Service that is not upon a named officer is not valid. In re Schoon, 153 B.R. 48 (Bankr. N.D. Cal. 1993) (denying a motion to avoid a lien under section 522(f) that was served upon "Attn: President"); In re Franchi, 451 B.R. 604 (Bankr. S.D. Fla. 2011) (denying a motion to avoid a lien because the debtor improperly served it upon "Any Officer Authorized to Accept Service" and holding that "service under Rule 7004(h) is not effected by serving an

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

CONT...

Manuel Moreno

Chapter 13

unnamed title or using language such as ‘any other officer or agent entitled to receive service.’ Service under Rule 7004(h) must be upon a named officer of the institution unless one of the three enumerated exceptions in that Rule apply.”); Addison v. Gibson Equip. Co. (In re Pittman Mechanical Contractors), 180 B.R. 453 (Bankr. E.D. Va 1995) (following Schoon and granting a motion to set aside a default judgment because the summons and complaint were improperly served upon "Attn: President or Corporate Officer"); In re Golden Books Family Entertainment, 269 B.R. 300, 305 (Bankr. D. Del. 2001) (holding that service upon an unnamed "Asst. Controller" does not comply with F.R.B.P. 7004(b)(3) because the "notice documents were deficient because, among other things, they failed to address any of the copies of the notice to a person of authority or to a person authorized to accept service."); Saucier v. Capitol One (In re Saucier), 366 B.R. 780, 784 (Bankr. N.D. Ohio 2007) (citing Schoon and holding that a debtor who served a complaint upon "Capitol One" upon an "office manager" at a post office box failed to comply with the requirements of F.R.B.P. 7004(b)(3) because "it has been generally held that this type of generic heading is insufficient to effectuate proper service under the Rule."); see also Faulknor v. Amtrust Bank (In re Faulknor), 2005 Bankr. LEXIS 60, *5 (Bankr. N.D. Ga. 2005) (holding that service of a motion to redeem a car which was served to "Attn: President" did not satisfy F.R.B.P. 7004(h) because "service of the motion to redeem to the attention of an officer, without specifically naming the individual, fails to comply with Rule 7004 and the constitutional requirements of due process."); In re Roby, 2006 Bankr. LEXIS 4336 (Bankr. D. Md. 2006) (holding that a motion by the chapter 13 trustee to disallow a claim that was served by the trustee upon the "president" of the creditor did not satisfy Rule 7004(b)(3)).

For example in Schoon, the debtor filed a motion to avoid a lien pursuant to section 522(f) and served the creditor as follows: "HOMEOWNERS LUMBER CO, INC., Attn: President, 409 Petaluma Blvd South, Petaluma, CA 94952." The court held this service did not comply with F.R.B.P. 7004(b)(3) and stated as follows:

"The creditor did not file opposition to the motion within the time allowed, and the debtors now seek entry of an order avoiding the lien by default. The sole issue before the court is whether the motion was properly served. The court determines that the motion was not served properly, and accordingly will not enter the order.

"Rule 4003(d) of the Federal Rules of Bankruptcy Procedure provides that a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

CONT...

Manuel Moreno

Chapter 13

motion by a debtor to avoid a lien under section 522(f) is a contested matter governed by Rule 9014. Rule 9014 requires that a contested matter be served in the same manner as a summons and complaint as set forth in Rule 7004. Rule 7004(b)(3) provides that if a summons and complaint are served by mail on a corporation, they must be mailed to the attention of an officer or agent of the corporation. The debtors take the position that their service is proper under the rule; the court disagrees.

"Nationwide service of process by first class mail is a rare privilege which can drastically reduce the costs and delay of litigation. As a privilege, it is not to be abused or taken lightly. Where the alternative to service by mail is hiring a process server to serve the papers in person, it seems like a small burden to require literal compliance with the rule. By addressing the envelope "Attn: President" the debtors did not serve an officer, they served an office. While service of an office is permitted to effect service on other types of entities (e.g. service on a municipality pursuant to Rule 7004(b)(6)), it is not a means of valid service on corporations under Rule 7004(b)(3).

"Allowing service in the manner argued here by the debtors makes a joke of the requirement that an officer be served; it takes no more work, just an additional line on the envelope. However, the Rule requires that an officer be served in order to insure that the corporation is put on notice that it is liable to lose valuable rights. Where the procedure outlined in a Rule is less formal than the procedure it replaces, it should be strictly construed. The court finds that the method of service employed by the debtors does not meet the requirements of Rule 7004(b)(3), and fails to meet minimum due process requirements.

"This ruling is hardly a disaster for movants or plaintiffs in bankruptcy litigation; it merely requires a little extra effort to determine the name of the president or other officer and make sure the envelope is addressed to him or her, by name. This is a small price to pay to avoid having to effect personal service."

Id. at 49.

Party Information

Debtor(s):

Manuel Moreno

Represented By
James P Doan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

CONT... Manuel Moreno

Chapter 13

Defendant(s):

Mirabella Investments Group, LLC Pro Se

Joint Debtor(s):

Sheryl Moreno Represented By
James P Doan

Plaintiff(s):

Sheryl Moreno Represented By
Jonathan D Doan

Manuel Moreno Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:20-01029 Bui et al v. Shih et al

#25.00 Hrg re motion to compel CTBC Bank Co. LTD to produce document

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

Eva Shih

Pro Se

Tammy Hsieh

Represented By
Robert C Hsu

Louie Chang

Pro Se

Carl Chen

Pro Se

Kuei Mei Kuo

Pro Se

Centenary Development Corp., Inc.

Pro Se

Rona Global Inc., A California

Pro Se

Mix and Match, LLC, a Washington

Pro Se

Bright Yard Living Corp., a Texas

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

CONT... Vario Corp.

Chapter 7

Plaintiff(s):

Lynda Bui

Represented By
Leonard M. Shulman
Elmer D Martin III
Ryan O'Dea

East West Bank

Represented By
Elmer D Martin III
Clifford P Jung
Curtis C. Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

6:20-12668 Trina Lee Kenney

Chapter 7

Adv#: 6:20-01128 Loy et al v. Kenney

#26.00 Status conference re: Complaint to determine dischargeability of debt

FROM: 10-8-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-13-21; CONT'D TO 4-22-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Trina Lee Kenney

Represented By
Todd L Turoci

Defendant(s):

Trina Lee Kenney

Pro Se

Plaintiff(s):

Jessica Loy

Represented By
Laila Masud
D Edward Hays

Brittany Swigart

Represented By
D Edward Hays

Brandon Swigart

Represented By
D Edward Hays

Jane Doe

Represented By
D Edward Hays

Ramtin Mehrvijeh

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

CONT... Trina Lee Kenney

Chapter 7

D Edward Hays

Julia Summer Evans

Represented By
D Edward Hays

Austin Matelson

Represented By
D Edward Hays

Emily Kovach

Represented By
D Edward Hays

Jane Roe

Represented By
D Edward Hays

Caru Society for the Prevention of

Represented By
D Edward Hays

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

6:20-12668 Trina Lee Kenney

Chapter 7

Adv#: 6:20-01128 Loy et al v. Kenney

#27.00 Hrg re motion for order dismissing Caru Society for the prevention of cruelty to animals as plaintiff from first amended complaint for: (1) Lack of article III standing under rule 12(b)(6); and (2) Lack of statutory standing under rule 12(b)(6)

Docket 24

*** VACATED *** REASON: ORDER DISMISSING ENTERED 1-4-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Trina Lee Kenney

Represented By
Todd L Turoci
Donald W Reid

Defendant(s):

Trina Lee Kenney

Represented By
Donald W Reid

Plaintiff(s):

Jessica Loy

Represented By
Laila Masud
D Edward Hays

Brittany Swigart

Represented By
D Edward Hays

Brandon Swigart

Represented By
D Edward Hays

Jane Doe

Represented By
D Edward Hays

Ramtin Mehrvijeh

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

CONT...

Trina Lee Kenney

Chapter 7

D Edward Hays

Julia Summer Evans

Represented By
D Edward Hays

Austin Matelson

Represented By
D Edward Hays

Emily Kovach

Represented By
D Edward Hays

Jane Roe

Represented By
D Edward Hays

Caru Society for the Prevention of

Represented By
D Edward Hays

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

6:20-13504 **Elijah Timothy Hunter Kenney**

Chapter 7

Adv#: 6:20-01140 Loy et al v. Kenney

#28.00 Status conference re: Complaint to determine dischargeability of debt

FROM: 11-5-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-13-21; CONT'D TO 4-22-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elijah Timothy Hunter Kenney

Represented By
Todd L Turoci
Donald W Reid

Defendant(s):

Elijah Timothy Hunter Kenney

Pro Se

Plaintiff(s):

Jessica Loy

Represented By
Laila Masud
D Edward Hays

Brittany Swigart

Represented By
D Edward Hays

Brandon Swigart

Represented By
D Edward Hays

Jane Doe

Represented By
D Edward Hays

Ramtin Mehrvijeh

Represented By
D Edward Hays

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

CONT... Elijah Timothy Hunter Kenney Chapter 7

Julia Summer Evans Represented By
D Edward Hays

Austin Matelson Represented By
D Edward Hays

Emily Kovach Represented By
D Edward Hays

Jane Roe Represented By
D Edward Hays

Caru Society for the Prevention of Represented By
D Edward Hays

Trustee(s):

Howard B Grobstein (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

6:20-13504 Elijah Timothy Hunter Kenney

Chapter 7

Adv#: 6:20-01140 Loy et al v. Kenney

#29.00 Hrg re motion for order dismissing Caru Society for the prevention of cruelty to animals as plaintiff from first amended complaint for: (1) Lack of article III standing under rule 12(b)(6); and (2) Lack of statutory standing under rule 12(b)(6)

Docket 15

*** VACATED *** REASON: ORDER DISMISSING ENTERED 1-4-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elijah Timothy Hunter Kenney

Represented By
Todd L Turoci
Donald W Reid

Defendant(s):

Elijah Timothy Hunter Kenney

Represented By
Donald W Reid

Plaintiff(s):

Jessica Loy

Represented By
Laila Masud
D Edward Hays

Brittany Swigart

Represented By
D Edward Hays

Brandon Swigart

Represented By
D Edward Hays

Jane Doe

Represented By
D Edward Hays

Ramtin Mehrvijeh

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

CONT... Elijah Timothy Hunter Kenney

Chapter 7

D Edward Hays

Julia Summer Evans

Represented By
D Edward Hays

Austin Matelson

Represented By
D Edward Hays

Emily Kovach

Represented By
D Edward Hays

Jane Roe

Represented By
D Edward Hays

Caru Society for the Prevention of

Represented By
D Edward Hays

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

6:20-13505 Jezriel Patricia Kenney

Chapter 7

Adv#: 6:20-01141 Loy et al v. Kenney

#30.00 Status conference re: Complaint to determine dischargeability of debt

FROM: 11-5-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-13-21; CONT'D TO 4-22-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jezriel Patricia Kenney

Represented By
Todd L Turoci
Donald W Reid

Defendant(s):

Jezriel Patricia Kenney

Pro Se

Plaintiff(s):

Jessica Loy

Represented By
D Edward Hays

Brittany Swigart

Represented By
D Edward Hays

Brandon Swigart

Represented By
D Edward Hays

Jane Doe

Represented By
D Edward Hays

Ramtin Mehrvijeh

Represented By
D Edward Hays

Julia Summer Evans

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

CONT... Jezriel Patricia Kenney

Chapter 7

D Edward Hays

Austin Matelson

Represented By
D Edward Hays

Emily Kovach

Represented By
D Edward Hays

Jane Roe

Represented By
D Edward Hays

Caru Society for the Prevention of

Represented By
Laila Masud
D Edward Hays

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

6:20-13505 Jezriel Patricia Kenney

Chapter 7

Adv#: 6:20-01141 Loy et al v. Kenney

#31.00 Hrg re motion for order dismissing Caru Society for the prevention of cruelty to animals as plaintiff from first amended complaint for: (1) Lack of article III standing under rule 12(b)(6); and (2) Lack of statutory standing under rule 12(b)(6)

Docket 15

***** VACATED *** REASON: ORDER DISMISSING ENTERED 1-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jezriel Patricia Kenney

Represented By
Todd L Turoci
Donald W Reid

Defendant(s):

Jezriel Patricia Kenney

Represented By
Donald W Reid

Plaintiff(s):

Jane Roe

Represented By
D Edward Hays

Caru Society for the Prevention of

Represented By
Laila Masud
D Edward Hays

Jessica Loy

Represented By
D Edward Hays

Brittany Swigart

Represented By
D Edward Hays

Brandon Swigart

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 14, 2021

Hearing Room 304

1:30 PM

CONT... Jezriel Patricia Kenney

Chapter 7

D Edward Hays

Jane Doe

Represented By
D Edward Hays

Ramtin Mehrvijeh

Represented By
D Edward Hays

Julia Summer Evans

Represented By
D Edward Hays

Austin Matelson

Represented By
D Edward Hays

Emily Kovach

Represented By
D Edward Hays

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, January 15, 2021

Hearing Room 304

1:00 PM

6:10-16163 Lawrence Eugene Forester and Vicki Lovell Forester

Chapter 13

#1.00 Hrg re objection to claim number 10 filed by Citibank N.A.

FROM: 5-6-20, 7-24-20, 10-23-20, 1-8-21

Docket 110

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-14-21; CONT'D TO 2-26-21 AT 1:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Joint Debtor(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, January 15, 2021

Hearing Room 304

1:00 PM

6:10-16163 Lawrence Eugene Forester and Vicki Lovell Forester

Chapter 13

#2.00 Hrg re motion to avoid junior lien on principal residence or in the alternative application for entry of order nunc pro tunc on motion to avoid junior lien on principal residence upon Citibank N.A.

[Property: 4525 Center Ave., Norco, CA 92860]

FROM: 3-4-20, 4-22-20, 7-24-20, 10-23-20, 1-8-21

Docket 105

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-14-21; CONT'D TO 2-26-21 AT 1:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Joint Debtor(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, January 15, 2021

Hearing Room 304

2:00 PM

6:18-16396 Leslie E. Tingley

Chapter 7

#3.00 Hrg re motion to reopen chapter 7 case

FROM: 6-24-20, 7-14-20, 10-6-20, 1-8-21

Docket 17

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-14-21; CONT'D TO 2-26-21 AT 2:00 P.M.

Tentative Ruling:

Party Information

Debtor(s):

Leslie E. Tingley

Represented By
Michael D Franco

Movant(s):

Leslie E. Tingley

Represented By
Michael D Franco
Michael D Franco
Michael D Franco
Michael D Franco

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, January 15, 2021

Hearing Room 304

3:00 PM

6:15-14301 Jose Quines Yolo and Ameurfina Tolentino Yolo

Chapter 13

#4.00 Hrg re motion to continue case administration and appointment of Joahnna Yolo as the representative for deceased debtors and for waiver to complete financial management course due to death of both debtors

FROM: 11-18-20

Docket 75

***** VACATED *** REASON: SCHEDULNG ORDER ENTERED 1-14-21; CONT'D TO 2-26-21; 3:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Jose Quines Yolo

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Ameurfina Tolentino Yolo

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 26, 2021

Hearing Room 304

11:00 AM

6:11-16843 JOSE ALBERTO GUTIERREZ

Chapter 7

#1.00 Hrg re (1) Motion to reopen case and (2) For extension of time to file forms required for discharge

FROM: 6-30-20, 9-15-20, 11-17-20

Docket 22

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

JOSE ALBERTO GUTIERREZ

Represented By

James M Powell - DISBARRED -

Giovanni Orantes

Trustee(s):

Patricia J Zimmermann (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 26, 2021

Hearing Room 304

1:00 PM

6:18-11911 Maria I. Brack

Chapter 7

#2.00 Hrg re trustee's final report and applications for compensation

Docket 47

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

The Court thanks the trustee and his professionals for their work in this case. Pursuant to the trustee's final report, the following administrative claims will be allowed:

(1) Trustee: fees of \$852.50 and expenses of \$33.50.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Maria I. Brack

Represented By
Joselina L Medrano

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 26, 2021

Hearing Room 304

1:00 PM

6:20-10119 Eric Kevin Ballesteros

Chapter 7

#3.00 Hrg re trustee's final report and applications for compensation

Docket 28

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

The Court thanks the trustee for his efforts in the case. Pursuant to the trustee's final report, the following administrative claims will be allowed:

(1) Trustee: fees of \$1,444.76 and expenses of \$29.10.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Eric Kevin Ballesteros

Represented By
Daniel King

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 26, 2021

Hearing Room 304

1:00 PM

6:20-11098 Kathy Robins

Chapter 7

#4.00 Hrg re trustee's final report and applications for compensation

Docket 30

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

The Court thanks the trustee for his efforts in this case. Pursuant to the trustee's final report, the following administrative claims will be allowed:

(1) Trustee: fees of \$1,105.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Kathy Robins

Represented By
Gerald S Kim

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 26, 2021

Hearing Room 304

1:00 PM

6:20-12067 Raul Carrillo and Acela Carrillo

Chapter 7

#5.00 Hrg re motion to approve compromise with GGRP LLC

Docket 75

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raul Carrillo

Represented By
W. Derek May

Joint Debtor(s):

Acela Carrillo

Represented By
W. Derek May

Trustee(s):

Larry D Simons (TR)

Represented By
Tinho Mang
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 26, 2021

Hearing Room 304

1:00 PM

6:20-16067 Samuel Hernandez and Ruth M Rowe

Chapter 7

#6.00 Hrg re motion to avoid lien and if applicable for turn over of property with LBS
Financial Credit Union

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Samuel Hernandez

Represented By
Gary S Saunders

Joint Debtor(s):

Ruth M Rowe

Represented By
Gary S Saunders

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 26, 2021

Hearing Room 304

2:00 PM

6:20-15213 Shelly Joan Ruegsegger

Chapter 7

#7.00 Hrg re United States Trustee's motion to dismiss case and contingent motion to extend the discharge deadline

Docket 28

***** VACATED *** REASON: CASE DISMISSED 1-14-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shelly Joan Ruegsegger

Represented By
Jenny L Doling

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 26, 2021

Hearing Room 304

2:00 PM

6:20-16447 Gregory K Gilbert

Chapter 7

#8.00 Hrg re motion to extend dismissal and discharge deadlines

Docket 21

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Gregory K Gilbert

Represented By
Rhonda Walker

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 26, 2021

Hearing Room 304

2:00 PM

6:20-17509 Aaron Joseph Loft

Chapter 13

#9.00 Hrg re motion for order compelling attorney to file disclosure of compensation

Docket 19

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 1-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aaron Joseph Loft

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, January 26, 2021

Hearing Room 304

2:30 PM

6:18-19790 Linda Rene Basquez

Chapter 7

#10.00 Hrg re objection to the claim number 19 of Alisa Koh in the amount of \$7,355.81

FROM: 11-17-20

Docket 266

*** VACATED *** REASON: ORDER DENYING ENTERED 1-14-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 26, 2021

Hearing Room 304

2:30 PM

6:18-19790 Linda Rene Basquez

Chapter 7

#11.00 Hrg re objection to the claim number 29 of David Wooste in the amount of \$9,414.41

FROM: 11-17-20

Docket 276

***** VACATED *** REASON: ORDER DENYING ENTERED 1-14-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, January 26, 2021

Hearing Room 304

2:30 PM

6:18-19790 Linda Rene Basquez

Chapter 7

#12.00 Hrg re objection to the claim number 8 of Vanessa Gutierrez in the amount of \$8,893.72

FROM: 11-17-10

Docket 255

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-14-21; CONT'D TO 3-23-21 AT 3:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, January 27, 2021

Hearing Room 304

1:30 PM

6:20-17897 Sandra K. Shea

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 6

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 5-10-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra K. Shea

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

1:30 PM

6:20-17932 Jose Viera Mendoza

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 12-31-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Viera Mendoza

Represented By
Siamak E Nehoray

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, January 27, 2021

Hearing Room 304

1:30 PM

6:20-17950 Maria Del Rosario Jimenez

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 5-10-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Del Rosario Jimenez

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

1:30 PM

6:20-18078 Michelle Renee Maria Andrade

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 5-10-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Renee Maria Andrade

Represented By
Barry E Borowitz
Heather J Canning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:19-10294 Ivan Cebreros-Lopez and Deissy Montoya-Camacho

Chapter 13

#5.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 66

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 1-4-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ivan Cebreros-Lopez

Represented By
Sundee M Teeple

Joint Debtor(s):

Deissy Montoya-Camacho

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:18-18861 Nicholas H Coffey and Kathryn J Coffey

Chapter 13

#5.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 99

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-20-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicholas H Coffey

Represented By
Paul Y Lee

Joint Debtor(s):

Kathryn J Coffey

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:19-16974 Rafel Ferrer and Rosalva Ferrer

Chapter 13

#5.02 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 52

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 1-20-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rafel Ferrer

Represented By
Paul Y Lee

Joint Debtor(s):

Rosalva Ferrer

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:19-18752 Jason P Wilson

Chapter 13

#5.03 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 72

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jason P Wilson

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:20-12235 Denise Cuevas

Chapter 13

#5.04 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 41

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 1-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Denise Cuevas

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:19-10059 Tammy L. Swanson

Chapter 13

#5.05 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 58

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tammy L. Swanson

Represented By
Gregory Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:18-13816 Patrick Carl Johnston, Jr

Chapter 13

#5.06 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 75

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patrick Carl Johnston Jr

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:16-18163 Gwendolyn Gainer

Chapter 13

#6.00 Hrg re motion to substitute debtor(s) in as counsel in pro per instead of current counsel of record

Docket 96

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gwendolyn Gainer

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:16-19640 Maria Guadalupe Villalobos and Ricardo Villalobos

Chapter 13

#7.00 Hrg re motion to substitute debtor(s) in as counsel in pro per instead of current counsel of record

Docket 132

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Guadalupe Villalobos

Represented By
Manfred Schroer

Joint Debtor(s):

Ricardo Villalobos

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:19-17241 Christina M Lares

Chapter 13

#8.00 Hrg re motion to substitute debtor(s) in as counsel in pro per instead of current counsel of record

Docket 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christina M Lares

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:19-19396 Richard D. Wotherspoon and Sotera R. Wotherspoon

Chapter 13

#9.00 Hrg re objection to proof of claim number 14-1 filed by Midland Credit Management Inc

Docket 0

***** VACATED *** REASON: NTC OF WITHDRAWAL FILED 1-6-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard D. Wotherspoon

Represented By
Sundee M Teeple

Joint Debtor(s):

Sotera R. Wotherspoon

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:19-19396 Richard D. Wotherspoon and Sotera R. Wotherspoon

Chapter 13

#10.00 Hrg re objection to Claim #15 filed by claimant Midland Credit Management, Inc.. in the amount of \$ 1,336.72

Docket 0

***** VACATED *** REASON: NTC OF WITHDRAWAL FILED 1-6-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard D. Wotherspoon

Represented By
Sundee M Teeple

Joint Debtor(s):

Sotera R. Wotherspoon

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:19-19055 Donald H Wells and Deborah R Wells

Chapter 13

#10.01 Hrg re Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Docket 66

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-26-21; CONT'D TO 3-24-21 AT 2:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald H Wells

Represented By
Paul Y Lee

Joint Debtor(s):

Deborah R Wells

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:20-14915 Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

Docket 30

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Valdovinos

Represented By
Sundee M Teeple

Joint Debtor(s):

Geovanna A. Valdovinos

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:20-17688 Leticia Cisneros

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leticia Cisneros

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:20-17688 Leticia Cisneros

Chapter 13

#13.00 Hrg re motion for order disallowing claim number 3

Docket 19

***** VACATED *** REASON: NTC OF WITHDRAWAL FILED 12-30-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leticia Cisneros

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:20-17705 Nemesis Gissel Ortiz Mcqueen

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nemesis Gissel Ortiz Mcqueen

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:20-17772 Charles A. Runge and Irma E. Runge

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles A. Runge

Represented By
Gary S Saunders

Joint Debtor(s):

Irma E. Runge

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:20-17784 D'Aniel Anthony Causey

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

D'Aniel Anthony Causey

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:20-17806 Mark Alan Roybal

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Alan Roybal

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:20-17817 Johnny Lam Nguyen

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Johnny Lam Nguyen

Represented By
Rex Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:00 PM

6:20-17864 Paul Joseph Elwart and Angela Elli Elwart

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 12-14-20; CONT'D TO 5-10-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Joseph Elwart

Represented By
Paul Y Lee

Joint Debtor(s):

Angela Elli Elwart

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, January 27, 2021

Hearing Room 304

2:15 PM

6:17-11643 Michael Alvarez and Roxanne E Alvarez

Chapter 13

#19.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 127

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 1-20-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Alvarez

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Joint Debtor(s):

Roxanne E Alvarez

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:15 PM

6:19-21177 Derik A. Dill

Chapter 13

#19.02 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 52

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Derik A. Dill

Represented By
Christine A Kingston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:30 PM

6:19-20426 Amador Anthony Cervantes

Chapter 13

#20.00 Motion for relief from stay

AMERICREDIT FINANCIAL SERVICES VS DEBTOR

Property: 2019 Kia Sorento
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 47

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 1-14-21

Tentative Ruling:

Party Information

Debtor(s):

Amador Anthony Cervantes

Represented By
Norma Duenas

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Sheryl K Ith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:30 PM

6:20-17270 Thomas Anthony Zabala and Pamela Jean Zabala

Chapter 13

#21.00 Motion for relief from stay

TD AUTO FINANCE VS DEBTORS

Property: 2017 Ram 350
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 29

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas Anthony Zabala

Represented By
Dana Travis

Joint Debtor(s):

Pamela Jean Zabala

Represented By
Dana Travis

Movant(s):

TD Auto Finance LLC

Represented By
Sheryl K Ith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, January 27, 2021

Hearing Room 304

2:30 PM

6:21-10094 Patricia Ann Doublet

Chapter 13

#22.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Ann Doublet

Represented By
Benjamin R Heston

Movant(s):

Patricia Ann Doublet

Represented By
Benjamin R Heston
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 28, 2021

Hearing Room 304

10:00 AM

6:20-17416 Maria De Los Angeles Lopez De Ramirez

Chapter 7

#1.00 Motion for relief from stay

SANTANDER CONSUMER USA VS DEBTOR

Property: 2019 Dodge Charger
[Personal Prop] Sheryl . Ith, attorney/movant

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21**

Tentative Ruling:

Party Information

Debtor(s):

Maria De Los Angeles Lopez De

Represented By
Daniel King

Movant(s):

Santander Consumer USA Inc. dba

Represented By
Sheryl K Ith

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 28, 2021

Hearing Room 304

10:00 AM

6:20-17492 Denisa Chante Jones

Chapter 7

#2.00 Motion for relief from stay

CONSUMER PORFOLIO SERVICES VS DEBTOR

Property: 2019 Hyundai Sonata
[Personal Prop] Erica Taylor Loftis Pacheco, attorney/movant

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21**

Tentative Ruling:

Party Information

Debtor(s):

Denisa Chante Jones

Represented By
Shawn Anthony Doan

Movant(s):

Consumer Portfolio Services, Inc.

Represented By
Erica T Loftis Pacheco

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 28, 2021

Hearing Room 304

10:00 AM

6:20-17610 Ruben Velasquez Heredia and Idalia Velazquez

Chapter 7

#3.00 Motion for relief from stay

FORD MOTOR CREDIT COMPANY VS DEBTORS

Property: 2017 Ford Focus
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 10

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben Velasquez Heredia

Represented By
Todd L Turoci

Joint Debtor(s):

Idalia Velazquez

Represented By
Todd L Turoci

Movant(s):

Ford Motor Credit Company LLC

Represented By
Sheryl K Ith

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 28, 2021

Hearing Room 304

10:00 AM

6:20-16900 Leonardo Espinoza and Socorro Duran De Espinoza

Chapter 7

#3.01 Motion for relief from stay

SHOCK PROPERTIES, INC. VS DEBTOR

Property: 9253 Hermosa Ave #G Rancho Cucamonga, CA 91730
[UD] Barry Lee O'Connor, attorney/movant

Docket 18

Tentative Ruling:

The hearing regarding this motion shall be heard on shortened notice and any opposition is due at the hearing. Therefore, appearances are required at the hearing.

The motion requests relief from the automatic stay to complete an eviction. Using a bankruptcy case to delay an eviction is not appropriate. *See, e.g., In re Smith*, 105 B.R. 50, 53 & 55 (Bankr. C.D. Cal. 1989) (describing cases filed to delay an eviction as “abusive” and designed to “delay improperly the landlord from obtaining possession of his property.”). Therefore, the tentative ruling of the Court is to grant the motion pursuant to 11 U.S.C. § 362(d)(1) with the following relief:

(1) Termination of the stay to allow movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to obtain possession of the property.

(2) Waiver of the 14-day stay prescribed by Bankruptcy Rule 4001(a)(3).

Party Information

Debtor(s):

Leonardo Espinoza

Represented By
Neil R Hedtke

Joint Debtor(s):

Socorro Duran De Espinoza

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 28, 2021

Hearing Room 304

10:00 AM

**CONT... Leonardo Espinoza and Socorro Duran De Espinoza
Neil R Hedtke**

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 28, 2021

Hearing Room 304

11:00 AM

6:20-14758 Ridge Park Point, LLC

Chapter 7

#4.00 Motion for relief from stay

MERCHANTS BANK OF COMMERCE VS DEBTOR

Property: 43620 Ridge Park Drive, Temecula, CA 92590-5520
[Real Prop] Walter R. Dahl, attorney/movant

FROM: 11-5-20, 12-3-20, 12-17-20

Docket 39

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Movant(s):

Merchants Bank of Commerce

Represented By
Walter R Dahl

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm
Nathan F Smith
Christina J Khil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 28, 2021

Hearing Room 304

11:15 AM

6:20-12067 Raul Carrillo and Acela Carrillo

Chapter 7

#4.01 Hrg re motion to approve compromise with GGRP LLC

FROM: 1-26-21

Docket 75

Tentative Ruling:

ISSUES FOR DISCUSSION

Issue #1: The Incoherence Problem (aka the problem of requesting relief that is legally impermissible, unachievable or incoherent). Sections 3.1(a) and 3.1(b) conflict.

Proposed settlement term #1 (hypothetical): "The Foreclosure Sale is deemed entirely valid for certain purposes and deemed entirely set aside for other purposes."

Analysis: These are contradictory provisions which are not legally permissible. What is the legal theory that allows for such provisions and what would be the impact? Sections 3.1(a) and (b) of the current agreement suffer from this problem. They are incoherent and do not provide for a legally achievable result. If the contradictory provisions are intended to impact only the parties to the agreement then the problematic impact of the incoherence is limited but then the Court still would ask: what is the point of the provisions? On the other hand, if the contradictory provisions are intended to impact third party lienholders (as section 3.1(g) & (h) of the agreement seems to indicate) and the parties want a court order finding (in some fashion) that the terms of section 3.1(a), (b), (g) & (h) are binding on third party

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 28, 2021

Hearing Room 304

11:15 AM

CONT... Raul Carrillo and Acela Carrillo

Chapter 7

lienholders then an adversary proceeding is almost certainly required.

Proposed settlement term #2 (hypothetical): "The property is deemed entirely property of the bankruptcy estate for some purposes and entirely not property of the bankruptcy estate for other purposes."

Analysis: Not legally possible.

Issue #2: What Terms of The Agreement Do You Intend to Use Against Lienholders Who Are Not Parties to the Agreement?

Proposed Settlement Term #3 (actual 3.1(a) language): "the Foreclosure Sale will be deemed valid and all claims held by Debtors, the Trustee, and the Estate challenging the validity of the Foreclosure Sale will be deemed released."

Analysis: This language is fine and the order approving the settlement agreement can simply state that the agreement is approved by the court. If the parties want to include a provision in the order that the Foreclosure Sale should be deemed valid, such a finding is unnecessary (because the parties agreed to it in the agreement) but if the proposed order did include such a provision, it would need to state that "as between the parties to the agreement, the Foreclosure Sale is deemed valid." The Trustee may give up all claims of the debtor/borrower and the bankruptcy estate to set aside the foreclosure sale (without an adversary proceeding) even if the impact of surrendering such claims is that junior lienholders are wiped out. Junior lienholders retain whatever rights (if any) they had to set aside the foreclosure sale. However, the court could not enter any finding that the Foreclosure Sale is deemed valid as against junior lienholders. That would require an adversary proceeding pursuant to F.R.B.P. Rule 7001. This technically leaves the junior lienholders free to assert any claims that they may have (as junior lienholders) to set aside the Foreclosure Sale if they wish to do so but (1) they likely never had standing to assert any meaningful claims, (2) even if they had standing, the grounds by which a junior lienholder could set aside a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 28, 2021

Hearing Room 304

11:15 AM

CONT... Raul Carrillo and Acela Carrillo

Chapter 7

foreclosure sale are limited and (3) they are probably time barred from doing so since the sale occurred 10 years ago.

Also, for all these reasons, the court cannot approve the language in section 3.5(a) of the agreement. An adversary proceeding is required for such relief.

Proposed Settlement Term #4 (slightly narrower than what is in 3.1(a) the settlement agreement): "3.1(a) all claims held by Debtors, the Trustee, and the Estate challenging the validity of the Foreclosure Sale will be deemed released and the parties agree that, as between themselves, the Foreclosure Sale should be deemed valid."

Analysis: this language is fine and clearer. See analysis above.

Proposed Settlement Term #5 (actual 3.1(g) & (h) language): "(g) all liens that were junior to the GGRP deed of trust will be eliminated by the Foreclosure Sale; (h) Debtor Liens will be deemed to have never attached to the Property given Debtors' loss of title due to the Foreclosure Sale"

Analysis: If the parties intend that this language is binding only on the parties to this agreement then what is the point of the language? The assertions in this language would be better expressed in the recitals as beliefs that the parties have about the consequences of the agreement by the trustee to waive all claims of the debtors and the estate to set aside the foreclosure sale.

If, on the other hand, this language is in the agreement to (in some fashion) bind lienholders who are not parties to the agreement then the language is impermissible. An adversary proceeding is required. Again, the court will not approve the language in section 3.5(a). An adversary proceeding is required.

Note: The Court is not disputing the accuracy of the language in section 3.1(g) & (h) or 3.5(a). If the trustee drops all claims to set aside the Foreclosure Sale then it is highly likely that the provisions in 3.1(g) & (h) and 3.5(a) are all true. (It is very hard to imagine how the junior lienholders could set aside a foreclosure sale 10 years

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 28, 2021

Hearing Room 304

11:15 AM

CONT... Raul Carrillo and Acela Carrillo

Chapter 7

later). However, the Court could not enter an order to that effect that is binding on lienholders who are not parties to the agreement without an adversary proceeding.

Party Information

Debtor(s):

Raul Carrillo

Represented By
W. Derek May

Joint Debtor(s):

Acela Carrillo

Represented By
W. Derek May

Trustee(s):

Larry D Simons (TR)

Represented By
Tinho Mang
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, January 28, 2021

Hearing Room 304

1:30 PM

6:11-40323 Jose Aguilar

Chapter 13

Adv#: 6:20-01184 Aguilar v. OneWest Bank FSB, successor in interest to Indymac

#5.00 Hrg re motion for default judgment

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Aguilar

Represented By
Javier H Castillo

Defendant(s):

OneWest Bank FSB, successor in

Pro Se

Plaintiff(s):

Jose Aguilar

Represented By
Javier H Castillo

Trustee(s):

Rod (MJ) Danielson (TR)

Represented By
Rod (MJ) Danielson (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

10:30 AM

6:20-10753 Lisa Lynn Kearsley

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-4-20, 6-22-20, 7-29-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lisa Lynn Kearsley

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

10:30 AM

6:20-11618 Leticia M. De Isar

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-25-20, 6-3-20, 12-14-20

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leticia M. De Isar

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

10:30 AM

6:20-11849 Gregory Mark Klick

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-8-20, 6-17-20, 7-29-20, 12-15-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-28-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Mark Klick

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

10:30 AM

6:20-13153 Francisco Salcedo

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 6-10-20, 6-24-20, 7-29-20, 8-5-20, 12-15-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Francisco Salcedo

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

10:30 AM

6:20-13382 Ralph John Leal and Marrion Aileen Leal

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 7-1-20, 7-29-20, 12-15-20

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ralph John Leal

Represented By
Jenny L Doling

Joint Debtor(s):

Marrion Aileen Leal

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

10:30 AM

6:20-13574 Heather Lindsey Rodriguez

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 7-1-20, 7-15-20, 12-14-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Heather Lindsey Rodriguez

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

10:30 AM

6:20-13575 Guillermo Ortega Martinez and Adilene Madrigal

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 7-1-20, 7-15-20, 12-14-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Guillermo Ortega Martinez

Represented By
Christopher Hewitt

Joint Debtor(s):

Adilene Madrigal

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

10:30 AM

6:20-14085 Michael D. Torrence

Chapter 13

#8.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 7-22-20, 8-5-20, 12-15-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Michael D. Torrence

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

10:30 AM

6:20-14135 William Thomas Behrend, Jr. and Tina Marie Behrend

Chapter 13

#9.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 7-22-20, 8-5-20,12-15-20

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

William Thomas Behrend Jr.

Represented By
Christopher Hewitt

Joint Debtor(s):

Tina Marie Behrend

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

12:00 PM

6:19-19396 Richard D. Wotherspoon and Sotera R. Wotherspoon

Chapter 13

#10.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-4-19, 1-27-20, 3-16-20, 9-21-20, 11-10-20

Docket 4

***** VACATED *** REASON: REVISED SCHEDULING ORDER
ENTERED 12-18-20; CONT'D TO 2-1-21 AT 2:15 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Richard D. Wotherspoon

Represented By
Sundee M Teeple

Joint Debtor(s):

Sotera R. Wotherspoon

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

12:00 PM

6:19-20426 Amador Anthony Cervantes

Chapter 13

#11.00 Hrg re order to show cause regarding dismissal of the case

Docket 1

***** VACATED *** REASON: REVISED SCHEDULING ORDER
ENTERED 12-18-20; CONT'D TO 2-1-21 AT 2:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amador Anthony Cervantes

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

12:00 PM

6:19-20426 Amador Anthony Cervantes

Chapter 13

#12.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 1-8-20, 1-15-20, 3-16-20, 9-21-20, 11-9-20

Docket 2

***** VACATED *** REASON: REVISED SCHEDULING ORDER
ENTERED 12-18-20; CONT'D TO 2-1-21 AT 2:15 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Amador Anthony Cervantes

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

12:00 PM

6:19-21069 Armando Mata and Natalia Mata

Chapter 13

#13.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 1-22-20, 2-5-20, 3-16-20, 9-21-20, 11-10-20

Docket 2

***** VACATED *** REASON: REVISED SCHEDULING ORDER
ENTERED 12-18-20; CONT'D TO 2-1-21 AT 2:15 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Armando Mata

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Natalia Mata

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

12:00 PM

6:20-10552 Leo Rivera and Irma Nohemi RiveraREVISED

Chapter 13

#14.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 2-26-20, 3-11-20, 6-15-20, 12-14-20

Docket 2

***** VACATED *** REASON: REVISED SCHEDULING ORDER
ENTERED 12-18-20; CONT'D TO 2-1-21 AT 2:15 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Leo Rivera

Represented By
Nima S Vokshori

Joint Debtor(s):

Irma Nohemi Rivera

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

12:00 PM

6:20-10793 Donald George Filippi and Yvonne Maria Filippi

Chapter 13

#15.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-4-20, 3-25-20, 6-26-20, 12-14-20

Docket 2

***** VACATED *** REASON: REVISED SCHEDULING ORDER
ENTERED 12-18-20; CONT'D TO 2-1-21 AT 2:15 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Donald George Filippi

Represented By
Norma Duenas

Joint Debtor(s):

Yvonne Maria Filippi

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

12:00 PM

6:20-11134 Jacobo Ayala and Dolores Ayala

Chapter 13

#16.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-11-20, 3-30-20, 4-8-20, 9-28-20, 11-10-20

Docket 2

***** VACATED *** REASON: REVISED SCHEDULING ORDER
ENTERED 12-18-20; CONT'D TO 2-1-21 AT 2:15 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Jacobo Ayala

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Dolores Ayala

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

12:00 PM

6:20-12821 Sharon A Waddy

Chapter 13

#17.00 Hrg re status conference regarding confirmation of the chapter 13
FROM: 5-13-20, 6-10-20, 12-14-20

Docket 2

***** VACATED *** REASON: REVISED SCHEDULING ORDER
ENTERED 12-18-20; CONT'D TO 2-1-21 AT 2:15 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Sharon A Waddy

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

12:00 PM

6:20-12974 Michael Todd Lackey and Shelli Elizabeth Lackey

Chapter 13

#18.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 6-10-20, 6-24-20, 12-14-20

Docket 2

***** VACATED *** REASON: REVISED SCHEDULING ORDER
ENTERED 12-18-20; CONT'D TO 2-1-21 AT 2:15 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Michael Todd Lackey

Represented By
Summer M Shaw

Joint Debtor(s):

Shelli Elizabeth Lackey

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

12:00 PM

6:20-13290 Marcelo Martinez and Alejandra Sinai Ramirez

Chapter 13

#19.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 6-24-20, 7-1-20, 12-14-20

Docket 2

***** VACATED *** REASON: REVISED SCHEDULING ORDER
ENTERED 12-18-20; CONT'D TO 2-1-21 AT 2:15 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Marcelo Martinez

Represented By
Michael Jay Berger

Joint Debtor(s):

Alejandra Sinai Ramirez

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

1:30 PM

6:20-10555 Tony Busum

Chapter 13

#20.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 2-26-20, 4-13-20, 7-27-20, 12-14-20

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tony Busum

Represented By
Elena Steers

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

1:30 PM

6:20-12243 John Anthony Espejo

Chapter 13

#21.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-22-20, 6-8-20, 12-14-20, 1-4-21

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Anthony Espejo

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

1:30 PM

6:20-13164 Shontae Hill

Chapter 13

#22.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 6-10-20, 6-24-20, 12-14-20, 1-4-21

Docket 0

Tentative Ruling:

Party Information

Debtor(s):

Shontae Hill

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

1:30 PM

6:20-13503 Gena Rae Munoz

Chapter 13

#23.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 7-1-20, 7-15-20, 2-14-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Gena Rae Munoz

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

1:30 PM

6:20-13726 Jaime Mosqueda and Elizabeth Urbina

Chapter 13

#24.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 7-15-20, 7-22-20, 2-14-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Jaime Mosqueda

Represented By
Andrew Nguyen

Joint Debtor(s):

Elizabeth Urbina

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

1:30 PM

6:20-14262 Rocio Cortez

Chapter 13

#25.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 7-22-20, 8-5-20, 12-15-20

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Rocio Cortez

Represented By
David R Chase

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

1:30 PM

6:20-14369 Alfredo M. Loza and Olga F. Loza

Chapter 13

#26.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-5-20, 8-12-20, 12-15-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Alfredo M. Loza

Represented By
Carey C Pickford

Joint Debtor(s):

Olga F. Loza

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

2:15 PM

6:19-19396 Richard D. Wotherspoon and Sotera R. Wotherspoon

Chapter 13

#27.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 12-4-19, 1-27-20, 3-16-20, 9-21-20, 11-10-20

Docket 4

Tentative Ruling:

Party Information

Debtor(s):

Richard D. Wotherspoon

Represented By
Sundee M Teeple

Joint Debtor(s):

Sotera R. Wotherspoon

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

2:15 PM

6:19-20426 Amador Anthony Cervantes

Chapter 13

#28.00 Hrg re order to show cause regarding dismissal of the case

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amador Anthony Cervantes

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

2:15 PM

6:19-20426 Amador Anthony Cervantes

Chapter 13

#29.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 1-8-20, 1-15-20, 3-16-20, 9-21-20, 11-9-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Amador Anthony Cervantes

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

2:15 PM

6:19-21069 Armando Mata and Natalia Mata

Chapter 13

#30.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 1-22-20, 2-5-20, 3-16-20, 9-21-20, 11-10-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Armando Mata

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Natalia Mata

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

2:15 PM

6:20-10552 Leo Rivera and Irma Nohemi RiveraREVISED

Chapter 13

#31.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 2-26-20, 3-11-20, 6-15-20, 12-14-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Leo Rivera

Represented By
Nima S Vokshori

Joint Debtor(s):

Irma Nohemi Rivera

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

2:15 PM

6:20-10793 Donald George Filippi and Yvonne Maria Filippi

Chapter 13

#32.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-4-20, 3-25-20, 6-26-20, 12-14-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Donald George Filippi

Represented By
Norma Duenas

Joint Debtor(s):

Yvonne Maria Filippi

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

2:15 PM

6:20-11134 Jacobo Ayala and Dolores Ayala

Chapter 13

#33.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-11-20, 3-30-20, 4-8-20, 9-28-20, 11-10-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Jacobo Ayala

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Dolores Ayala

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

2:15 PM

6:20-12821 Sharon A Waddy

Chapter 13

#34.00 Hrg re status conference regarding confirmation of the chapter 13

FROM: 5-13-20, 6-10-20, 12-14-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Sharon A Waddy

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

2:15 PM

6:20-12974 Michael Todd Lackey and Shelli Elizabeth Lackey

Chapter 13

#35.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 6-10-20, 6-24-20, 12-14-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Michael Todd Lackey

Represented By
Summer M Shaw

Joint Debtor(s):

Shelli Elizabeth Lackey

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

2:15 PM

6:20-13290 Marcelo Martinez and Alejandra Sinai Ramirez

Chapter 13

#36.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 6-24-20, 7-1-20, 12-14-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Marcelo Martinez

Represented By
Michael Jay Berger

Joint Debtor(s):

Alejandra Sinai Ramirez

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

3:00 PM

6:19-20143 Sergio Prado

Chapter 13

#37.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 1-8-20, 1-15-20, 3-16-20, 9-21-20, 11-10-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Sergio Prado

Represented By
Samer A Nahas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

3:00 PM

6:19-20322 Linda Wagner

Chapter 13

#38.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 1-8-20, 4-10-20, 7-31-20, 12-15-20

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Wagner

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

3:00 PM

6:19-20635 Mark Christopher Collett and Helen Marie Collett

Chapter 13

#39.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 1-15-20, 4-10-20, 7-31-20, 12-15-20

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Christopher Collett

Represented By
Robert L Firth

Joint Debtor(s):

Helen Marie Collett

Represented By
Robert L Firth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

3:00 PM

6:19-20814 Jerry Lee Saylor and Gloria Jean Saylor

Chapter 13

#40.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 1-15-20, 1-15-20, 4-13-20, 7-27-20, 12-14-20

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerry Lee Saylor

Represented By
Neil R Hedtke

Joint Debtor(s):

Gloria Jean Saylor

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

3:00 PM

6:20-11742 Victoria Zopfi

Chapter 13

#41.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-8-20, 6-17-20, 7-29-20, 12-15-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victoria Zopfi

Represented By
Laleh Ensafi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

3:00 PM

6:20-12396 Carlos Eduardo Acosta, Jr

Chapter 13

#42.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-29-20, 6-10-20, 7-29-20, 12-15-20

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Eduardo Acosta Jr

Represented By
Marc A Goldbach

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

4:30 PM

6:19-20708 Marcelo Alejandro Sirri and Claudia Viviana Basile Sirri Chapter 13

#43.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 1-15-20, 4-10-20, 7-31-20, 12-15-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marcelo Alejandro Sirri

Represented By
Jeffrey N Wishman

Joint Debtor(s):

Claudia Viviana Basile Sirri

Represented By
Jeffrey N Wishman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

4:30 PM

6:20-10973 Shannon Marie Brinson

Chapter 13

#44.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-11-20, 3-30-20, 4-8-20, 7-31-20, 12-15-20

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shannon Marie Brinson

Represented By
Melissa A Raskey

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

4:30 PM

6:20-11195 Daniel Alfred Vera, Jr.

Chapter 13

#45.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-25-20, 6-3-20, 7-29-20, 12-15-20

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Alfred Vera Jr.

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

4:30 PM

6:20-12603 Steve Hernandez and Gabriela A. Hernandez

Chapter 13

#46.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 5-6-20, 5-18-20, 9-28-20, 11-9-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 11-16-20**

Tentative Ruling:

Party Information

Debtor(s):

Steve Hernandez

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Gabriela A. Hernandez

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

4:30 PM

6:20-13787 Kristi Jean Cabral

Chapter 13

#47.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 7-15-20, 7-22-20, 12-14-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Kristi Jean Cabral

Represented By
Shawn Anthony Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

4:30 PM

6:20-14008 Eugene Garcia and Norma Lena Garcia

Chapter 13

#48.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 7-22-20, 8-5-20, 12-15-20

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Eugene Garcia

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Norma Lena Garcia

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 1, 2021

Hearing Room 304

4:30 PM

6:20-14078 David E Morgan

Chapter 13

#49.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 7-22-20, 8-5-20, 12-15-20

Docket 6

Tentative Ruling:

Party Information

Debtor(s):

David E Morgan

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15702 Nyesha D. Williams

Chapter 13

#1.00 Confirmation of Chapter 13 Plan

FROM: 10-21-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-4-21;
CONT'D TO 4-12-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nyesha D. Williams

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15702 Nyesha D. Williams

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-7-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-4-21;
CONT'D TO 4-12-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nyesha D. Williams

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15748 Raphael Chavez Mesa, Jr.

Chapter 13

#3.00 Confirmation of Chapter 13 Plan

FROM: 10-21-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On September 15, 2020, the Court entered a scheduling order [docket #17] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for February 8, 2021 at 1:30 p.m.

On January 20, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #30] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on August 25, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Raphael Chavez Mesa, Jr.

Chapter 13

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 22, 2021 [docket #31] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On February 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on February 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting September 25, 2020, the monthly plan payment is \$980.

Starting February 25, 2021, the monthly plan payment is \$1,014.

The due date for each payment is the 25th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$60,670. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Raphael Chavez Mesa, Jr.

Chapter 13

with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$4,500; having previously received \$1,500, counsel is entitled to payment of \$3,000 from the estate at a rate no more than \$300 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Raphael Chavez Mesa, Jr.

Chapter 13

order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the California Child Support Services in the amount of \$225 at a rate no less than \$15 per month for fifteen months.
2. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$3,756.60 at a rate no less than \$62.61 per month for 60 months.
3. The Trustee shall pay the priority claim of the Franchise Tax

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Raphael Chavez Mesa, Jr.

Chapter 13

Board in the amount of \$2,024 at a rate no less than \$33.73 per month for 60 months.

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Raphael Chavez Mesa, Jr.

Chapter 13

approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... **Raphael Chavez Mesa, Jr.**
(collectively, "Direct Payments"):

Chapter 13

All payments for the automobile loan for the 2020 Ford Explorer in the approximate amount of \$759.24 per month. (Creditor: Navy Federal Credit Union).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Raphael Chavez Mesa, Jr.

Chapter 13

to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Raphael Chavez Mesa, Jr.

Chapter 13

default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Raphael Chavez Mesa Jr.

Represented By
Edward G Topolski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15748 Raphael Chavez Mesa, Jr.

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-7-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Raphael Chavez Mesa Jr.

Represented By
Edward G Topolski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15775 Deborah Starr

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

FROM: 10-21-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 10-15-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Starr

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15775 Deborah Starr

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-7-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 10-15-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Starr

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15852 Jennifer Shaffer

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

FROM: 10-21-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 10-20-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Shaffer

Represented By
Allan D Sarver

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15852 Jennifer Shaffer

Chapter 13

#8.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-7-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 10-20-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Shaffer

Represented By
Allan D Sarver

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15875 Rose Ann Bomentre

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

FROM: 10-21-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On September 15, 2020, the Court entered a scheduling order [docket #18] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for February 8, 2021 at 1:30 p.m.

On January 20, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #35] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on August 28, 2020 [docket #2] ("Plan") on the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Rose Ann Bomentre

Chapter 13

terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 29, 2021 [docket #36] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #7] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On February 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on February 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting September 28, 2020, the monthly plan payment is \$2,136.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Rose Ann Bomentre

Chapter 13

Starting November 28, 2020, the monthly plan payment is \$2,640.

The due date for each payment is the 28th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 43% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$157,392. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$350 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Rose Ann Bomentre

Chapter 13

proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Rose Ann Bomentre

Chapter 13

Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of SchoolsFirst Federal Credit Union in the amount of \$31.63 at a rate no less than \$31.63 per month for one month.
2. The Trustee shall pay the secured claim of SchoolsFirst Federal Credit Union in the amount of \$31,754.68 at a rate no less than \$1,499.37 per month for 22 months with interest at the rate of 4% per annum.
3. Debtors must pay at least \$72,743 to the unsecured creditors per the liquidation analysis.

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Rose Ann Bomentre

Chapter 13

case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Rose Ann Bomentre

Chapter 13

provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$3,202.50 per month. (Creditor: SchoolsFirst Federal Credit Union).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Rose Ann Bomentre

Chapter 13

sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Rose Ann Bomentre

Chapter 13

conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, the 2016 Ford Flex and the 2016 Ford Fiesta (collectively, "Abandoned Property") are hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Rose Ann Bomentre

Chapter 13

therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Rose Ann Bomentre

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15875 Rose Ann Bomentre

Chapter 13

#10.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-7-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Rose Ann Bomentre

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15921 Joseph S Dews

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

FROM: 10-28-20

Docket 15

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On September 15, 2020, the Court entered a scheduling order [docket #29] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for February 8, 2021 at 1:30 p.m.

On January 20, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #58] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 9, 2020 [docket #15] ("Plan") on the terms set forth in the Statement and the attached worksheet.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Joseph S Dews

Chapter 13

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 25, 2021 [docket #59] agreeing with the Trustee's terms in the Statement and the worksheet.

The Debtors have not objected to the Court's procedures order [docket #27] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On February 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on February 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting October 1, 2020, the monthly plan payment is \$2,550.

Starting March 1, 2021, the monthly plan payment is \$2,610.

The due date for each payment is the 1st day of each month of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$156,300. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Joseph S Dews

Chapter 13

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$2,335, counsel is entitled to payment of \$2,665 from the estate at a rate no more than \$110 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Joseph S Dews

Chapter 13

Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Mill City Mortgage in the amount of \$41,267.89 at a rate no less than \$687.80 per month for 60 months.
2. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Joseph S Dews

Chapter 13

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Joseph S Dews

Chapter 13

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors except to the following limited extent:

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in October of 2020 in the approximate amount of \$1,622.03 per month to the creditor Mill City Mortgage. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor. Other than those few payments by the Debtors prior to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Joseph S Dews

Chapter 13

October of 2020, this case does not involve any other direct payments by the Debtors to creditors and, therefore, the Debtors need only file reports pursuant to paragraph 5(e) for the limited period of time during which they are responsible for making Direct Payments.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Joseph S Dews

Chapter 13

to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Joseph S Dews

Chapter 13

default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Joseph S Dews

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15921 Joseph S Dews

Chapter 13

#12.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-7-20

Docket 1

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Joseph S Dews

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15925 Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

FROM: 10-28-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On September 15, 2020, the Court entered a scheduling order [docket #20] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for February 8, 2021 at 1:30 p.m.

On January 25, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #41] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on August 31, 2020 [docket #2] ("Plan") on the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... **Richard Allen Rodgers and Judith Anne Rodgers**
terms set forth in the Statement and the attached worksheet.

Chapter 13

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 25, 2021 [docket #42] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On February 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on February 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting October 1, 2020, the monthly plan payment is \$6,000.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

Starting March 1, 2021, the monthly plan payment is \$6,108.

The due date for each payment is the 1st day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$365,940. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$6,000; having previously received \$2,000, counsel is entitled to payment of \$4,000 from the estate at a rate no more than \$400 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$1,709.03 at a rate no less than \$28.48 per month for 60 months.
2. The Trustee shall pay the secured claim of the County of San Bernardino in the amount of \$8,490.67 at a rate no less than \$215.61 per month for 60 months with interest at the rate of 18% per annum.
3. The Trustee shall pay the secured claim of Freedom Mortgage Corporation in the amount of \$79,060.82 at a rate no less than \$1,317.68 per month for 60 months.
4. The Trustee shall pay the secured claim of American Credit Accept in the amount of \$14,637.15 at a rate no less than \$276.22 per month for 60 months with interest at the rate of 5% per annum.
5. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
6. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

4. Additional provisions:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the junior mortgage against the residence of the Debtors.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... **Richard Allen Rodgers and Judith Anne Rodgers**
(Creditor: US Department of Housing and Urban Development).

Chapter 13

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in October of 2020 in the approximate amount of \$3,215.17 per month to the creditor Freedom Mortgage Corporation. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Richard Allen Rodgers and Judith Anne Rodgers Chapter 13

including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, the 2006 Lincoln Navigator ("Abandoned Property") is hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Richard Allen Rodgers

Represented By
Paul Y Lee

Joint Debtor(s):

Judith Anne Rodgers

Represented By
Paul Y Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15925 Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

#14.00 Hrg re status conference regarding confirmation of the chapter 13 plan
10-7-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Richard Allen Rodgers

Represented By
Paul Y Lee

Joint Debtor(s):

Judith Anne Rodgers

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15939 Carol A Casper

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

FROM: 10-28-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 1-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carol A Casper

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-15939 Carol A Casper

Chapter 13

#16.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-7-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 1-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carol A Casper

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16012 Rochelle Anne Baker

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

FROM: 10-28-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 2-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rochelle Anne Baker

Represented By
Edgar P Lombera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16012 Rochelle Anne Baker

Chapter 13

#18.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-7-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 2-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rochelle Anne Baker

Represented By
Edgar P Lombera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16043 Marilyn Lanson Tan

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

FROM: 10-28-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On September 15, 2020, the Court entered a scheduling order [docket #17] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for February 8, 2021 at 1:30 p.m.

On January 20, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #32] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 3, 2020 [docket #2] ("Plan") on the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Marilyn Lanzon Tan

Chapter 13

terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 26, 2021 [docket #33] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #7] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On February 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on February 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting October 3, 2020, the monthly plan payment is \$2,350.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Marilyn Lanzon Tan

Chapter 13

Starting March 3, 2021, the monthly plan payment is \$2,423.

The due date for each payment is the 3rd day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$145,015. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,335, counsel is entitled to payment of \$3,665 from the estate at a rate no more than \$75 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Marilyn Lanson Tan

Chapter 13

proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Marilyn Lanson Tan

Chapter 13

Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Select Portfolio Servicing in the amount of \$326.19 at a rate no less than \$15.53 per month for 21 months.
2. The Trustee shall pay the secured claim of Planet Home Lending in the amount of \$125,483.14 at a rate no less than \$2,104.70 per month for 60 months with interest at the rate of .25% per annum.

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Marilyn Lanzon Tan

Chapter 13

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Marilyn Lanzon Tan

Chapter 13

no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$2,073.79 per month. (Creditor: Select Portfolio Servicing).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Marilyn Lanson Tan

Chapter 13

obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Marilyn Lanson Tan

Chapter 13

Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Marilyn Lanson Tan

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16043 Marilyn Lanson Tan

Chapter 13

#20.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-7-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Marilyn Lanson Tan

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16053 Jeff Chandler Smith and Ramona Crystal Smith

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

FROM: 10-28-20

Docket 8

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On September 15, 2020, the Court entered a scheduling order [docket #19] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for February 8, 2021 at 1:30 p.m.

On January 25, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #37] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on January 20, 2021 [docket #35] ("Plan")

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Jeff Chandler Smith and Ramona Crystal Smith

Chapter 13

on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 26, 2021 [docket #38] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On February 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on February 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$1,389 commencing on October 3, 2020. The due date for each payment is the 3rd day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$83,340. Debtors must pay sufficient funds

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Jeff Chandler Smith and Ramona Crystal Smith Chapter 13

to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$4,500; having previously received \$1,334, counsel is entitled to payment of \$3,166 from the estate at a rate no more than \$316.60 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Jeff Chandler Smith and Ramona Crystal Smith
preceding paragraph).

Chapter 13

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Jeff Chandler Smith and Ramona Crystal Smith

Chapter 13

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Jeff Chandler Smith and Ramona Crystal Smith Chapter 13

Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT...

Jeff Chandler Smith and Ramona Crystal Smith

Chapter 13

All payments for the senior mortgage against the residence of the Debtors.
(Creditor: Celinek Reverse Mortgage).

All payments for the homeowners association for the residence of the Debtors in the approximate amount of \$30 per month. (Creditor: Sun City Core).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Jeff Chandler Smith and Ramona Crystal Smith Chapter 13

rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

CONT... Jeff Chandler Smith and Ramona Crystal Smith Chapter 13

twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Jeff Chandler Smith

Represented By
Jeremiah D Raxter

Joint Debtor(s):

Ramona Crystal Smith

Represented By
Jeremiah D Raxter

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16053 Jeff Chandler Smith and Ramona Crystal Smith

Chapter 13

#22.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-7-20

Docket 1

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Jeff Chandler Smith

Represented By
Jeremiah D Raxter

Joint Debtor(s):

Ramona Crystal Smith

Represented By
Jeremiah D Raxter

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16076 Ana D. Guevara

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

FROM: 10-28-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 10-7-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana D. Guevara

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16076 Ana D. Guevara

Chapter 13

#24.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-7-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 10-7-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana D. Guevara

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16079 Pamela Polston

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

FROM: 10-28-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 2-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pamela Polston

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16079 Pamela Polston

Chapter 13

#26.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-8-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 2-2-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pamela Polston

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16096 Gregory Clay Johnson, Sr.

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

FROM: 10-28-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 2-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Clay Johnson Sr.

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16096 Gregory Clay Johnson, Sr.

Chapter 13

#28.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-7-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 2-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Clay Johnson Sr.

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16109 Carla Ewelan

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

FROM: 10-28-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-2-21;
CONT'D TO 4-12-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carla Ewelan

Represented By
Clifford Bordeaux

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

1:30 PM

6:20-16109 Carla Ewelan

Chapter 13

#30.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-7-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-2-21;
CONT'D TO 4-12-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carla Ewelan

Represented By
Clifford Bordeaux

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16140 Jose Alejandro Contreras

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

FROM: 11-4-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On September 23, 2020, the Court entered a scheduling order [docket #23] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for February 8, 2021 at 2:30 p.m.

On January 20, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #42] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on October 15, 2020 [docket #33] ("Plan")

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Jose Alejandro Contreras

Chapter 13

on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 22, 2021 [docket #43] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On February 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on February 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting October 8, 2020, the monthly plan payment is \$2,000.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Jose Alejandro Contreras

Chapter 13

Starting March 8, 2021, the monthly plan payment is \$3,303.

The due date for each payment is the 8th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$191,665. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$6,000; having previously received \$2,000, counsel is entitled to payment of \$4,000 from the estate at a rate no more than \$400 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Jose Alejandro Contreras

Chapter 13

proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Jose Alejandro Contreras

Chapter 13

Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of LoanCare LLC in the amount of \$5,876.58 at a rate no less than \$97.94 per month for 60 months.
2. The Trustee shall pay the secured claim of Cornerstone Financial in the amount of \$80,357.50 at a rate no less than \$1,339.29 per month for 60 months.
3. The Trustee shall pay the secured claim of Golden 1 Credit Union in the amount of \$1,362.27 at a rate no less than \$25.71 per month for 60 months with interest at the rate of 5% per annum.
4. The Trustee shall pay the secured claim of American First Finance in the amount of \$1,186.27 at a rate no less than \$22.38 per month for 60 months with interest at the rate of 5% per annum.
5. The Trustee shall pay the secured claim of Portfolio Recovery Associates in the amount of \$6,486.56 at a rate no less than \$122.42 per month for 60 months with interest at the rate of 5% per annum.
6. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Jose Alejandro Contreras

Chapter 13

4. Additional provisions:
- a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.
 - b. No claims listed in Class 3B (or any other class) shall be bifurcated.
 - c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.
 - d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.
 - e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).
 - f. The Plan is modified to comply with the requirements of the court's approved plan form.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Jose Alejandro Contreras

Chapter 13

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... **Jose Alejandro Contreras**
(collectively, "Direct Payments"):

Chapter 13

All payments for the junior mortgage against the residence of the Debtors. (Creditor: US Department of Housing and Urban Development).

All payments for the automobile loan for the 2012 Dodge Ram in the approximate amount of \$454.09 per month. (Creditor: Golden 1 Credit Union).

All payments for the automobile loan for the 2012 Ford Edge in the approximate amount of \$514.39 per month. (Creditor: Wheels Financial Group).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in March of 2021 in the approximate amount of \$1,087.29 per month to the creditor Loancare LLC. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Jose Alejandro Contreras

Chapter 13

otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Jose Alejandro Contreras

Chapter 13

The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Jose Alejandro Contreras

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16140 Jose Alejandro Contreras

Chapter 13

#32.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-21-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Jose Alejandro Contreras

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16144 Kelvin Bernard McFarland

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

FROM: 11-4-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 2-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kelvin Bernard McFarland

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16144 Kelvin Bernard McFarland

Chapter 13

#34.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-21-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 2-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kelvin Bernard McFarland

Represented By
Stephen S Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16190 Darnell Lamont Butler

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

FROM: 11-4-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 11-6-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darnell Lamont Butler

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16190 Darnell Lamont Butler

Chapter 13

#36.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-21-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 11-6-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darnell Lamont Butler

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16255 Jaliyah Zayalie Rutledge

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

FROM: 11-4-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 9-30-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaliyah Zayalie Rutledge

Represented By
Rhonda Walker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16255 Jaliyah Zayalie Rutledge

Chapter 13

#38.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-28-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 9-30-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaliyah Zayalie Rutledge

Represented By
Rhonda Walker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16256 Chris Pagtakhan

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

FROM: 11-4-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On September 23, 2020, the Court entered a scheduling order [docket #16] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for February 8, 2021 at 2:30 p.m.

On January 20, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #26] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 15, 2020 [docket #2] ("Plan") on the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Chris Pagtakhan

Chapter 13

terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 23, 2021 [docket #27] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On February 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on February 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting October 15, 2020, the monthly plan payment is \$640.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Chris Pagtakhan

Chapter 13

Starting February 15, 2021, the monthly plan payment is \$667.

The due date for each payment is the 15th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$39,912. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$4,000; having previously received \$2,000, counsel is entitled to payment of \$2,000 from the estate at a rate no more than \$200 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Chris Pagtakhan

Chapter 13

proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Chris Pagtakhan

Chapter 13

Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. Debtors must pay 100% to the unsecured creditors per the liquidation analysis.

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Chris Pagtakhan

Chapter 13

timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Chris Pagtakhan

Chapter 13

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$1,309.55 per month. (Creditor: Carrington Mortgage Services).

All payments for the automobile loan for the 2018 Honda Civic in the approximate amount of \$568.84 per month. (Creditor: American Honda Finance).

All payments for the automobile loan for the 2018 Nissan Pathfinder in the approximate amount of \$715 per month. (Creditor: Nissan Motor Acceptance).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Chris Pagtakhan

Chapter 13

obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Chris Pagtakhan

Chapter 13

Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Chris Pagtakhan

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16256 Chris Pagtakhan

Chapter 13

#40.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-28-20

Docket 0

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Chris Pagtakhan

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16271 Joe Allan Atkinson, Jr.

Chapter 13

#41.00 Confirmation of Chapter 13 Plan

FROM: 11-4-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 11-9-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Allan Atkinson Jr.

Represented By
Kevin M Mahan

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16271 Joe Allan Atkinson, Jr.

Chapter 13

#42.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-28-20

Docket 1

*** VACATED *** REASON: CASE DISMISSED 11-9-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Allan Atkinson Jr.

Represented By
Kevin M Mahan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16289 Michael W Elmassian and Teresa Marie Corrente-

Chapter 13

#43.00 Confirmation of Chapter 13 Plan

FROM: 11-4-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On September 23, 2020, the Court entered a scheduling order [docket #18] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for February 8, 2021 at 2:30 p.m.

On January 25, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #30] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 16, 2020 [docket #2] ("Plan") on the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Michael W Elmassian and Teresa Marie Corrente-
terms set forth in the Statement and the attached worksheet.

Chapter 13

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 25, 2021 [docket #31] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On February 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on February 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$500 commencing on October 16, 2020. The due date for each payment is the 16th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 10% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$30,000. Debtors must pay sufficient funds to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Michael W Elmassian and Teresa Marie Corrente- Chapter 13

pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$100 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Michael W Elmassian and Teresa Marie Corrente-
preceding paragraph).

Chapter 13

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Michael W Elmassian and Teresa Marie Corrente-

Chapter 13

1. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$347.52 at a rate no less than \$15.11 per month for 23 months.
2. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$18,846 at a rate no less than \$314.10 per month for 60 months.
3. Gross income over \$65,000 is pledged to the Plan less tax deductions.
4. Additional provisions:
 - a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.
 - b. No claims listed in Class 3B (or any other class) shall be bifurcated.
 - c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.
 - d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.
 - e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Michael W Elmassian and Teresa Marie Corrente-

Chapter 13

be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... **Michael W Elmassian and Teresa Marie Corrente-**
attachment), that attachment is hereby disapproved and stricken.

Chapter 13

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

 All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$1,515.60 per month. (Creditor: Rushmore Loan).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Michael W Elmassian and Teresa Marie Corrente-

Chapter 13

suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Michael W Elmassian and Teresa Marie Corrente- Chapter 13

year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Michael W Elmassian

Represented By
Paul Y Lee

Joint Debtor(s):

Teresa Marie Corrente-Elmassian

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16289 Michael W Elmassian and Teresa Marie Corrente-

Chapter 13

#44.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-28-20

Docket 1

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Michael W Elmassian

Represented By
Paul Y Lee

Joint Debtor(s):

Teresa Marie Corrente-Elmassian

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16314 Michael Hancock and Stephanie Hancock

Chapter 13

#45.00 Confirmation of Chapter 13 Plan

FROM: 11-4-20

Docket 0

*** VACATED *** REASON: CASE DISMISSED 2-2-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Hancock

Represented By
Sundee M Teeple

Joint Debtor(s):

Stephanie Hancock

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16314 Michael Hancock and Stephanie Hancock

Chapter 13

#46.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-28-20

Docket 3

***** VACATED *** REASON: CASE DISMISSED 2-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Hancock

Represented By
Sundee M Teeple

Joint Debtor(s):

Stephanie Hancock

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16316 Esmeralda Quezada Mejia

Chapter 13

#47.00 Confirmation of Chapter 13 Plan

FROM: 11-4-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. If the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, written confirmation order with the following terms:

On September 23, 2020, the Court entered a scheduling order [docket #14] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for February 8, 2021 at 2:30 p.m.

On January 20, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #26] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 18, 2020 [docket #2] ("Plan") on the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Esmeralda Quezada Mejia

Chapter 13

terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 26, 2021 [docket #27] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On February 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on February 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is hereby confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting October 18, 2020, the monthly plan payment is \$707.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Esmeralda Quezada Mejia

Chapter 13

Starting October 18, 2024, the monthly plan payment is \$1,152.

The due date for each payment is the 18th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$47,760. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$350 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Esmeralda Quezada Mejia

Chapter 13

proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Esmeralda Quezada Mejia

Chapter 13

Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Flagstar Bank in the amount of \$149.56 at a rate no less than \$149.56 per month for one month.
2. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.
3. Debtors must pay at least \$40,944 to the unsecured creditors per the liquidation analysis.

4. Additional provisions:

a. Any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. In this case, encumbrances and liens may only be modified pursuant to an adversary proceeding or by separate motion. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Esmeralda Quezada Mejia

Chapter 13

confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT...

Esmeralda Quezada Mejia

Chapter 13

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$2,502.28 per month. (Creditor: Flagstar Bank).

All payments for the automobile loan for the 2017 Ford Explorer in the approximate amount of \$441 per month. (Creditor: Altura Credit Union).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Esmeralda Quezada Mejia

Chapter 13

sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

CONT... Esmeralda Quezada Mejia

Chapter 13

conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Esmeralda Quezada Mejia

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

2:30 PM

6:20-16316 Esmeralda Quezada Mejia

Chapter 13

#48.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-28-20

Docket 2

Tentative Ruling:

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible for both the confirmation hearing and the status conference. Whoever appears for the debtors must be prepared to approve the form of the confirmation order.

Party Information

Debtor(s):

Esmeralda Quezada Mejia

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

3:30 PM

6:19-20684 Kevin Michael Hunter, Jr. and Nicole Marie Hunter

Chapter 13

#49.00 Confirmation of Chapter 13 Plan

FROM: 1-22-20, 4-10-20, 7-31-20, 12-15-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 2-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Michael Hunter, Jr.

Represented By
Melissa A Raskey

Joint Debtor(s):

Nicole Marie Hunter

Represented By
Melissa A Raskey

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

3:30 PM

6:19-20684 Kevin Michael Hunter, Jr. and Nicole Marie Hunter

Chapter 13

#50.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 1-15-20, 4-10-20, 7-31-20, 12-15-20

Docket 8

***** VACATED *** REASON: CASE DISMISSED 2-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Michael Hunter, Jr.

Represented By
Melissa A Raskey

Joint Debtor(s):

Nicole Marie Hunter

Represented By
Melissa A Raskey

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

4:00 PM

6:20-11321 Kathryn Florence Butler

Chapter 13

#51.00 Confirmation of Chapter 13 Plan

FROM: 4-8-20, 6-3-20, 7-29-20, 10-28-20

Docket 30

***** VACATED *** REASON: CASE DISMISSED 10-20-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathryn Florence Butler

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

4:00 PM

6:20-11321 Kathryn Florence Butler

Chapter 13

#52.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-25-20, 6-3-20, 7-29-20, 10-28-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-20-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathryn Florence Butler

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

4:00 PM

6:20-11644 Juan Felipe Angeles, Jr. and Candida Yessenia Aguilar

Chapter 13

#53.00 Confirmation of Chapter 13 Plan

FROM: 4-8-20, 6-3-20, 7-29-20, 10-28-20

Docket 6

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-3-21;
CONT'D TO 4-12-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Felipe Angeles Jr.

Represented By
M. Wayne Tucker

Joint Debtor(s):

Candida Yessenia Aguilar

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

4:00 PM

6:20-11644 Juan Felipe Angeles, Jr. and Candida Yessenia Aguilar

Chapter 13

#54.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-25-20, 6-3-20, 7-29-20, 10-28-20

Docket 6

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-3-21;
CONT'D TO 4-12-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Felipe Angeles Jr.

Represented By
M. Wayne Tucker

Joint Debtor(s):

Candida Yessenia Aguilar

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, February 8, 2021

Hearing Room 304

4:00 PM

6:20-14171 Garfield Stephen Flowers

Chapter 13

#55.00 Confirmation of Chapter 13 Plan

FROM: 8-5-20, 10-28-20

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-3-21;
CONT'D TO 4-12-21 AT 11:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Garfield Stephen Flowers

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, February 8, 2021

Hearing Room 304

4:00 PM

6:20-14171 Garfield Stephen Flowers

Chapter 13

#56.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 7-22-20, 10-28-20

Docket 4

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-3-21;
CONT'D TO 4-12-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Garfield Stephen Flowers

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 9, 2021

Hearing Room 304

1:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#1.00 Hrg re motion to compel abandonment of property of the estate

Docket 272

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 9, 2021

Hearing Room 304

1:00 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

#2.00 Hrg re application to employ FitzGerald & Mule LLP as special labor and employment counsel

Docket 126

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw
Cionca IP Law P C
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 9, 2021

Hearing Room 304

1:00 PM

6:19-20060 Florencio Castro Martinez

Chapter 7

#3.00 Hrg re trustee's final report and applications for compensation

Docket 36

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

The Court thanks the trustee for his efforts and for administering a case with few non-exempt assets. The recovery was small but it will allow the trustee to pay approximately 50% of general unsecured claims. That is an excellent result in a case with such few assets. Well done!

Pursuant to the trustee's final report, the following administrative claims will be allowed:

(1) Trustee: fees of \$862.37.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Florencio Castro Martinez

Represented By
George P Hobson Jr

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 9, 2021

Hearing Room 304

1:00 PM

6:20-13919 Donald Ray Paulson

Chapter 7

#4.00 Hrg re trustee's motion to sell real property located at 1615 Bellevue Road, Readlands, CA; (1) outside the ordinary course of business; (2) free and clear of liens, claims, and interests under 11 U.S.C. Section 363(f) with all such liens, claims, and interests to attach to proceeds of sale; (3) for good faith determination under 11 U.S.C. Section 363(m); and (4) for waiver of 14-days stay

Docket 63

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Ray Paulson

Represented By
Ronald W Ask

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang
Garcia Reed & Ramirez LLP

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 9, 2021

Hearing Room 304

1:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#5.00 Hrg re motion to extend time to file a plan of reorganization

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 9, 2021

Hearing Room 304

1:00 PM

6:20-17506 Gary Outzen

Chapter 11

#6.00 Hrg re motion for order waiving compliance with certain UST reporting requirements

Docket 35

***** VACATED *** REASON: ORDER ENTERED 2-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Outzen

Represented By
Todd L Turoci

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 9, 2021

Hearing Room 304

2:00 PM

6:20-17506 Gary Outzen

Chapter 11

#7.00 Hrg re motion by United States Trustee to convert or dismiss chapter 11 case or remove debtor from possession

Docket 26

***** VACATED *** REASON: ORDER ENTERED 2-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Outzen

Represented By
Todd L Turoci

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, February 9, 2021

Hearing Room 304

3:00 PM

6:18-20473 CWP Cabinets

Chapter 7

#8.00 Hrg re motion for order extending time to file actions Under
11 U.S.C. § 546

Docket 0

*** VACATED *** REASON: NTC OF WITHDRAWAL FILED 1-26-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

11:00 AM

6:21-10092 Wilson Towing LLC Respondent Superior

Chapter 7

#1.00 Hrg re emergency motion to dismiss petition for involuntary bankruptcy

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wilson Towing LLC Respondent

Represented By
Robert K Wing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

1:30 PM

6:20-18103 Dolores Marina Mendez

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21; CONT'D TO 6-28-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dolores Marina Mendez

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, February 10, 2021

Hearing Room 304

1:30 PM

6:20-18183 Ryan Andrew Murphy and Monique Antoinette Murphy

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21; CONT'D TO 6-28-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Andrew Murphy

Represented By
Paul Y Lee

Joint Debtor(s):

Monique Antoinette Murphy

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

1:30 PM

6:21-10007 Mia Susanne Moyer

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21; CONT'D TO 6-28-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mia Susanne Moyer

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

1:30 PM

6:21-10008 Carlos Juarez, Jr. and Cynthia Montanez

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21; CONT'D TO 6-28-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Juarez Jr.

Represented By
Michael D Franco

Joint Debtor(s):

Cynthia Montanez

Represented By
Michael D Franco

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

1:30 PM

6:21-10013 Carlos R. Garcia-Prieto

Chapter 13

#5.01 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21; CONT'D TO 6-28-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos R. Garcia-Prieto

Represented By
Cynthia A Dunning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

6:16-16893 Laura Gay McDade

Chapter 13

#6.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 50

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 2-1-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Gay McDade

Represented By
Keith Q Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

6:16-18622 Rene Bocanegra

Chapter 13

#7.00 Hrg re trustee's motion to dismiss case regarding unreasonable delay

Docket 67

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 1-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rene Bocanegra

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

6:17-11643 Michael Alvarez and Roxanne E Alvarez

Chapter 13

#8.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 127

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-19-21; ADVANCED TO 1-27-21 AT 2:25 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Alvarez

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Joint Debtor(s):

Roxanne E Alvarez

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

6:17-13880 Longino Navarro

Chapter 13

#9.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 59

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 1-19-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Longino Navarro

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

6:18-11896 Steven Zamarripa

Chapter 13

#10.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 118

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 2-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Zamarripa

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

6:18-17577 Marsha M. Zachary

Chapter 13

#11.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 75

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 1/21/22**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marsha M. Zachary

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

6:17-11893 Jesus Garcia Rodriguez and Rosalba Garcia Carranza

Chapter 13

#12.00 Hrg re application of attorney for debtor for additional fees and related expenses in a pending chapter 13 case subject to a rights and responsibilities agreement (RARA) for the period of 1-10-18 to 1-10-18

Docket 59

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-4-21;
CONT'D TO 4-21-21 AT 2:15 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Garcia Rodriguez

Represented By
Jenny L Doling

Joint Debtor(s):

Rosalba Garcia Carranza

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

6:17-11893 Jesus Garcia Rodriguez and Rosalba Garcia Carranza

Chapter 13

#13.00 Hrg re application of attorney for debtor for additional fees and related expenses in a pending chapter 13 case subject to a rights and responsibilities agreement (RARA) for the period of 3-19-19 to 3-19-19

Docket 60

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-4-21;
CONT'D TO 4-21-21 AT 2:15 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Garcia Rodriguez

Represented By
Jenny L Doling

Joint Debtor(s):

Rosalba Garcia Carranza

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

6:17-11893 Jesus Garcia Rodriguez and Rosalba Garcia Carranza

Chapter 13

#14.00 Hrg re application of attorney for debtor for additional fees and related expenses in a pending chapter 13 case subject to a rights and responsibilities agreement (RARA) for the period of 2-19-20 to 2-19-20

Docket 61

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-4-21;
CONT'D TO 4-21-21 AT 2:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Garcia Rodriguez

Represented By
Jenny L Doling

Joint Debtor(s):

Rosalba Garcia Carranza

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

6:19-11959 Angel Tellez Zamudio

Chapter 13

#15.00 Hrg re motion for order disallowing claim number 5 filed by Ally Bank

Docket 39

Tentative Ruling:

Final Ruling. The objection to claim has been set for hearing on the notice required by Federal Rule of Bankruptcy Procedure 3007 and Local Bankruptcy Rules ("LBR") 3007-1 and 9013-1(d)(2). The failure of the claimant to file written opposition at least 14 days before the hearing as required by LBR 3007-1(b)(6) and 9013-1(h) is deemed consent to the sustaining of the objection. *See* LBR 9013-1(h); *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* LBR 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion pursuant to 11 U.S.C. § 502(b). Secured claim #5 in the amount of \$20,214.74 filed by Ally Bank is hereby deemed paid in full and disallowed on that basis

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Angel Tellez Zamudio

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

CONT... Angel Tellez Zamudio

Dana Travis

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

6:20-17897 Sandra K. Shea

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 5-10-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra K. Shea

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

6:20-17950 Maria Del Rosario Jimenez

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

Docket 7

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 5-10-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Del Rosario Jimenez

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:00 PM

6:20-18078 Michelle Renee Maria Andrade

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-5-21;
CONT'D TO 5-10-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Renee Maria Andrade

Represented By
Barry E Borowitz
Heather J Canning

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, February 10, 2021

Hearing Room 304

2:15 PM

6:16-18115 Antony Alkas and Pamela Olson

Chapter 13

#18.01 Hrg re trustee's motion to dismiss case regarding delinquency

ADVANCED FROM 2-24-21

Docket 113

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antony Alkas

Represented By
Susan Jill Wolf

Joint Debtor(s):

Pamela Olson

Represented By
Susan Jill Wolf

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

2:30 PM

6:19-14068 Rachelle Anne Dancause

Chapter 13

#19.00 Motion for relief from stay

RANCHO CALIFORNIA RV RESORT OWNERS VS DEBTOR

Property: 45-525 HWY 79 #10, Aguanga, CA 92536
[Real Prop] Reilly D. Wilkinson, attorney/movant

Docket 38

Tentative Ruling:

The motion for relief from stay has been filed by a homeowners' association: Rancho California RV Resort Owners Association ("Rancho"). The motion asserts that Rancho has not been paid eight post-petition HOA payments. However, paragraphs 3(f)(1) and 5(a) of the confirmation order entered on June 26, 2019 specifically provide that the trustee would pay both the pre-petition arrears and the post-petition HOA dues. And according to the latest report filed by the trustee on September 30, 2020 [docket #36] the trustee has been making both sets of payments. The report indicates the trustee has paid \$4,329.60 on account of the pre-petition claim and \$6,870 on account of the post-petition HOA dues. Assuming the trustee's report is accurate then, if Rancho has been properly applying the payments, the relief from stay motion would not appear to be well founded.

Party Information

Debtor(s):

Rachelle Anne Dancause

Represented By
Julie J Villalobos

Movant(s):

Rancho California RV Resort

Represented By
Reilly D Wilkinson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

3:00 PM

6:15-17923 Amber A Wood

Chapter 13

#20.00 Hrg re application of attorney for debtor for additional fees and related expenses
FROM: 7-22-20, 10-28-20, 12-2-20

Docket 187

Tentative Ruling:

Final Ruling. This is a continued hearing regarding the supplemental fee application of the Law Offices of Michael Jay Berger. **No appearance is necessary.**

As requested and discussed in the various pleadings, the court approves fees and costs to The Law Offices of Michael Jay Berger in the amount of \$3,325 in fees and \$193.48 in expenses.

The moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Amber A Wood

Represented By
Michael Jay Berger

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 10, 2021

Hearing Room 304

3:00 PM

CONT... Amber A Wood

Chapter 13

Movant(s):

Amber A Wood

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

8:30 AM

6:20-16060 Atoshaa Marie Turner

Chapter 7

#1.00 Hrg re reaffirmation agreement filed 11-18-20 between Debtor and Hyundai Capital America DBA Kia Motors Finance in the amount of \$1,631.15

RE: 2015 Kia Optima

FROM: 1-14-21

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-8-21;
CONT'D TO 3-25-21 AT 8:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Atoshaa Marie Turner

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

8:30 AM

6:20-16442 Mike Luis Vega

Chapter 7

#2.00 Hrg re reaffirmation agreement filed 11-29-20 between Debtor and U.S. Bank National Association in the amount of \$40,465.95

RE: 2018 Chevrolet Truck Silverado 1500

FROM: 1-14-21

Docket 9

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-8-21;
CONT'D TO 3-25-21 AT 8:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mike Luis Vega

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

8:30 AM

6:20-16890 Matthew Michael Bomengen

Chapter 7

#3.00 Hrg re reaffirmation agreement filed 12-9-20 between Debtor and Bank of America, N.A. in the amount of \$19,893.59

RE: 2018 Honda Accord Sedan #3147

FROM: 1-13-21

Docket 8

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-8-21;
CONT'D TO 3-25-21 AT 8:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Matthew Michael Bomengen	Pro Se
--------------------------	--------

Trustee(s):

Robert Whitmore (TR)	Pro Se
----------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

8:30 AM

6:20-17448 Alan Justus Mash

Chapter 7

#4.00 Hrg re reaffirmation agreement filed 12-18-20 between Debtor and Bank of the West in the amount of \$41,002.35

RE: 2017 Jayco North TT

FROM: 1-13-21

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-8-21;
CONT'D TO 3-25-21 AT 8:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alan Justus Mash

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:00 AM

6:20-16554 Velia Juarez

Chapter 7

#5.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL VS DEBTOR

Property: 16404 Barbee Street, Fontana, CA 92336
[Real Prop] Erica Taylor Loftis Pacheco, attorney/movant

Docket 13

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Velia Juarez

Represented By
Neil R Hedtke

Movant(s):

U.S. Bank Trust National

Represented By
Erica T Loftis Pacheco

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:00 AM

6:20-17610 Ruben Velasquez Heredia and Idalia Velazquez

Chapter 7

#6.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION VS. DEBTORS

Property: 2020 Toyota 4Runner
[Personal Prop] Austin P. Nagel, attorney/movant

Docket 18

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben Velasquez Heredia

Represented By
Todd L Turoci

Joint Debtor(s):

Idalia Velazquez

Represented By
Todd L Turoci

Movant(s):

TOYOTA MOTOR CREDIT

Represented By
Austin P Nagel

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:00 AM

6:20-17744 Robert Alexander Miller

Chapter 7

#7.00 Motion for relief from stay

MOBARZA KHAN VS DEBTOR

Property: Superior Court Docket Number CIVDS1936885
[Non Bk Forum] Rashid Shamin, attorney/movant

Docket 10

***** VACATED *** REASON: ORDER DENYING MOTION ENTERED 1
-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Alexander Miller

Represented By
Ethan Kiwhan Chin

Movant(s):

Mobarza Khan

Represented By
Rashid Shamin

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:00 AM

6:20-17874 Anabel Paloma Valenciano Alvarez

Chapter 7

#8.00 Motion for relief from stay

SANTANDER CONSUMER USA VS DEBTOR

Property: 2019 Jeep Compass
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anabel Paloma Valenciano Alvarez

Represented By
Brian J Soo-Hoo

Movant(s):

Santander Consumer USA Inc. dba

Represented By
Sheryl K Ith

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:00 AM

6:20-18076 Edgar Ayala Ortiz and Eymi Ayala Quintino

Chapter 7

#9.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION VS DEBTORS

Property: 2011 Toyota Corolla
[Personal Prop] Austin P. Nagel, attorney/movant

Docket 15

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edgar Ayala Ortiz

Represented By
Andy Nguyen

Joint Debtor(s):

Eymi Ayala Quintino

Represented By
Andy Nguyen

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:00 AM

6:20-18158 Blake Vincent Collins

Chapter 7

#10.00 Motion for relief from stay

PARTNERS FEDEERAL CREDIT UNION VS DEBTOR

Property: 2018 Ford F150
[Personal Prop] Yuri Voronin, attorney/movant

Docket 11

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Blake Vincent Collins

Represented By
James P Doan

Movant(s):

Partners Federal Credit Union

Represented By
Yuri Voronin

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:00 AM

6:21-10048 Rachel Arlene Campbell

Chapter 7

#11.00 Motion for relief from stay

AMERICREDIT FINANCIAL SERVICES VS DEBTOR

Property: 2020 Chevrolet Equinox
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 8

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-29-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rachel Arlene Campbell

Represented By
Neil R Hedtke

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Sheryl K Ith

Trustee(s):

Todd A. Frealy (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Thursday, February 11, 2021

Hearing Room 304

10:00 AM

6:21-10130 Paul Anthony Lambert

Chapter 7

#12.00 Motion for relief from stay

AMERICAN HONDA FINANCE CORPORATION VS DEBTOR

Property: 2018 Honda Civic
[Personal Prop] Vincent V. Frounjian, attorney/movant

Docket 7

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-29-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Anthony Lambert

Represented By
Melissa A Raskey

Movant(s):

American Honda Finance

Represented By
Vincent V Frounjian

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:30 AM

6:11-40323 Jose Aguilar

Chapter 13

Adv#: 6:20-01184 Aguilar v. OneWest Bank FSB, successor in interest to Indymac

#13.00 Status conference re: Complaint to avoid junior lien of Onewest Bank FSB

[Property: 14940 Spring Street, Fontana, CA 92335]

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-28-21; CONT'D TO 3-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Aguilar

Represented By
Javier H Castillo

Defendant(s):

OneWest Bank FSB, successor in

Pro Se

Plaintiff(s):

Jose Aguilar

Represented By
Javier H Castillo

Trustee(s):

Rod (MJ) Danielson (TR)

Represented By
Rod (MJ) Danielson (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:30 AM

6:15-18688 Manuel Moreno

Chapter 13

Adv#: 6:20-01175 Moreno et al v. JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,

#14.00 Status conference re: Complaint to avoid junior lien

[Property: 11364 Azure Ct, Fontana, CA 92337]

Docket 1

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 12-22-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Moreno

Represented By
James P Doan

Defendant(s):

JPMORGAN CHASE BANK,

Pro Se

Joint Debtor(s):

Sheryl Moreno

Represented By
James P Doan

Plaintiff(s):

Sheryl Moreno

Represented By
Jonathan D Doan

Manuel Moreno

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:30 AM

6:15-18688 Manuel Moreno

Chapter 13

Adv#: 6:20-01176 Moreno et al v. Mirabella Investments Group, LLC

#15.00 Status conference re: Complaint to avoid junior lien

[Property: 11364 Azure CT, Fontana, CA 92337]

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-10-21; CONT'D TO 5-12-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Moreno

Represented By
James P Doan

Defendant(s):

Mirabella Investments Group, LLC

Pro Se

Joint Debtor(s):

Sheryl Moreno

Represented By
James P Doan

Plaintiff(s):

Sheryl Moreno

Represented By
Jonathan D Doan

Manuel Moreno

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:30 AM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:20-01177 Bui et al v. BMF CAPITAL LLC d/b/a BUSINESS MERCHANT

#16.00 Status conference re: Complaint for: (1) Declaratory relief; (2) Avoidance of preferential transfers; (3) Avoidance of lien and equitable subordination; (4) Avoidance and preservation of claims

Docket 1

*** VACATED *** REASON: NTC OF DISMISSAL FILED 1-29-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

BMF CAPITAL LLC d/b/a

Pro Se

INFLUX CAPITAL LLC, a New

Pro Se

DOES 1 to 4

Pro Se

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea
Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By
Elmer D Martin III
Curtis C. Jung
Clifford P Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:30 AM

CONT... Vario Corp.

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:30 AM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:20-01181 Bui et al v. KINGS CASH GROUP, LLC et al

#17.00 Status conference re: Complaint for (1) Declaratory relief; (2) Avoidance of preferential transfer; (3) Avoidance of lien and equitable subordination; (4) Avoidance and preservation of claims

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-8-21;
CONT'D TO 3-11-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

KINGS CASH GROUP, LLC

Pro Se

KALAMATA CAPITAL GROUP

Pro Se

Albert Gahfi

Pro Se

DOES 1-2

Pro Se

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea
Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By
Elmer D Martin III
Curtis C. Jung
Clifford P Jung

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:30 AM

CONT... Vario Corp.

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:30 AM

6:20-11199 Laura Elsa Aguilar-Recendez

Chapter 7

Adv#: 6:20-01183 Daff v. Avilez

#18.00 Status conference re: (1) Avoidance of interentional fraudulent transfers and recovery of same; (2) Avoidance of constructive fraudulent transfers and recovery of same; (3) Imposition of constructive trust or resulting trust; (4) Unjust enrichment; (5) Declaration relief; (6) Turnover of property of the estate; and (7) Disallowance of claims

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-8-21;
CONT'D TO 5-13-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Elsa Aguilar-Recendez

Represented By
Marcella Lucente

Defendant(s):

Elsa Avilez

Pro Se

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:30 AM

6:20-14160 Gilbert C Ramirez, Jr.

Chapter 11

Adv#: 6:20-01178 United States Trustee for the Central District of v. Ramirez, Jr. et al

#19.00 Status conference re: Complaint to deny debtors' discharge

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-8-21;
CONT'D TO 3-11-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert C Ramirez Jr.

Represented By
Leonard J Cravens

Defendant(s):

Gilbert C Ramirez Jr.

Pro Se

Patricia M Ramirez

Pro Se

Joint Debtor(s):

Patricia M Ramirez

Represented By
Leonard J Cravens

Plaintiff(s):

United States Trustee for the Central

Represented By
Everett L Green

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

10:30 AM

6:20-14758 Ridge Park Point, LLC

Chapter 7

Adv#: 6:20-01180 Cisneros, solely in his capacity as the chapter 7 v. National Merchants

#20.00 Status conference re: Complaint (1) Breach of contract; (2) Turnover

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-8-21;
CONT'D TO 3-11-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Defendant(s):

National Merchants Association,

Pro Se

Plaintiff(s):

A. Cisneros, solely in his capacity

Represented By
Nathan F Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm
Nathan F Smith

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Thursday, February 11, 2021

Hearing Room 304

11:00 AM

6:17-14073 James Anthony Rojas
Adv#: 6:20-01160 Tran v. Rojas

Chapter 7

#21.00 Status conference re: Complaint for determination of nondischargeability of debt
FROM: S/C 12-3-20

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-8-21;
CONT'D TO 3-11-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Anthony Rojas

Represented By
Rhonda Walker

Defendant(s):

James Anthony Rojas

Pro Se

Plaintiff(s):

San Tran

Represented By
Joshua R Engle

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

11:00 AM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:20-01167 Bui et al v. ML Factors Funding LLC et al

#22.00 Status conference re: Complaint for (1) Declaratory relief; (2) Avoidance of preferential transfers; (3) Avoidance of lien and equitable subordination; (4) Avoidance and preservation of claims; (5) Avoidance of fraudulent

FROM: S/C 1-7-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-8-21;
CONT'D TO 2-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

ML Factors Funding LLC	Pro Se
SPG Advance LLC, a New York	Pro Se
TVT 2.0, LLC, a Utah Limited	Pro Se
BP Funding, LLC, a New York LLC	Pro Se
David Rubin	Pro Se
Lazer Preizler	Pro Se
Baruch Weinstock	Pro Se
Samuel Selmar	Pro Se
Asher Fensterheim	Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

11:00 AM

CONT... Vario Corp.

Chapter 7

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea
Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By
Elmer D Martin III
Curtis C Jung
Clifford P Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

1:30 PM

6:15-18688 Manuel Moreno

Chapter 13

Adv#: 6:20-01176 Moreno et al v. Mirabella Investments Group, LLC

#23.00 Hrg re motion for default judgment

Docket 13

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-10-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Moreno

Represented By
James P Doan

Defendant(s):

Mirabella Investments Group, LLC

Pro Se

Joint Debtor(s):

Sheryl Moreno

Represented By
James P Doan

Plaintiff(s):

Sheryl Moreno

Represented By
Jonathan D Doan

Manuel Moreno

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

1:30 PM

6:18-13630 Windsor Holdings, LLC

Chapter 7

Adv#: 6:19-01146 Howard B. Grobstein, Chapter 7 Trustee v. Williams et al

#24.00 Pre-Trial conference re: Compliant for (1) Breach of contract; (2) Specific Performance; (3) Turnover; and (4) Disallowance of claims

FROM: S/C 1-16-20, P/T 9-17-20, 11-19-20, 12-10-20

Docket 1

***** VACATED *** REASON: DISMISSAL ORDER ENTERED 2-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Windsor Holdings, LLC

Represented By
Thomas C Corcovelos

Defendant(s):

Larry Williams

Pro Se

New Grand Senior Living, LLC

Pro Se

Windsor Business Solutions, Ltd.

Pro Se

Plaintiff(s):

Howard B. Grobstein, Chapter 7

Represented By
Anthony A Friedman
Todd M Arnold
David B Golubchik

Trustee(s):

Howard B Grobstein (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

1:30 PM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:20-01134 Bui et al v. McFarlane et al

#25.00 Status conference re: Complaint for: (1) Breach of employment contract; (2) Breach of duty of loyalty; (3) Breach of fiduciary duties; (4) Constructive fraud; (5) Intentional interference with prospective economic advantage; (6) Negligent interference with prospective economic advantage; (7) Misappropriation of trade secrets; (8) Unjust enrichment

FROM: S/C 11-5-20, 11-19-20

Docket 1

***** VACATED *** REASON: NTC OF DISMISSAL FILED 1-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

Adam McFarlane

Pro Se

DOES 1 THROUGH 10

Pro Se

Plaintiff(s):

Lynda Bui

Represented By
Leonard M Shulman
Elmer D Martin III

East West Bank

Represented By
Elmer D Martin III

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

1:30 PM

6:19-13413 Lucia Francia

Chapter 7

Adv#: 6:20-01137 Whitmore v. Francia dba Nelson Francia Trucking Company

#26.00 Status conference re: Complaint for turnover of property

FROM: S/C 11-5-20, 11-19-20

Docket 1

***** VACATED *** REASON: NOTICE OF DISMISSAL FILED 1-21-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lucia Francia

Represented By
Neil R Hedtke

Defendant(s):

Nelson Francia dba Nelson Francia

Pro Se

Plaintiff(s):

Robert S. Whitmore

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

1:30 PM

6:19-16826 Tina Michelle Pogue

Chapter 7

Adv#: 6:20-01146 Grobstein, Chapter 7 Trustee v. VAE Enterprises, Inc. et al

#27.00 Status conference re: Compliant for: (1) Avoidance of actual fraudulent transfer; (2) Avoidance of constructive fraudulent transfer; and (3) Recovery of avoided transfer

FROM: S/C 12-3-20

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 1-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tina Michelle Pogue

Represented By
Neil R Hedtke

Defendant(s):

VAE Enterprises, Inc.

Pro Se

South E Solutions, Inc.

Pro Se

Ricardo Carmona

Pro Se

Plaintiff(s):

Howard B Grobstein, Chapter 7

Represented By
Ori S Blumenfeld

Trustee(s):

Howard B Grobstein (TR)

Represented By
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

1:30 PM

6:19-16968 Leon Richard Mays

Chapter 7

Adv#: 6:19-01150 Meng et al v. Mays et al

#28.00 Hrg re motion for stay or abstention of adversary proceeding

Docket 47

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-10-21; CONT'D TO 3-11-21 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leon Richard Mays

Represented By
W. Derek May

Defendant(s):

Leon Richard Mays

Represented By
Baruch C Cohen

Darryl W Daniels

Represented By
Baruch C Cohen

Joint Debtor(s):

Darryl W Daniels

Represented By
W. Derek May

Plaintiff(s):

Vivian Meng

Represented By
Christopher J Langley
Michael Smith
Heidi M Cheng

Richard Meng

Represented By
Christopher J Langley
Michael Smith
Heidi M Cheng

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

1:30 PM

CONT... Leon Richard Mays

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

1:30 PM

6:19-18467 Romulo Loera

Chapter 7

Adv#: 6:20-01004 Troy Daul and Andrea Daul Trustees of the Troy Dau v. Loera

#29.00 Hrg re order to show cause regarding why the answer of the defendant should not be stricken and judgment entered in favor of the plaintiff

FROM: S/C 7-23-20, 8-6-20

Docket 0

***** VACATED *** REASON: ORDER CONT ENTERED 1-14-21;
CONT'D TO 8-12-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Romulo Loera

Represented By
Douglas A Crowder

Defendant(s):

Romulo Loera

Pro Se

Plaintiff(s):

Troy Daul and Andrea Daul Trustees

Represented By
Douglas A Plazak

Philip A. Radmer and Rita J.

Represented By
Douglas A Plazak

Mark A. Gilleland and Shirlee I.

Represented By
Douglas A Plazak

Trustee(s):

Larry D Simons (TR)

Represented By
David Seror

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

1:30 PM

6:19-18467 Romulo Loera

Chapter 7

Adv#: 6:20-01004 Troy Daul and Andrea Daul Trustees of the Troy Dau v. Loera

#30.00 Pre-trial conference re complaint to determine dischargeability and objecting to discharge

FROM: S/C 4-9-20, 5-7-20, 7-2-20, 7-23-20, 8-6-20

Docket 1

***** VACATED *** REASON: ORDER CONT ENTERED 1-14-21;
CONT'D TO 8-12-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Romulo Loera

Represented By
Douglas A Crowder

Defendant(s):

Romulo Loera

Pro Se

Plaintiff(s):

Troy Daul and Andrea Daul Trustees

Represented By
Douglas A Plazak

Philip A. Radmer and Rita J.

Represented By
Douglas A Plazak

Mark A. Gilleland and Shirlee I.

Represented By
Douglas A Plazak

Trustee(s):

Larry D Simons (TR)

Represented By
David Seror

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

1:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

Adv#: 6:20-01039 Dani Transport Services, Inc. v. Complete Business Solutions Group aka

#31.00 Pre-Trial conference re: Complaint to avoid and recover preferential and post - petition transfers

FROM: S/C 7-2-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-26-21; CONT'D TO 2-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Defendant(s):

Complete Business Solutions Group

Pro Se

Plaintiff(s):

Dani Transport Services, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, February 11, 2021

Hearing Room 304

1:30 PM

6:20-11309 Jonathan Lee Farris

Chapter 7

Adv#: 6:20-01147 Stanford Ventures, LLC v. Farris

#32.00 Status conference re: Complaint to determine dischargeability of debt

FROM: S/C 12-3-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-8-21;
CONT'D TO 2-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan Lee Farris

Represented By
Timothy McFarlin

Defendant(s):

Jonathan Lee Farris

Represented By
Timothy McFarlin

Plaintiff(s):

Stanford Ventures, LLC

Represented By
Richard L. Sturdevant

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

10:30 AM

6:21-10092 Wilson Towing LLC Respondent Superior

Chapter 7

#1.00 Hrg re status conference on involuntary petition

Docket 1

***** VACATED *** REASON: CASE DISMISSED 2-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wilson Towing LLC Respondent

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

1:00 PM

6:16-10096 Metropolitan Automotive Warehouse, Inc., a Califor

Chapter 7

#2.00 Hrg re trustee's final report and application for compensation

Docket 1343

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Metropolitan Automotive

Represented By
Garrick A Hollander
Peter W Lianides
Jeremy V Richards
Andrew B Levin
Michael J Kowalski
Nina L. Hawkinson

Trustee(s):

Lynda T. Bui (TR)

Represented By
Melissa Davis Lowe
James C Bastian Jr
Victor A Sahn
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

1:00 PM

6:16-10105 Star Auto Parts, Inc. a California corporation

Chapter 7

#3.00 Hrg re trustee's final report and application for compensation

Docket 239

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Star Auto Parts, Inc. a California

Represented By
Garrick A Hollander
Jeannie Kim
Peter W Lianides
Jeremy V Richards
Andrew B Levin

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

1:00 PM

6:18-16043 Cosmedx Science Inc.

Chapter 7

#4.00 Hrg re trustee's final report and application for compensation

Docket 313

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cosmedx Science Inc.

Represented By
David B Golubchik

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brandon J Iskander
James C Bastian Jr
Lauren E Raya

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

1:00 PM

6:18-16585 Oscar Lopez and Lourdes Lopez

Chapter 7

#5.00 Hrg re trustee's final report and applications for compensation

Docket 0

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).

No appearance is necessary.

The Court thanks the trustee for his efforts in this case. The trustee negotiated a settlement agreement with the debtors to recover a relatively small sum (\$5,000) and handled the related documents (the agreement, the motion, notice, order, etc.) as well as the collection work (over 18 months) without hiring counsel. That efficiency and effort maximized the recovery to non-administrative creditors. And while the recovery is relatively small, the creditors would not have received anything but for the work on the trustee. Well done!

Pursuant to the trustee's final report, the following administrative claim will be allowed:

- (1) Trustee: fees of \$1,250.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Oscar Lopez

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

1:00 PM

CONT... Oscar Lopez and Lourdes Lopez

Chapter 7

Mark E Bauman

Joint Debtor(s):

Lourdes Lopez

Represented By
Mark E Bauman

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

1:00 PM

6:18-19910 Rome Charles Walter and Laura Ruth Walter

Chapter 7

#6.00 Hrg re trustee's final report and application for compensation

Docket 65

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

The Court thanks the trustee and his professionals for their efforts in this case. The trustee negotiated a settlement agreement with the debtors to recover a significant sum (\$70,000) without hiring counsel. The trustee also successfully objected to multiple claims (again, without hiring counsel). That efficiency and effort maximized the recovery to non-administrative creditors. There were no other readily available non-exempt assets in the case and, therefore, creditors would not have received anything but for the work on the trustee. Well done!

Pursuant to the trustee's final report, the following administrative claims will be allowed:

- (1) Trustee: fees of \$6,750 and expenses of \$194.80 and
- (2) Hahn Fife & Company, LLP: fees of \$2,860 and expenses of \$397.50.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

1:00 PM

CONT... Rome Charles Walter and Laura Ruth Walter

Chapter 7

Party Information

Debtor(s):

Rome Charles Walter

Represented By
Arnold H. Wuhrman

Joint Debtor(s):

Laura Ruth Walter

Represented By
Arnold H. Wuhrman

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

1:00 PM

6:19-13569 Felicia Lynn Tyler

Chapter 7

#7.00 Hrg re trustee's final report and application for compensation

Docket 105

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

The Court thanks the trustee and his professionals for their efforts in this challenging case.

Pursuant to the trustee's final report, the following administrative claims will be allowed:

- (1) Trustee: fees of \$14,460.43 and expenses of \$169.90 and
- (2) Goe Forsythe & Hodges LLP: fees of \$20,000 and expenses of \$470.95.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Felicia Lynn Tyler

Represented By
Glen J Biondi

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

1:00 PM

CONT... Felicia Lynn Tyler

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Represented By
Robert P Goe
Ryan S Riddles

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

1:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#8.00 Hrg re motion for order approving stipulation authorizing debtor's use of cash collateral and granting adequate protection to secured creditors

Docket 35

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 3-9-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

1:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#9.00 Hrg re motion for order to approve compromise controversy and settlement and release agreement between Debtor and Rixon and Associates

Docket 39

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 3-9-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

1:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#10.00 Hg re motion to approve compromise between Debtor and Stanley R. Moroz

Docket 41

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 3-9-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, February 23, 2021

Hearing Room 304

2:00 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#11.00 Hrg re motion of United States Trustee to remove debtor in possession and expand the duties of the subchapter trustee

Docket 265

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci
Amelia Puertas-Samara

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

1:30 PM

6:21-10094 Patricia Ann Doublet

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-25-21; CONT'D TO 6-28-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Ann Doublet

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

1:30 PM

6:21-10114 Francisco Medrano and Claudia Mercedes Medrano

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-25-21; CONT'D TO 6-28-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Medrano

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Claudia Mercedes Medrano

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

1:30 PM

6:21-10143 Vito Joseph Palmisano

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-25-21; CONT'D TO 6-28-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vito Joseph Palmisano

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

1:30 PM

6:21-10158 Martin Romo

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-25-21; CONT'D TO 6-28-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Romo

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

1:30 PM

6:21-10274 Jose Viera Mendoza

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-25-21; CONT'D TO 6-28-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Viera Mendoza

Represented By
Siamak E Nehoray

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

1:30 PM

6:21-10307 James Richard Church

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-25-21; CONT'D TO 6-28-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Richard Church

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:00 PM

6:16-18115 Antony Alkas and Pamela Olson

Chapter 13

#7.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 113

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-29-21; ADVANCED TO 2-10-21 AT 2:15 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antony Alkas

Represented By
Susan Jill Wolf

Joint Debtor(s):

Pamela Olson

Represented By
Susan Jill Wolf

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:00 PM

6:18-14552 David Lynn Owens and Gayle Lynn Owens

Chapter 13

#8.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 37

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-18-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Lynn Owens

Represented By
Jonathan D Doan

Joint Debtor(s):

Gayle Lynn Owens

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 302 Calendar**

Wednesday, February 24, 2021

Hearing Room 302

2:00 PM

6:20-16923 Dennis E. Anderson and Kathleen A. Anderson

Chapter 13

#8.01 Hrg re trustee's motion to dismiss case regarding objection to plan confirmation

Docket 35

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 2-22-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dennis E. Anderson

Represented By
Joselina L Medrano

Joint Debtor(s):

Kathleen A. Anderson

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:00 PM

6:12-37113 Tamela Rochelle Cash-Curry

Chapter 13

#9.00 Hrg re motion to avoid lien with Citibank National Associaton

Docket 95

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 2-17-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tamela Rochelle Cash-Curry

Represented By
Andrew Moher

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:00 PM

6:12-37113 Tamela Rochelle Cash-Curry

Chapter 13

#10.00 Hrg re motion to avoid lien with Equable Ascent Financial, LLC

Docket 96

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tamela Rochelle Cash-Curry

Represented By
Andrew Moher

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:00 PM

6:12-37113 Tamela Rochelle Cash-Curry

Chapter 13

#11.00 Hrg re motion motion to avoid lien with Discover Bank

Docket 97

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 2-17-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tamela Rochelle Cash-Curry

Represented By
Andrew Moher

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:00 PM

6:20-17270 Thomas Anthony Zabala and Pamela Jean Zabala

Chapter 13

#12.00 Hrg re motion for order disallowing claim number 21 filed by Comdata, Inc.

Docket 35

Tentative Ruling:

Final Ruling. The objection to claim has been set for hearing on the notice required by Federal Rule of Bankruptcy Procedure 3007 and Local Bankruptcy Rules ("LBR") 3007-1 and 9013-1(d)(2). The failure of the claimant to file written opposition at least 14 days before the hearing as required by LBR 3007-1(b)(6) and 9013-1(h) is deemed consent to the sustaining of the objection. *See* LBR 9013-1(h); *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* LBR 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion pursuant to 11 U.S.C. § 502(b). General unsecured claim #21-1 in the amount of \$7,687.21 filed by Comdata Inc. is hereby disallowed.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:00 PM

CONT... Thomas Anthony Zabala and Pamela Jean Zabala

Chapter 13

Debtor(s):

Thomas Anthony Zabala

Represented By
Dana Travis

Joint Debtor(s):

Pamela Jean Zabala

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:00 PM

6:20-18103 Dolores Marina Mendez

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21; CONT'D TO 6-28-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dolores Marina Mendez

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:00 PM

6:20-18183 Ryan Andrew Murphy and Monique Antoinette Murphy

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21; CONT'D TO 6-28-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Andrew Murphy

Represented By
Paul Y Lee

Joint Debtor(s):

Monique Antoinette Murphy

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, February 24, 2021

Hearing Room 304

2:00 PM

6:21-10007 Mia Susanne Moyer

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21; CONT'D TO 6-28-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mia Susanne Moyer

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, February 24, 2021

Hearing Room 304

2:00 PM

6:21-10008 Carlos Juarez, Jr. and Cynthia Montanez

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21; CONT'D TO 6-28-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Juarez Jr.

Represented By
Michael D Franco

Joint Debtor(s):

Cynthia Montanez

Represented By
Michael D Franco

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:00 PM

6:21-10013 Carlos R. Garcia-Prieto

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-15-21; CONT'D TO 6-28-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos R. Garcia-Prieto

Represented By
Cynthia A Dunning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:30 PM

6:16-18384 Beverly Mary Langdon

Chapter 13

#18.00 Motion for relief from stay

REVERSE MORTGAGE FUNDING VS DEBTOR

Property: 31242 Orange Avenue, Nuevo, CA 92567
[Real Prop] Sean C. Ferry, attorney/movant

Docket 55

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-16-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Beverly Mary Langdon

Represented By
Summer M Shaw

Movant(s):

Reverse Mortgage Funding LLC

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:30 PM

6:17-12430 Patsy De La Cruz

Chapter 13

#19.00 Motion for relief from stay

CHAMPION MORTGAGE COMPANY VS. DEBTOR

Property: 6025 Tokay Road, Phelan, CA 92329
[Real Prop] Josephine E. Salmon, attorney/movant

Docket 114

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-18-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patsy De La Cruz

Represented By
Andy C Warshaw

Movant(s):

Champion Mortgage Company

Represented By
Josephine E Salmon

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:30 PM

6:18-15336 Teresa Hinojos Romo

Chapter 13

#20.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON VS DEBTOR

Property: 15111 Monterey Avenue, Chino Hills, CA 91709
[Real Prop] Sean Ferry, attorney/movant

Docket 58

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-16-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Teresa Hinojos Romo

Represented By
D Justin Harelik

Movant(s):

THE BANK OF NEW YORK

Represented By
Sean C Ferry
Eric P Enciso

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:30 PM

6:21-10191 Glenda R Murphy

Chapter 13

#21.00 Motion for relief from stay

CATAMOUNT PROPERTIES 2018, LLC VS DEBTOR

Property: 5812 San Sevaine Rd., Rancho Cucamonga, CA 91739
[UD] Amelia B. Valenzuela, attorney/movant

Docket 8

***** VACATED *** REASON: MEMORANDUM OF DECISION
ENTERED 2-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Glenda R Murphy

Pro Se

Movant(s):

Catamount Properties 2018, LLC, its

Represented By
Amelia B. Valenzuela

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:30 PM

6:21-10192 Mary L Lee

Chapter 13

#22.00 Motion for relief from stay

CATAMOUNT PROPERTIES 2018, LLC VS DEBTOR

Property: 5812 San Sevaine Rd., Rancho Cucamonga, CA 91739
[UD] Amelia B. Valenzuela, attorney/movant

Docket 9

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-16-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary L Lee

Pro Se

Movant(s):

Catamount Properties 2018, LLC, its

Represented By
Amelia B. Valenzuela

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:30 PM

6:21-10538 Paul Joseph Elwart and Angela Elli Elwart

Chapter 13

#23.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Joseph Elwart

Represented By
Paul Y Lee

Joint Debtor(s):

Angela Elli Elwart

Represented By
Paul Y Lee

Movant(s):

Paul Joseph Elwart

Represented By
Paul Y Lee

Angela Elli Elwart

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:30 PM

6:21-10623 Cecilia Leonard

Chapter 13

#24.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 8

Tentative Ruling:

The following cases stand for the proposition that a bankruptcy case is no longer "pending" once it is dismissed (even if the case is closed months later). It is the date of dismissal that controls whether a case is pending rather than the date the case is closed. The court has not found any contrary authority.

In re Moore, 337 B.R. 79 (Bankr. E.D.N.C. 2005)

In re Williams, 363 B.R. 786 (Bankr. E.D.Va. 2006)

In re Lundquist, 371 B.R. 183 (Bankr. N.D. Tex. 2007)

In re Franklin, 2006 Bankr. LEXIS 4085 (Bankr. D.S.C. June 12, 2006)

In re Easthope, 2006 Bankr. LEXIS 826 (Bankr. D. Utah Mar. 28, 2006)

Windcrest Park Townhome Ass'n v. Walker (In re Walker), 2019 Bankr. LEXIS 2465 (Bankr. N.D. Ga. Aug. 8, 2019)

Party Information

Debtor(s):

Cecilia Leonard

Represented By
Benjamin R Heston

Movant(s):

Cecilia Leonard

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, February 24, 2021

Hearing Room 304

2:30 PM

CONT...

Cecilia Leonard

Benjamin R Heston

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, February 26, 2021

Hearing Room 304

1:00 PM

6:10-16163 Lawrence Eugene Forester and Vicki Lovell Forester

Chapter 13

#1.00 Hrg re motion to avoid junior lien on principal residence or in the alternative application for entry of order nunc pro tunc on motion to avoid junior lien on principal residence upon Citibank N.A.

[Property: 4525 Center Ave., Norco, CA 92860]

FROM: 3-4-20, 4-22-20, 7-24-20, 10-23-20, 1-8-21, 1-15-21

Docket 105

***** VACATED *** REASON: ORDER ENTERED 2-10-21; CONT'D TO 5
-13-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Joint Debtor(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, February 26, 2021

Hearing Room 304

1:00 PM

6:10-16163 Lawrence Eugene Forester and Vicki Lovell Forester

Chapter 13

#2.00 Hrg re objection to claim number 10 filed by Citibank N.A.

FROM: 5-6-20, 7-24-20, 10-23-20, 1-8-21, 1-15-21

Docket 110

***** VACATED *** REASON: ORDER ENTERED 2-10-21; CONT'D TO 5
-13-21 AT 2:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Joint Debtor(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, February 26, 2021

Hearing Room 304

2:00 PM

6:18-16396 Leslie E. Tingley

Chapter 7

#3.00 Hrg re motion to reopen chapter 7 case

FROM: 6-24-20, 7-14-20, 10-6-20, 1-8-21, 1-15-21

Docket 17

***** VACATED *** REASON: ORDER CONT ENTERED 2-25-21;
CONT'D TO 5-13-21 AT 3:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Leslie E. Tingley

Represented By
Michael D Franco

Movant(s):

Leslie E. Tingley

Represented By
Michael D Franco
Michael D Franco
Michael D Franco
Michael D Franco

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, February 26, 2021

Hearing Room 304

3:00 PM

6:15-14301 Jose Quines Yolo and Ameurfina Tolentino Yolo

Chapter 13

#4.00 Hrg re motion to continue case administration and appointment of Joahnna Yolo as the representative for deceased debtors and for waiver to complete financial management course due to death of both debtors

FROM: 11-18-20, 1-15-21

Docket 75

Tentative Ruling:

Party Information

Debtor(s):

Jose Quines Yolo

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Ameurfina Tolentino Yolo

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 2, 2021

Hearing Room 304

11:00 AM

6:13-22630 Derek Ryan Ross and Tammy Ann Ross

Chapter 7

#1.00 Hrg re motion to avoid lien with Nikiforos and Georgia Valakantjis

[Property: 8365 Avenida Leon, Rancho Cucamonga, San Bernardino, C
91730-3412]

Docket 27

***** VACATED *** REASON: NTC OF WITHDRAWAL OF MOTION
FILED 2-4-21**

Party Information

Debtor(s):

Derek Ryan Ross

Represented By
M Stephen Cho
David Jacob

Joint Debtor(s):

Tammy Ann Ross

Represented By
M Stephen Cho
David Jacob

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 2, 2021

Hearing Room 304

11:00 AM

6:13-22630 Derek Ryan Ross and Tammy Ann Ross

Chapter 7

#2.00 Hrg re motion to avoid lien with TB Bank USA N.A.

[Property: 8365 Avenida Leon, Rancho Cucamonga, San Bernardino, C
91730-3412]

Docket 26

***** VACATED *** REASON: NTC OF WITHDRAWAL OF MOTION
FILED 2-4-21**

Party Information

Debtor(s):

Derek Ryan Ross

Represented By
M Stephen Cho
David Jacob

Joint Debtor(s):

Tammy Ann Ross

Represented By
M Stephen Cho
David Jacob

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 2, 2021

Hearing Room 304

11:00 AM

6:13-22630 Derek Ryan Ross and Tammy Ann Ross

Chapter 7

#3.00 Hrg re motion to avoid line with MCT Group

[Property: 8365 Avenida Leon, Ranch Cucamonga, San Bernardino, CA
91730-3412]

Docket 25

***** VACATED *** REASON: NTC OF WITHDRAWAL OF MOTION
FILED 2-4-21**

Party Information

Debtor(s):

Derek Ryan Ross

Represented By
M Stephen Cho
David Jacob

Joint Debtor(s):

Tammy Ann Ross

Represented By
M Stephen Cho
David Jacob

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

6:20-16448 Robert Frank Gonzales

Chapter 13

#1.00 Confirmation of Chapter 13 Plan

FROM: 11-18-21

Docket 0

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

CONT...

Robert Frank Gonzales

Chapter 13

On October 6, 2020, the Court entered a scheduling order [docket #14] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for March 8, 2021 at 1:30 p.m.

On February 17, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #28] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 24, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on February 17, 2021 [docket #29] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On March 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on March 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting October 24, 2020, the monthly plan payment is \$600.

Starting March 24, 2021, the monthly plan payment is \$932.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

CONT... Robert Frank Gonzales

Chapter 13

The due date for each payment is the 24th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$54,260. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,200, counsel is entitled to payment of \$3,800 from the estate at a rate no more than \$380 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

CONT...

Robert Frank Gonzales

Chapter 13

priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

CONT... Robert Frank Gonzales

Chapter 13

the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$1,876.16 at a rate no less than \$31.27 per month for 60 months.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

CONT...

Robert Frank Gonzales

Chapter 13

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

CONT... Robert Frank Gonzales

Chapter 13

attachment), that attachment is hereby disapproved and stricken.

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2020 Nissan Versa in the approximate amount of \$386 per month. (Creditor: TD Auto Finance).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

CONT... Robert Frank Gonzales

Chapter 13

motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

CONT... Robert Frank Gonzales

Chapter 13

Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Robert Frank Gonzales

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

6:20-16448 Robert Frank Gonzales

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Robert Frank Gonzales

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

6:20-16462 Vicente Ayala

Chapter 13

#3.00 Confirmation of Chapter 13 Plan

FROM: 11-18-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vicente Ayala

Represented By
Raymond J Seo

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, March 8, 2021

Hearing Room 304

1:30 PM

6:20-16462 Vicente Ayala

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-4-20

Docket 2

*** VACATED *** REASON: CASE DISMISSED 3-2-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vicente Ayala

Represented By
Raymond J Seo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

6:20-16484 Eurhonda Knight

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

FROM: 11-18-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

Party Information

Debtor(s):

Eurhonda Knight

Represented By
Tom A Moore

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

6:20-16484 Eurhonda Knight

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-4-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

Party Information

Debtor(s):

Eurhonda Knight

Represented By
Tom A Moore

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

6:20-16549 Fernando Garcia and Veronica Raygoza

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

FROM: 11-18-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 2-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Garcia

Represented By
Andrew Nguyen

Joint Debtor(s):

Veronica Raygoza

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

6:20-16549 Fernando Garcia and Veronica Raygoza

Chapter 13

#8.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-4-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 2-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Garcia

Represented By
Andrew Nguyen

Joint Debtor(s):

Veronica Raygoza

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

6:20-16567 Carlos R. Garcia-Prieto

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

FROM: 11-18-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 11-19-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos R. Garcia-Prieto

Represented By
Cynthia A Dunning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

1:30 PM

6:20-16567 Carlos R. Garcia-Prieto

Chapter 13

#10.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-4-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 11-19-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos R. Garcia-Prieto

Represented By
Cynthia A Dunning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16671 Marco Tulio Valle

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

FROM: 12-2-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 12-1-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marco Tulio Valle

Represented By
Bahram Madaen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16671 Marco Tulio Valle

Chapter 13

#12.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-18-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 12-1-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marco Tulio Valle

Represented By
Bahram Madaen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16706 Debra M Malyszek

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

FROM: 12-2-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 12-1-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Debra M Malyszek

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16706 Debra M Malyszek

Chapter 13

#14.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 11-18-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 12-1-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Debra M Malyszek

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16712 Urania Ursa Banks

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

FROM: 12-2-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

Party Information

Debtor(s):

Urania Ursa Banks

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16712 Urania Ursa Banks

Chapter 13

#16.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 11-18-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

Party Information

Debtor(s):

Urania Ursa Banks

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16714 Alma Rosa Amaya

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

FROM: 12-2-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

Party Information

Debtor(s):

Alma Rosa Amaya

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16714 Alma Rosa Amaya

Chapter 13

#18.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 11-18-20

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

Party Information

Debtor(s):

Alma Rosa Amaya

Represented By
Stephen S Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16749 Katherine Denise Harris

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

FROM: 12-2-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-30-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Katherine Denise Harris

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16749 Katherine Denise Harris

Chapter 13

#20.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-18-20

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10-30-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Katherine Denise Harris

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16754 Ana D. Guevara

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

FROM: 12-2-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 3-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana D. Guevara

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16754 Ana D. Guevara

Chapter 13

#22.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-18-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 3-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana D. Guevara

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16809 Jaliyah Zayalie Rutledge

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

FROM: 12-9-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-28-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaliyah Zayalie Rutledge

Represented By
Rhonda Walker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16809 Jaliyah Zayalie Rutledge

Chapter 13

#24.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-18-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-28-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaliyah Zayalie Rutledge

Represented By
Rhonda Walker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16813 Christian Adan Montoya and Iris Magana

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

FROM: 12-9-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

Christian Adan Montoya and Iris Magana

Chapter 13

On October 20, 2020, the Court entered a scheduling order [docket #16] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for March 8, 2021 at 2:30 p.m.

On February 17, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #30] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on October 13, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on February 18, 2021 [docket #31] agreeing with the Trustee's terms in the Statement and the worksheet.

The Debtors have not objected to the Court's procedures order [docket #13] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On March 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on March 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting November 13, 2020, the monthly plan payment is \$602.

Starting December 13, 2020, the monthly plan payment is \$848.

Starting November 13, 2021, the monthly plan payment is \$1,283.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... Christian Adan Montoya and Iris Magana

Chapter 13

The due date for each payment is the 13th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 27% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$71,514. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$350 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

Christian Adan Montoya and Iris Magana

Chapter 13

claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

Christian Adan Montoya and Iris Magana

Chapter 13

f. Interlineations:

1. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$1,139.93 at a rate no less than \$19 per month for 60 months.
2. The Trustee shall pay the secured claim of Pennymac Loan Services in the amount of \$4,371.29 at a rate no less than \$72.85 per month for 60 months.
3. The Trustee shall pay the secured claim of Americredit in the amount of \$3,186.85 at a rate no less than \$58.69 per month for 60 months with interest at the rate of 4% per annum.
4. The Trustee shall pay the secured claim of Alaska USA Federal Credit Union in the amount of \$16,496.41 at a rate no less than \$303.81 per month for 60 months with interest at the rate of 4% per annum.
5. Gross income over \$98,000 is pledged to the Plan less tax deductions.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... Christian Adan Montoya and Iris Magana

Chapter 13

this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... Christian Adan Montoya and Iris Magana Chapter 13

paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$2,058.34 per month. (Creditor: Pennymac Loan Services).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... Christian Adan Montoya and Iris Magana Chapter 13

required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... Christian Adan Montoya and Iris Magana

Chapter 13

2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Christian Adan Montoya

Represented By
Paul Y Lee

Joint Debtor(s):

Iris Magana

Represented By
Paul Y Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... Christian Adan Montoya and Iris Magana

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16813 Christian Adan Montoya and Iris Magana

Chapter 13

#26.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 11-18-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Christian Adan Montoya

Represented By
Paul Y Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... Christian Adan Montoya and Iris Magana

Chapter 13

Joint Debtor(s):

Iris Magana

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16850 Daniel Glen Goldstein

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

FROM: 12-9-20

Docket 1

*** VACATED *** REASON: CASE DISMISSED 11-19-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Glen Goldstein

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16850 Daniel Glen Goldstein

Chapter 13

#28.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-18-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 11-19-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Glen Goldstein

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16855 Tramy Nguyen Tran Ho

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

FROM: 12-9-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-29-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tramy Nguyen Tran Ho

Represented By
David Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16855 Tramy Nguyen Tran Ho

Chapter 13

#30.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-18-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-29-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tramy Nguyen Tran Ho

Represented By
David Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16875 Christopher Perez

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

FROM: 12-9-20

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

Christopher Perez

Chapter 13

On October 20, 2020, the Court entered a scheduling order [docket #16] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for March 8, 2021 at 2:30 p.m.

On February 17, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #28] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on October 15, 2020 [docket #5] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on February 18, 2021 [docket #29] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On March 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on March 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting November 15, 2020, the monthly plan payment is \$1,671.

Starting March 15, 2021, the monthly plan payment is \$1,698.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... Christopher Perez

Chapter 13

The due date for each payment is the 15th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$101,772. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,625, counsel is entitled to payment of \$3,375 from the estate at a rate no more than \$337.50 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

Christopher Perez

Chapter 13

priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

Christopher Perez

Chapter 13

the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Exeter Finance in the amount of \$29,841.19 at a rate no less than \$539.53 per month for 60 months with interest at the rate of 3.25% per annum.
2. The Trustee shall pay the secured claim of SchoolsFirst Federal Credit Union in the amount of \$18,251.46 at a rate no less than \$329.98 per month for 60 months with interest at the rate of 3.25% per annum.
3. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

Christopher Perez

Chapter 13

hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

Christopher Perez

Chapter 13

mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors.

b. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing.

d. If the Debtors later seek to convert this case to another chapter or to dismiss

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

Christopher Perez

Chapter 13

this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Christopher Perez

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16875 Christopher Perez

Chapter 13

#32.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 11-18-20

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Christopher Perez

Represented By
Sundee M Teeple

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... Christopher Perez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16877 Hugh Alexander Duncan

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

FROM: 12-9-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

Hugh Alexander Duncan

Chapter 13

On October 20, 2020, the Court entered a scheduling order [docket #13] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for March 8, 2021 at 2:30 p.m.

On February 17, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #24] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on October 15, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on February 18, 2021 [docket #25] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On March 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on March 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$800 commencing on November 15, 2020. The due date for each payment is the 15th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 35% of their allowed claims. The Plan is confirmed as

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... Hugh Alexander Duncan

Chapter 13

a base plan and the base plan amount is \$48,000. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,000, counsel is entitled to payment of \$4,000 from the estate at a rate no more than \$250 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

Hugh Alexander Duncan
preceding paragraph).

Chapter 13

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Kinecta Federal Credit Union in the amount of \$13,861.98 at a rate no less than

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

Hugh Alexander Duncan

Chapter 13

\$415.46 per month for 36 months with interest at the rate of 5% per annum.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... Hugh Alexander Duncan

Chapter 13

location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

Hugh Alexander Duncan

Chapter 13

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors.

b. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing.

d. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Hugh Alexander Duncan

Represented By
Raj T Wadhvani

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... Hugh Alexander Duncan

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16877 Hugh Alexander Duncan

Chapter 13

#34.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 11-18-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Hugh Alexander Duncan

Represented By
Raj T Wadhvani

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... Hugh Alexander Duncan

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16914 David Lopez

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

FROM: 12-9-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

David Lopez

Chapter 13

On October 20, 2020, the Court entered a scheduling order [docket #16] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for March 8, 2021 at 2:30 p.m.

On February 17, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #31] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on October 16, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on February 18, 2021 [docket #32] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On March 8, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on March 8, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting November 16, 2020, the monthly plan payment is \$1,025.

Starting March 16, 2021, the monthly plan payment is \$1,440.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... David Lopez

Chapter 13

The due date for each payment is the 16th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$84,740. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$350 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

David Lopez

Chapter 13

priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... David Lopez

Chapter 13

the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Caliber Home Loans in the amount of \$763.34 at a rate no less than \$15.27 per month for 50 months.
2. The Trustee shall pay the secured claim of Ally Bank in the amount of \$14.82 at a rate no less than \$14.82 per month for one month.
3. Debtors must pay 100% to the unsecured creditors per the liquidation analysis.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

David Lopez

Chapter 13

case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

David Lopez

Chapter 13

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$2,267.56 per month. (Creditor: Caliber Home Loans).

All payments for the automobile loan for the 2015 Honda Civic in the approximate amount of \$296.37 per month. (Creditor: Ally Bank).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

David Lopez

Chapter 13

advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT...

David Lopez

Chapter 13

Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, the 2019 Acura TLX ("Abandoned Property") is hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... David Lopez

Chapter 13

Debtor(s):

David Lopez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16914 David Lopez

Chapter 13

#36.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 11-18-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

David Lopez

Represented By
Paul Y Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

CONT... David Lopez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16923 Dennis E. Anderson and Kathleen A. Anderson

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

FROM: 12-9-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

Party Information

Debtor(s):

Dennis E. Anderson

Represented By
Joselina L Medrano

Joint Debtor(s):

Kathleen A. Anderson

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, March 8, 2021

Hearing Room 304

2:30 PM

6:20-16923 Dennis E. Anderson and Kathleen A. Anderson

Chapter 13

#38.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-18-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604553036>
Meeting ID: 160 455 3036
Password: 325632

Party Information

Debtor(s):

Dennis E. Anderson

Represented By
Joselina L Medrano

Joint Debtor(s):

Kathleen A. Anderson

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

1:00 PM

6:15-20958 Annette M Dureso

Chapter 7

#1.00 Hrg re trustee's final report and applications for compensation

Docket 26

***** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-23-21 AT 1:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annette M Dureso

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

1:00 PM

6:17-10151 Kevin Neri

Chapter 7

#2.00 Hrg re trustee's motion for order: (1) Approving the sale of real property of the estate free and clear of certain line

[Property: 555 South Indian Trail, Palm Springs, CA 92264]

Docket 164

***** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-23-21 AT 1:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Neri

Represented By
Christopher Hewitt

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

1:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#3.00 Hrg re motion to compel abandonment of property of the estate

Docket 276

***** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-23-21 AT 1:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

1:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#4.00 Hrg re motion for order approving settlement and compromise of disputes by and among Chapter 7 Trustee and Chain-Dab King and Related Parties

Docket 281

***** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-23-21 AT 1:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

1:00 PM

6:19-10728 Moo Jeong and Myoungja Jeong

Chapter 7

#5.00 Hrg re trustee's final report and applications for compensation

Docket 107

***** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-23-21 AT 1:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moo Jeong	Pro Se
-----------	--------

Joint Debtor(s):

Myoungja Jeong	Pro Se
----------------	--------

Trustee(s):

Karl T Anderson (TR)	Represented By Chad V Haes Tinho Mang
----------------------	---

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, March 9, 2021

Hearing Room 304

1:00 PM

6:19-15059 Daniel Meza

Chapter 7

#6.00 Hrg re trustee's final report and applications for compensation

Docket 28

*** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-23-21 AT 1:15 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Meza

Represented By
Natalie A Alvarado

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

1:00 PM

6:19-17045 Sheila San Agustin Cruz

Chapter 7

#7.00 Hrg re motion for order (1) Authorizing sale of real property free and clear of all liens, claims and encumbrances; (2) Approving overbid procedures; (3) Finding buyer as good faith; (4) Authorizing payments liens, real estate agent's commission and costs through escrow; (5) Authorizing payment of fifty percent of the net proceeds to Shara Buenafior; and (6) Waiving 14 day stay

[Property: 1020 S. Mountain Avenue, Ontario, CA 91762]

Docket 39

***** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-23-21 at 1:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheila San Agustin Cruz

Represented By
Marjorie S Archer

Trustee(s):

Karl T Anderson (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

1:00 PM

6:19-17365 Simon A Chen

Chapter 7

#8.00 Hrg re trustee's final report and applications for compensation

Docket 50

***** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-23-21 AT 1:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Simon A Chen

Represented By
Neil R Hedtke

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

1:00 PM

6:19-18662 Dymtry Ethal Lewis and Tiffany Leshone Lewis

Chapter 7

#9.00 Hrg re trustee's final report and applications for compensation

Docket 35

***** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-23-21 AT 1:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dymtry Ethal Lewis

Represented By
Stephen D Brittain

Joint Debtor(s):

Tiffany Leshone Lewis

Represented By
Stephen D Brittain

Trustee(s):

Arturo Cisneros (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, March 9, 2021

Hearing Room 304

1:00 PM

6:20-10768 Victor Manuel Gonzalez

Chapter 7

#10.00 Hrg re trustee's final report and applications for compensation

Docket 24

*** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-23-21 AT 1:15 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Manuel Gonzalez

Represented By
James P Doan

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

1:00 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#11.00 Hrg re motion for order approving compromise of controversy

Docket 262

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-23-21; CONT'D TO 5-4-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci
Amelia Puertas-Samara

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, March 9, 2021

Hearing Room 304

1:00 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#12.00 Hrg re motion for allowance and payment of administrative expense claim

Docket 249

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-23-21; CONT'D TO 5-4-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci
Amelia Puertas-Samara

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

2:15 PM

6:19-16555 Miguel A Nigo

Chapter 7

#13.00 Hrg re status conference

FROM: 7-21-20, 10-20-20, 11-17-20

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-2-21;
CONT'D TO 5-6-21 AT 10:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel A Nigo

Pro Se

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

3:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#14.00 Hrg re order setting chapter 11 status conference

Docket 0

***** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-25-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

3:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#15.00 Hrg re motion for order approving stipulation authorizing debtor's use of cash collateral and granting adequate protection to secured creditors

FROM: 2-23-21

Docket 35

***** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-25-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

3:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#16.00 Hrg re motion for order to approve compromise controversy and settlement and release agreement between Debtor and Rixon and Associates

FROM: 2-23-21

Docket 39

***** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-25-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 9, 2021

Hearing Room 304

3:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#17.00 Hg re motion to approve compromise between Debtor and Stanley R. Moroz

FROM: 2-23-21

Docket 41

***** VACATED *** REASON: SCEDHULING ORDER ENTERED 3-8-21;
CONT'D TO 3-25-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

1:30 PM

6:21-10322 Reginald F. Stark

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reginald F. Stark

Represented By
Keith Q Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

1:30 PM

6:21-10405 Daisy Tobilla

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daisy Tobilla

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

1:30 PM

6:21-10439 LaRon M Hall

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LaRon M Hall

Represented By
Stephen R Wade

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

1:30 PM

6:21-10511 Julie Ann Hathaway

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julie Ann Hathaway

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

1:30 PM

6:21-10537 James Valenzuela Del Villar and Rosa Elia Del Villar

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 6

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Valenzuela Del Villar

Represented By
Sundee M Teeple

Joint Debtor(s):

Rosa Elia Del Villar

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

1:30 PM

6:21-10538 Paul Joseph Elwart and Angela Elli Elwart

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Joseph Elwart

Represented By
Paul Y Lee

Joint Debtor(s):

Angela Elli Elwart

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

1:30 PM

6:21-10541 Martin J Salgado, Sr. and Adela G Salgado

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin J Salgado Sr.

Represented By
Paul Y Lee

Joint Debtor(s):

Adela G Salgado

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:00 PM

6:19-21177 Derik A. Dill

Chapter 13

#8.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 52

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-19-21; ADVANCED TO 1-27-21 AT 2:15 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Derik A. Dill

Represented By
Christine A Kingston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:00 PM

6:17-14761 Tania Marie Ybarra-Folson

Chapter 13

#8.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 104

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tania Marie Ybarra-Folson

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:00 PM

6:19-19055 Donald H Wells and Deborah R Wells

Chapter 13

#8.02 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 75

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald H Wells

Represented By
Paul Y Lee

Joint Debtor(s):

Deborah R Wells

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, March 10, 2021

Hearing Room 304

2:00 PM

6:19-20426 Amador Anthony Cervantes

Chapter 13

#8.03 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 64

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-3-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amador Anthony Cervantes

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 303 Calendar**

Wednesday, March 10, 2021

Hearing Room 303

2:00 PM

6:19-11016 Alex Cordova

Chapter 13

#8.04 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 0

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 2-24-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alex Cordova

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:00 PM

6:18-11860 Miguel Hernandez, Jr. and Alvi Bungcag Cambalon-

Chapter 13

#8.05 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 83

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 3-3-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel Hernandez Jr.

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Alvi Bungcag Cambalon-Hernandez

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:00 PM

6:20-16712 Urania Ursa Banks

Chapter 13

#9.00 Hrg re motion to disallow claims

Docket 27

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-9-21;
CONT'D TO 4-12-21 AT 2:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Urania Ursa Banks

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:00 PM

6:21-10094 Patricia Ann Doublet

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-25-21; CONT'D TO 6-28-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Ann Doublet

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:00 PM

6:21-10114 Francisco Medrano and Claudia Mercedes Medrano

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-25-21; CONT'D TO 6-28-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Medrano

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Claudia Mercedes Medrano

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:00 PM

6:21-10143 Vito Joseph Palmisano

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-25-21; CONT'D TO 6-28-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vito Joseph Palmisano

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:00 PM

6:21-10143 Vito Joseph Palmisano

Chapter 13

#13.00 Hrg re motion for order determining value of collateral with Americredit/GM Financial

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-9-21;
CONT'D TO 4-12-21 AT 2:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vito Joseph Palmisano

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:00 PM

6:21-10158 Martin Romo

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-25-21; CONT'D TO 6-28-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Romo

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:00 PM

6:21-10274 Jose Viera Mendoza

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-25-21; CONT'D TO 6-28-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Viera Mendoza

Represented By
Siamak E Nehoray

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:00 PM

6:21-10307 James Richard Church

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-25-21; CONT'D TO 6-28-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Richard Church

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, March 10, 2021

Hearing Room 304

2:15 PM

6:16-12773 Otoniel Toledo

Chapter 13

#17.00 Hrg re trustee's motion to dismiss case regarding delinquency

ADVANCED FROM 5-5-21

Docket 88

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 2-24-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Otoniel Toledo

Represented By
Joseph A Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:15 PM

6:18-12933 Luis Estrada and Alejandrina Estrada

Chapter 13

#17.01 Hrg re motion for authority to refinance real property

[Property: 698 Millard Avenue, Rialto, CA 92376]

Docket 58

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 2-17-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Estrada

Represented By
Barry E Borowitz

Joint Debtor(s):

Alejandrina Estrada

Represented By
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:15 PM

6:20-15702 Nyesha D. Williams

Chapter 13

#17.03 Hrg re motion for authority to enter into a loan modification

Docket 38

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-9-21;
CONT'D TO 4-12-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nyesha D. Williams

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:30 PM

6:19-11081 Anita Ayala

Chapter 13

#18.00 Motion for relief from stay

WELLS FARGO BANK VS DEBTOR

Property: 3691 Broken Feather Drive, Norco, CA 92860
[Real Prop] Caren J. Castle, attorney/movant

Docket 66

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-9-21;
CONT'D TO 3-24-21 AT 2:45 P.M**

Tentative Ruling:

Having reviewed the motion and the case, the Court finds that there is no automatic stay in this case pursuant to 11 U.S.C. § 362(c)(3)(A). The debtor filed a prior chapter 13 bankruptcy case (6:18-bk-16850-WJ) that was dismissed within twelve months prior to the filing of this case. And the debtor never filed a motion to continue the stay in this case.

Accordingly, the pending motion is unnecessary and the Court is prepared to enter an order finding that there is no automatic stay in this case. Pursuant to section 362(c)(3)(A), the automatic stay terminated in this case (as to both the debtor and property of the bankruptcy estate) on the thirtieth day after the filing of this bankruptcy case. As of March 13, 2019, there has been no automatic stay in this bankruptcy case.

Party Information

Debtor(s):

Anita Ayala

Represented By
Dina Farhat

Movant(s):

Wells Fargo Bank, N.A., as trustee,

Represented By
Daniel K Fujimoto
Caren J Castle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:30 PM

6:19-14278 Ramon V Rubio and Angelica P Rubio

Chapter 13

#19.00 Motion for relief from stay

LOANDEPOT.COM VS DEBTORS

Property: 25332 Lone Acres Road, Menifee, CA 92584
[Real Prop] Erica Taylor Loftis Pacheco, attorney/movant

Docket 84

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramon V Rubio

Represented By
Paul Y Lee

Joint Debtor(s):

Angelica P Rubio

Represented By
Paul Y Lee

Movant(s):

LOANDEPOT.COM, LLC, DBA

Represented By
Erica T Loftis Pacheco

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:30 PM

6:20-14078 David E Morgan

Chapter 13

#20.00 Motion for relief from stay

THE MONEY SOURCE VS DEBTOR

Property: 430 Via De La Paz
[Real Prop] Kirsten Martinez, attorney/movant

Docket 36

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-2-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David E Morgan

Represented By
Daniel C Sever

Movant(s):

The Money Source Inc.

Represented By
Kirsten Martinez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:30 PM

6:20-17514 Sonya Yvonne Wright

Chapter 13

#21.00 Motion for relief from stay

GLOBAL LENDING SERVICES VS DEBTOR

Property: 2016 Nissan Altima
[Personal Prop] Kirsten Martinez, attorney/movant

Docket 41

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sonya Yvonne Wright

Represented By
Timothy S Huyck

Movant(s):

Global Lending Services LLC

Represented By
John Rafferty
Kirsten Martinez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:30 PM

6:21-10430 Ernestina A Perez

Chapter 13

#22.00 Motion for relief from stay

WELLINGTON TRUST VS DEBTOR

Property: 11796 Roswell Avenue, Chino, CA 91710
[Real Prop] Darlene C. Vigil, attorney/movant

Docket 12

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-9-21;
CONT'D TO 3-24-21 AT 2:45 P.M**

Tentative Ruling:

Why did the moving party check boxes 7 and 7(a) of the notice of the motion and add the words "opposition may be submitted at the hearing"?

Party Information

Debtor(s):

Ernestina A Perez

Pro Se

Movant(s):

Wilmington Trust, National

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:30 PM

6:21-10439 LaRon M Hall

Chapter 13

#23.00 Motion for relief from stay

SUMMITROSE INVESMENTS VS DEBTOR

Property: 9059 San Bernardino Road, Rancho Cucamonga, CA 91730
[UD] Eileen M. Kendall, attorney/movant

Docket 24

*** VACATED *** REASON: CASE DISMISSED 3-2-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LaRon M Hall

Represented By
Stephen R Wade

Movant(s):

Courtesy NEF

Represented By
Valerie Smith
Robert P Zahradka
Eileen M Kendall

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:30 PM

6:21-10625 Henry Frederick Ramey, Jr

Chapter 13

#23.01 Motion for relief from stay

HECTOR PENA GOMEZ VS DEBTOR

Property: 24784 5th Street, San Bernardino, CA 92410
[UD] John E. Bouzane, attorney/movant

Docket 18

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-9-21;
CONT'D TO 3-24-21 AT 2:45 P.M**

Tentative Ruling:

The hearing regarding this motion shall be heard on shortened notice and any opposition is due at the hearing. Therefore, appearances are required at the hearing.

The motion requests relief from the automatic stay to complete an eviction. Using a bankruptcy case to delay an eviction is not appropriate. *See, e.g., In re Smith*, 105 B.R. 50, 53 & 55 (Bankr. C.D. Cal. 1989) (describing cases filed to delay an eviction as “abusive” and designed to “delay improperly the landlord from obtaining possession of his property.”). Therefore, the tentative ruling of the Court is to grant the motion pursuant to 11 U.S.C. § 362(d)(1) with the following relief:

(1) Termination of the stay to allow movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to obtain possession of the property.

(2) Waiver of the 14-day stay prescribed by Bankruptcy Rule 4001(a)(3).

Party Information

Debtor(s):

Henry Frederick Ramey Jr

Pro Se

Movant(s):

Hector Pena Gomez

Represented By
John E Bouzane

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:30 PM

CONT... Henry Frederick Ramey, Jr

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:30 PM

6:21-10560 Anthony T. Hakimian

Chapter 13

#24.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony T. Hakimian

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:30 PM

6:21-10587 Edward David Cross and Mary Ann Elizabeth Cross

Chapter 13

#25.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 7

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward David Cross

Represented By
M. Wayne Tucker

Joint Debtor(s):

Mary Ann Elizabeth Cross

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:30 PM

6:21-10588 Christopher Michael Kittleson and Diana Lynn Kittleson

Chapter 13

#26.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Michael Kittleson

Represented By
Paul Y Lee

Joint Debtor(s):

Diana Lynn Kittleson

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 10, 2021

Hearing Room 304

2:45 PM

6:21-10623 Cecilia Leonard

Chapter 13

#27.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

FROM: 2-24-21

Docket 8

***** VACATED *** REASON: NTC OF WITHDRAWAL FILED 2-24-21**

Tentative Ruling:

Party Information

Debtor(s):

Cecilia Leonard

Represented By
Benjamin R Heston

Movant(s):

Cecilia Leonard

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

8:30 AM

6:20-16896 Steven Richard Vasquez, Jr

Chapter 7

#1.00 Hrg re reaffirmation agreement filed 1-20-21 between Debtor and Arrowhead Credit Union in the amount of \$13,199.50

RE: 2014 Chevrolet Silverado

Docket 14

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-8-21;
CONT'D TO 3-25-21 AT 8:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Richard Vasquez Jr Pro Se

Trustee(s):

Charles W Daff (TR) Pro Se

6:20-17292 Moises A Valladares

Chapter 7

#2.00 Hrg re reaffirmation agreement filed 1-25-21 between Debtor and American Honda Finance Corp. in the amount of \$29,781.94

RE:2019 Honda Accord

Docket 8

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-10-
21; CONT'D TO 5-6-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

8:30 AM

CONT... Moises A Valladares

Chapter 7

Debtor(s):

Moises A Valladares

Represented By
Ruben Salazar

Trustee(s):

Todd A. Frealy (TR)

Pro Se

6:20-17525 Melvin Lamont Morrow

Chapter 7

#3.00 Hrg re reaffirmation agreement filed 1-21-21 between Debtor and Altura Credit Union in the amount of \$19,036.03

RE: 2013 BMW 528i

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-8-21;
CONT'D TO 3-25-21 AT 8:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melvin Lamont Morrow

Pro Se

Trustee(s):

Todd A. Frealy (TR)

Pro Se

6:20-17650 Phillip Richard Alvarado and Leticia Alvarado

Chapter 7

#4.00 Hrg re reaffirmation agreement filed 1-14-21 between Debtor and Alaska USA Federal Credit Union in the amount of \$795.45

RE: 2008 Acura TL

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

8:30 AM

CONT... **Phillip Richard Alvarado and Leticia Alvarado** Chapter 7

Docket 15

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-1-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Phillip Richard Alvarado

Represented By
Alexander Pham

Joint Debtor(s):

Leticia Alvarado

Represented By
Alexander Pham

Trustee(s):

Howard B Grobstein (TR)

Pro Se

6:20-18141 **Rigoberto Quezada Gonzalez and Marina Quezada** Chapter 7

#5.00 Hrg re reaffirmation agreement filed 2-4-21 between Debtor and Santander Consumer USA Inc in the amount of \$39,646.70

RE: 2019 Jeep Grand Cherokee

Docket 9

*** VACATED *** REASON: ORDER DISAPPROVING
REAFFIRMATION AGREEMENT ENTERED 2-18-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rigoberto Quezada Gonzalez

Represented By
Marlin Branstetter

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

8:30 AM

CONT... Rigoberto Quezada Gonzalez and Marina Quezada Chapter 7

Joint Debtor(s):

Marina Quezada

Represented By
Marlin Branstetter

Trustee(s):

Charles W Daff (TR)

Pro Se

6:20-18141 Rigoberto Quezada Gonzalez and Marina Quezada Chapter 7

#6.00 Hrg re reaffirmation agreement filed 2-17-21 between Debtor and Wells Fargo Bank N.A. in the amount of \$8,840.62

RE: 2014 Honda Civic

Docket 18

***** VACATED *** REASON: ORDER DISAPPROVING
REAFFIRMATION AGREEMENT ENTERED 3-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rigoberto Quezada Gonzalez

Represented By
Marlin Branstetter

Joint Debtor(s):

Marina Quezada

Represented By
Marlin Branstetter

Trustee(s):

Charles W Daff (TR)

Pro Se

6:21-10106 Randall B Cotin Chapter 7

#7.00 Hrg re reaffirmation agreement filed 2-3-21 between Debtor and Capital One

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

8:30 AM

CONT...

Randall B Cotin

Chapter 7

Auto Finance in the amount of \$14,889.68

RE: 2016 Nissan Quest Wagon

Docket 15

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-10-21; CONT'D TO 5-6-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Randall B Cotin

Represented By
Elaine O San Juan

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

9:00 AM

6:20-16078 Cory L. Roland and Karen A Roland

Chapter 7

#8.00 Hrg re reaffirmation agreement filed 12-7-20 between Debtor and Santander Consumer USA in the amount of \$30,914.45

RE: 16 Toyota Sienna

FROM: 1-14-21

Docket 19

***** VACATED *** REASON: ORDER DISAPPROVING
REAFFIRMATION AGREEMENT ENTERED 3-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cory L. Roland

Represented By
Michael Smith

Joint Debtor(s):

Karen A Roland

Represented By
Michael Smith

Trustee(s):

Larry D Simons (TR)

Pro Se

6:20-16078 Cory L. Roland and Karen A Roland

Chapter 7

#9.00 Hrg re reaffirmation agreement filed 11-18-20 between Debtor and Ally Bank in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

9:00 AM

CONT...

Cory L. Roland and Karen A Roland
the amount of \$26,669.04

Chapter 7

RE: 2018 Lexus NX 300

FROM: 1-14-21

Docket 14

***** VACATED *** REASON: ORDER DISAPPROVING
REAFFIRMATION AGREEMENT ENTERED 3-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cory L. Roland

Represented By
Michael Smith

Joint Debtor(s):

Karen A Roland

Represented By
Michael Smith

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:00 AM

6:19-20601 James Skidden Fuentes Fernandez

Chapter 7

#10.00 Motion for relief from stay

WELLS FARGO BANK VS DEBTOR

Property: 2014 GMC Light Duty Acadia-V6
[Personal Prop] Josephine E. Salmon, attorney/movant

Docket 21

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Skidden Fuentes Fernandez

Represented By
Robert L Firth

Movant(s):

Wells Fargo Bank, N.A., d/b/a Wells

Represented By
Josephine E Salmon

Trustee(s):

Robert Whitmore (TR)

Pro Se

6:20-13934 Sheldon David Singleton and Sheleshia Lavada Singleton

Chapter 7

#11.00 Motion for relief from stay

BMW BANK OF NORTH AMERICA VS DEBTORS

Property: 2014 BMW 6 Series 6401 Gran Coupe 4D
[Personal Prop] Marjorie M. Johnson, attorney/movant

Docket 82

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-10-**

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:00 AM

CONT... **Sheldon David Singleton and Sheleshia Lavada Singleton**
21; CONT'D TO 4/15/21 at 10:15 A.M.

Chapter 7

Tentative Ruling:

The debtors filed a prior chapter 13 case on March 11, 2020 (6:20-bk-12040-WJ). Ultimately, they filed a request for dismissal which the Court granted. The Court dismissed the prior case on May 27, 2020.

About a week later, the debtors filed this bankruptcy case. Thereafter, they filed a motion to continue the automatic stay which was unopposed. The Court held a hearing on July 1, 2020 and orally granted the motion. However, the debtors never submitted a proposed written order as required by the local rules and, in failing to do so, abandoned the motion. Therefore, the oral ruling of the Court was not effective and the Court should now enter an order denying the motion due to a failure of the debtors to prosecute their motion. See LBR 9021-1(b)(1)(C) ("If no party submits a proposed order, the Court may prepare and enter such order as it deems appropriate . . .").

Therefore, the tentative ruling of the Court is to enter an order denying the prior motion of the debtors and finding that, pursuant to section 362(c)(3)(A) of the Bankruptcy Code, the automatic stay terminated in this case (as to both the debtors and property of the bankruptcy estate) on the thirtieth day after the filing of this bankruptcy case. As of July 4, 2020, there has been no automatic stay in this bankruptcy case.

The Court would then enter a second order finding that the motion by the moving party is moot.

Because this tentative ruling may impact the administration of the bankruptcy estate, the Court requests a written response from the trustee. If the trustee opposes this ruling, the trustee should file a response by March 9th and appear at the hearing. If the trustee does not oppose this ruling, the trustee can file a response by March 9th indicating no opposition and, in such circumstances, the trustee need not appear at the hearing.

Party Information

Debtor(s):

Sheldon David Singleton

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:00 AM

CONT... Sheldon David Singleton and Sheleshia Lavada Singleton Chapter 7
Kevin Tang

Joint Debtor(s):

Sheleshia Lavada Singleton

Represented By
Kevin Tang

Movant(s):

BMW Bank of North America

Represented By
Marjorie M Johnson

Trustee(s):

Arturo Cisneros (TR)

Represented By
Nathan F Smith

6:20-16554 Velia Juarez Chapter 7

#12.00 Motion for relief from stay

U.S. BANK TRUST NATIONAL ASSOCIATION VS DEBTOR

Property: 16404 Barbee Street, Fontana, CA 92336
[Real Prop] Robert Zahradka, attorney/movant

Docket 21

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Velia Juarez

Represented By
Neil R Hedtke

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:00 AM

CONT... Velia Juarez

Chapter 7

Movant(s):

U.S. Bank Trust National

Represented By
Robert P Zahradka

Trustee(s):

Arturo Cisneros (TR)

Pro Se

6:20-17501 Victor P. Hamaker and Amnah Abdullah

Chapter 7

#13.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION VS DEBTORS

Property: 2017 Kia Rio
[Personal Prop] Robert P Zahradka, attorney/movant

Docket 15

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor P. Hamaker

Represented By
James D. Hornbuckle

Joint Debtor(s):

Amnah Abdullah

Represented By
James D. Hornbuckle

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:00 AM

CONT... Victor P. Hamaker and Amnah Abdullah

Chapter 7

Movant(s):

U.S. Bank National Association

Represented By
Robert P Zahradka

Trustee(s):

Charles W Daff (TR)

Pro Se

6:20-17727 Alma Corona Uribe

Chapter 7

#14.00 Motion for relief from stay

SCHOOLSFIRST FEDERAL CREDIT UNION VS DEBTOR

Property: 2020 Nissan Murano
[Personal Prop] Paul V. Reza, attorney/movant

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alma Corona Uribe

Represented By
George C Panagiotou

Movant(s):

SchoolsFirst Federal Credit Union

Represented By
Paul V Reza

Trustee(s):

Robert Whitmore (TR)

Pro Se

6:21-10206 Cathy Perales

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:00 AM

**CONT...
#15.00**

Cathy Perales
Motion for relief from stay

Chapter 7

BMW BANK OF NORTH AMERICA VS DEBTOR

Property: 2016 BMW 3 Series 320i Sedan 4D
[Personal Prop] Marjorie M. Jonhson, attorney/movant

Docket 12

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cathy Perales

Represented By
Kevin Tang

Movant(s):

BMW Bank of North America

Represented By
Marjorie M Johnson

Trustee(s):

Charles W Daff (TR)

Pro Se

6:21-10226 Milton Duarte and AMADA M DUARTE

Chapter 7

#16.00 Motion for relief from stay

TOYOTA MOTOR CREDIT VS DEBTOR

Property: 2049 Toyota Motor Credit
[Personal Prop] Austin P.Nagel, attorney/movant

Docket 9

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-1-21**

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:00 AM

CONT... Milton Duarte and AMADA M DUARTE

Chapter 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Milton Duarte

Represented By
Rosendo Gonzalez

Joint Debtor(s):

AMADA M DUARTE

Represented By
Rosendo Gonzalez

Movant(s):

TOYOTA MOTOR CREDIT

Represented By
Austin P Nagel

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:30 AM

6:18-20286 Philmar Care, LLC

Chapter 7

Adv#: 6:20-01191 Howard M. Ehrenberg, Solely in his capacity as cha v. Garfinkel et al

#17.00 Status conference re: Complaint for (1) Avoidance and recovery of preferential transfers; (2) Avoidance and recovery of fraudulent transfers; (3) Avoidance and recovery of unlawful distributions; (4) Preservation of avoided transfers; (5) Accounting; and (6) Disallowance of claim

Docket 1

***** VACATED *** REASON: ORDER CONT ENTERED 2-11-21;
CONT'D TO 3-25-21 AT 10:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philmar Care, LLC

Represented By
Ashley M McDow

Defendant(s):

Abraham Garfinkel

Pro Se

Lynn Garfinkel

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Solely in his

Represented By
Daniel A Lev
Asa S Hami

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Kim O Dincel

6:18-20286 Philmar Care, LLC

Chapter 7

Adv#: 6:20-01190 Howard M. Ehrenberg, Solely in his capacity as cha v. Garfinkel et al

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:30 AM

CONT... **Philmar Care, LLC** **Chapter 7**
#18.00 Status conference re: Complaint for (1) Avoidance and recovery of preferential transfers; (2) Avoidance and recovery of fraudulent transfers; (3) Avoidance and recovery of unlawful distributions; (4) Preservation of avoided transfers; (5) Accounting; and (6) Disallowance of claims

Docket 1

***** VACATED *** REASON: ORDER CONT ENTERED 2-11-21;
CONT'D TO 3-25-21 AT 10:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philmar Care, LLC

Represented By
Ashley M McDow

Defendant(s):

David Garfinkel

Pro Se

Devora Garfinkel

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Solely in his

Represented By
Daniel A Lev
Asa S Hami

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Kim O Dincel

6:18-20286 Philmar Care, LLC **Chapter 7**
Adv#: 6:20-01189 Howard M. Ehrenberg, Solely in his capacity as cha v. Zalmanoff et al

#19.00 Status conference re: Complaint for (1) Avoidance and recovery of preferential

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:30 AM

CONT... **Philmar Care, LLC** **Chapter 7**
transfers; (2) Avoidance and recovery of fraudulent transfers; (3) Avoidance and recovery of unlawful distributions; (4) Preservation of avoided transfers; (5) Accounting; and (6) Disallowance of claims

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-1-21;
CONT'D TO 3-25-21 AT 10:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philmar Care, LLC

Represented By
Ashley M McDow

Defendant(s):

Shraga Zalmanoff

Pro Se

Kasirer Trust, an entity of unknown

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Solely in his

Represented By
Daniel A Lev
Asa S Hami

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Kim O Dincel

6:18-20286 Philmar Care, LLC

Chapter 7

Adv#: 6:20-01188 Howard M. Ehrenberg, Solely in his capacity as cha v. Zeffen

#20.00 Status conference re: Complaint for (1) Avoidance and recovery of preferential transfers; (2) Avoidance and recovery of fraudulent transfers; (3) Avoidance and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:30 AM

CONT... **Philmar Care, LLC** **Chapter 7**
recovery of unlawful distributions; (4) Preservation of avoided transfers; (5) Accounting; and (6) Disallowance of claims

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-1-21;
CONT'D TO 3-25-21 AT 10:30 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philmar Care, LLC

Represented By
Ashley M McDow

Defendant(s):

David Zeffen

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Solely in his

Represented By
Daniel A Lev
Asa S Hami

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Kim O Dincel

6:18-20286 Philmar Care, LLC **Chapter 7**
Adv#: 6:20-01187 Howard M. Ehrenberg, Solely in his capacity as cha v. Jakobovits

#21.00 Status conference re: Complaint for (1) Avoidance and recovery of preferential transfers; (2) Avoidance and recovery of fraudulent transfers; (3) Avoidance and recovery of unlawful distributions; (4) Preservation of avoided transfers; (5) Accounting; and (6) Disallowance of claims

Docket 1

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:30 AM

CONT... **Philmar Care, LLC** Chapter 7
*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 12-30-20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philmar Care, LLC

Represented By
Ashley M McDow

Defendant(s):

Bencion Jakobovits

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Solely in his

Represented By
Daniel A Lev
Asa S Hami

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Kim O Dincel

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01194 Daff v. American Express National Bank et al

#22.00 Status conference re: Complaint for (1) Avoidance of transfers Pursuant to 11 U.S.C. Section 544(b) and CAL. CIV. Code Section 3439.04(a) (2), 3439.05; (2) Avoidance of transfers Pursuant to 11 U.S.C. Section 5489a)(1)(B); (3) Recovery of avoided transfers Pursuant to 11 U.S.C. Section 550; and (4) Disallowance of claims Pursuant to 11 U.S.C Section 502

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-8-21;
CONT'D TO 6-17-21 AT 11:00 A.M.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:30 AM

CONT... CWP Cabinets

Chapter 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

American Express National Bank

Pro Se

Michael Rodriguez

Pro Se

Paula Roberts

Pro Se

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01195 Daff v. Barclays US et al

#23.00 Status conference re: Complaint (1) Avoidance of transfers Pursuant to 11 U.S.C Section 544(b) and CAL. CIV. Code Section 3439.04(a)(2), 3439.05; (2) Avoidance of transfers Pursuant to 11 U.S.C Section 548(a)(1)(B); (3) Recovery of avoided transfers Pursuant to 11 U.S.C Section 550; and (4) Disallowance of claims Pursuant to 11 U.S.C Section 502

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-8-21;
CONT'D TO 6-17-21 AT 11:00 A.M.**

Tentative Ruling:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:30 AM

CONT... CWP Cabinets
- NONE LISTED -

Chapter 7

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Barclays US

Pro Se

Barclays Bank Delaware

Pro Se

Mark Kinnison

Pro Se

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01196 Daff v. Chase Bank U.S.A., N.A. et al

#24.00 Status conference re: Complaint (1) Avoidance of transfers Pursuant to 11 U.S.C. Section 544(b) and CAL. CIV. Code Section 3439.04(a)(2), 3439.05; (2) Avoidance of transfers Pursuant to 11 U.S.C Section 548(a)(1)(B); (3) Recovery of avoided transfers Pursuant to 11 U.S.C. Section 550; and (4) Disallowance of claims Pursuant to 11 U.S.C. Section 502

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-8-21;
CONT'D TO 6-17-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:30 AM

CONT... CWP Cabinets

Chapter 7

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Chase Bank U.S.A., N.A.

Pro Se

Mark Kinnison

Pro Se

Paula Roberts

Pro Se

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01197 Daff v. Citibank, N.A. et al

#25.00 Status conference re: Complaint (1) Avoidance of transfers Pursuant to 11 U.S.C. Section 544(b) and CAL.CIV. Code Section 3439.04(a)(2), 3439.05; (2) Avoidance of transfers Pursuant to 11 U.S.C Section 548(a)(1)(B);(3) Recovery of avoided transfers Pursuant to 11 U.S.C. Section 550; and (4) Disallowance of claims Pursuant to 11 U.S.C Section 502

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-8-21;
CONT'D TO 6-17-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:30 AM

CONT... CWP Cabinets

Chapter 7

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Citibank, N.A.

Pro Se

Mark Kinnison

Pro Se

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01200 Daff v. Adelanto Millworks, LLC et al

#26.00 Status conference re: Complaint (1) Avoidance of transfers Pursuant to 11 U.S.C. Section 544(b) and CAL. CIV. Code Section 3439.04(a)(2), 3439.05; (2) Avoidance of transfers Pursuant to 11 U.S.C. Section 548(a)(1)(B); (3) Avoidance of preferential transfers Pursuant to 11 U.S.C. Section 547; (4) Recovery of avoided transfers Pursuant to 11 U.S.C. Section 550; (5) Disallowance of claims Pursuant to 11 U.S.C. Section 502; (6) Declaratory judgment: Alter Ego; and (7) Usury and unjust enrichment/disgorgement

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-10-21; CONT'D TO 6-17-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

10:30 AM

CONT... CWP Cabinets

Chapter 7

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Adelanto Millworks, LLC

Pro Se

Mark Kinnison

Pro Se

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

11:00 AM

6:20-14884 Oscar Pillado

Chapter 7

Adv#: 6:20-01161 Bui v. Pillado

#27.00 Status conference re: Complaint for (1) Avoidance of intentional fraudulent transfers and recovery of same; (2) Avoidance of constructive fraudulent transfer and recovery of same; (3) Disallowance of claim; (4) Unjust enrichment; and (5) Turnover of property of the estate

FROM: S/C 12-3-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-10-21; CONT'D TO 4-15-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oscar Pillado

Represented By
Eva M Hollands

Defendant(s):

Beatriz Pillado

Pro Se

Plaintiff(s):

Lynda T. Bui

Represented By
Rika Kido

Trustee(s):

Lynda T. Bui (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Thursday, March 11, 2021

Hearing Room 304

1:30 PM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01195 Daff v. Barclays US et al

#28.00 Hrg motion to dismiss complaint for failure to state claim upon which relief can be granted

Docket 14

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-8-21;
CONT'D TO 4-5-21 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Barclays US

Represented By
John C Gray

Barclays Bank Delaware

Represented By
John C Gray

Mark Kinnison

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

6:18-20473 CWP Cabinets

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

1:30 PM

CONT... CWP Cabinets

Chapter 7

Adv#: 6:20-01194 Daff v. American Express National Bank et al

#29.00 Hrg re motion to dismiss compliant for failure to state a claim upon which relief can be granted

Docket 14

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-8-21;
CONT'D TO 4-5-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

American Express National Bank

Pro Se

Michael Rodriguez

Represented By
Michael G Spector

Paula Roberts

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01200 Daff v. Adelanto Millworks, LLC et al

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

1:30 PM

CONT... **CWP Cabinets** **Chapter 7**
#30.00 Hrg re motion to dismiss complaint for: (1) Lack of standing; and (2) Failure to state a claim upon which relief can be granted

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-10-21; CONT'D TO 4-5-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Adelanto Millworks, LLC

Represented By
Michael G Spector

Mark Kinnison

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

6:18-20473 CWP Cabinets **Chapter 7**
Adv#: 6:20-01197 Daff v. Citibank, N.A. et al

#31.00 Hrg motion to dismiss complaint for failure to state claim upon which relief can be granted

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

1:30 PM

CONT...

CWP Cabinets

Chapter 7

Docket 14

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-8-21;
CONT'D TO 4-5-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Citibank, N.A.

Pro Se

Mark Kinnison

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01196 Daff v. Chase Bank U.S.A., N.A. et al

#32.00 Hrg motion to dismiss complaint for failure to state claim upon which relief can be granted

Docket 11

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-8-21;
CONT'D TO 4-5-21 AT 2:00 P.M.**

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

1:30 PM

CONT... CWP Cabinets

Chapter 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Chase Bank U.S.A., N.A.

Pro Se

Mark Kinnison

Represented By
Michael G Spector

Paula Roberts

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

2:00 PM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:20-01181 Bui et al v. KINGS CASH GROUP, LLC et al

#33.00 Status conference re: Complaint for (1) Declaratory relief; (2) Avoidance of preferential transfer; (3) Avoidance of lien and equitable subordination; (4) Avoidance and preservation of claims

FROM: S/C 2-11-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-11-21; CONT'D TO 4-15-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

KINGS CASH GROUP, LLC

Pro Se

KALAMATA CAPITAL GROUP

Pro Se

Albert Gahfi

Pro Se

DOES 1-2

Pro Se

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea
Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By
Elmer D Martin III
Curtis C. Jung

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

2:00 PM

CONT... Vario Corp.

Chapter 7

Clifford P Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

6:20-14160 Gilbert C Ramirez, Jr.

Chapter 11

Adv#: 6:20-01178 United States Trustee for the Central District of v. Ramirez, Jr. et al

#34.00 Status conference re: Complaint to deny debtors' discharge

FROM: S/C 2-11-21

Docket 1

***** VACATED *** REASON: ORDER CONT ENTERED 3-8-21:
CONT'D TO 4-6-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert C Ramirez Jr.

Represented By
Leonard J Cravens

Defendant(s):

Gilbert C Ramirez Jr.

Pro Se

Patricia M Ramirez

Pro Se

Joint Debtor(s):

Patricia M Ramirez

Represented By
Leonard J Cravens

Plaintiff(s):

United States Trustee for the Central

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

2:00 PM

CONT... **Gilbert C Ramirez, Jr.**

Chapter 11

Everett L Green

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

6:20-14758 Ridge Park Point, LLC

Chapter 7

Adv#: 6:20-01180 Cisneros, solely in his capacity as the chapter 7 v. National Merchants

#35.00 Status conference re: Complaint (1) Breach of contract; (2) Turnover

FROM: 2-11-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-10-21; CONT'D TO 4-15-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Defendant(s):

National Merchants Association,

Pro Se

Plaintiff(s):

A. Cisneros, solely in his capacity

Represented By
Nathan F Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

2:00 PM

CONT... Ridge Park Point, LLC

Nathan F Smith

Chapter 7

6:19-16968 Leon Richard Mays

Adv#: 6:19-01150 Meng et al v. Mays et al

Chapter 7

#36.00 Hrg re motion for stay or abstention of adversary proceeding

FROM: 2-11-21

Docket 47

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-10-21; CONT'D TO 4-15-21 AT 11:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leon Richard Mays

Represented By
W. Derek May

Defendant(s):

Leon Richard Mays

Represented By
Baruch C Cohen

Darryl W Daniels

Represented By
Baruch C Cohen

Joint Debtor(s):

Darryl W Daniels

Represented By
W. Derek May

Plaintiff(s):

Richard Meng

Represented By
Christopher J Langley
Michael Smith
Heidi M Cheng

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

2:00 PM

CONT... Leon Richard Mays
Vivian Meng

Chapter 7

Represented By
Christopher J Langley
Michael Smith
Heidi M Cheng

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 11, 2021

Hearing Room 304

2:30 PM

6:17-14073 James Anthony Rojas
Adv#: 6:20-01160 Tran v. Rojas

Chapter 7

#37.00 Status conference re: Complaint for determination of nondischargeability of debt
FROM: S/C 12-3-20, 2-11-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-10-21; CONT'D TO 4-15-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Anthony Rojas

Represented By
Rhonda Walker

Defendant(s):

James Anthony Rojas

Pro Se

Plaintiff(s):

San Tran

Represented By
Joshua R Engle

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

11:00 AM

6:11-16843 JOSE ALBERTO GUTIERREZ

Chapter 7

#1.00 Hrg re (1) Motion to reopen case and (2) For extension of time to file forms required for discharge

FROM: 6-30-20, 9-15-20, 11-17-20, 1-26-21

Docket 22

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-22-21; CONT'D TO 5-13-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

JOSE ALBERTO GUTIERREZ

Represented By

James M Powell - DISBARRED -

Giovanni Orantes

Trustee(s):

Patricia J Zimmermann (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:00 PM

6:18-18967 Stephen Hay and Leigh Anne Hay

Chapter 7

#2.00 Hrg re trustee's final report and application for compensation

Docket 60

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

Pursuant to the trustee's final report, the following administrative claims will be allowed:

- (1) Trustee: fees of \$9,250 and expenses of \$372.23;
- (2) Lewis Brisbois Bisgaard & Smith LLP: fees of \$12,252.50 and expenses of \$625.95; and
- (3) Hahn Fife & Company LLP: fees of \$2,200 and expenses of \$404.20.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Stephen Hay

Represented By
Summer M Shaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:00 PM

CONT... Stephen Hay and Leigh Anne Hay

Chapter 7

Joint Debtor(s):

Leigh Anne Hay

Represented By
Summer M Shaw

Trustee(s):

Todd A. Frealy (TR)

Represented By
Lovee D Sarenas
Maria L Garcia
Amy L Goldman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:00 PM

6:18-20185 Carlton P Collins-Cepeda and Charmaine Collins-Cepeda

Chapter 11

#3.00 Hrg re motion closing case on interim basis

Docket 107

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlton P Collins-Cepeda

Represented By
Todd L Turoci

Joint Debtor(s):

Charmaine Collins-Cepeda

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:00 PM

6:19-20011 Arturo L Escobedo and Mary H Escobedo

Chapter 7

#4.00 Hrg re trustee's final report and application for compensation

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arturo L Escobedo

Represented By
Christopher Hewitt

Joint Debtor(s):

Mary H Escobedo

Represented By
Christopher Hewitt

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:00 PM

6:20-12067 Raul Carrillo and Acela Carrillo

Chapter 7

#5.00 Hrg re motion to approve compromise with GGRP LLC

FROM: 1-26-21, 1-28-21

Docket 75

Tentative Ruling:

Party Information

Debtor(s):

Raul Carrillo

Represented By
W. Derek May

Joint Debtor(s):

Acela Carrillo

Represented By
W. Derek May

Trustee(s):

Larry D Simons (TR)

Represented By
Tinho Mang
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:00 PM

6:20-13773 Theodore L. Workman, Jr. and Pamela E. Workman

Chapter 7

#6.00 Hrg re motion objecting to debtors' claimed exemption of individual retirement account

Docket 46

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 3-17-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Theodore L. Workman Jr.

Represented By
Larry D Simons

Joint Debtor(s):

Pamela E. Workman

Represented By
Larry D Simons

Trustee(s):

Arturo Cisneros (TR)

Represented By
D Edward Hays
Tinho Mang
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:15 PM

6:15-20958 Annette M Dureso

Chapter 7

#7.00 Hrg re trustee's final report and applications for compensation

FROM: 3-9-21

Docket 26

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

Pursuant to the trustee's final report, the following administrative claim will be allowed:

(1) Trustee: fees of \$339.10 and expenses of \$73.39.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Annette M Dureso

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:15 PM

6:17-10151 Kevin Neri

Chapter 7

#8.00 Hrg re trustee's motion for order: (1) Approving the sale of real property of the estate free and clear of certain line

[Property: 555 South Indian Trail, Palm Springs, CA 92264]

FROM: 3-9-21

Docket 164

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Neri

Represented By
Christopher Hewitt

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:15 PM

6:17-17472 Aguina Aguina

Chapter 7

#9.00 Hrg re motion to compel abandonment of property of the estate

FROM: 3-9-21

Docket 276

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:15 PM

6:17-17472 Aguina Aguina

Chapter 7

#10.00 Hrg re motion for order approving settlement and compromise of disputes by and among Chapter 7 Trustee and Chain-Dab King and Related Parties

FROM: 3-9-21

Docket 281

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:15 PM

6:19-10728 Moo Jeong and Myoungja Jeong

Chapter 7

#11.00 Hrg re trustee's final report and applications for compensation

FROM: 3-9-21

Docket 107

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moo Jeong

Pro Se

Joint Debtor(s):

Myoungja Jeong

Pro Se

Trustee(s):

Karl T Anderson (TR)

Represented By
Chad V Haes
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:15 PM

6:19-15059 Daniel Meza

Chapter 7

#12.00 Hrg re trustee's final report and applications for compensation
FROM: 3-9-21

Docket 28

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

Pursuant to the trustee's final report, the following administrative claim will be allowed:

(1) Trustee: fees of \$1,322.71 and expenses of \$20.20.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Daniel Meza

Represented By
Natalie A Alvarado

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:15 PM

6:19-17045 Sheila San Agustin Cruz

Chapter 7

#13.00 Hrg re motion for order (1) Authorizing sale of real property free and clear of all liens, claims and encumbrances; (2) Approving overbid procedures; (3) Finding buyer as good faith; (4) Authorizing payments liens, real estate agent's commission and costs through escrow; (5) Authorizing payment of fifty percent of the net proceeds to Shara Buenafior; and (6) Waiving 14 day stay

[Property: 1020 S. Mountain Avenue, Ontario, CA 91762]

FROM: 3-9-21

Docket 39

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheila San Agustin Cruz

Represented By
Marjorie S Archer

Trustee(s):

Karl T Anderson (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:15 PM

6:19-17365 Simon A Chen

Chapter 7

#14.00 Hrg re trustee's final report and applications for compensation

FROM: 3-9-21

Docket 50

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

Pursuant to the trustee's final report, the following administrative claim will be allowed:

(1) Trustee: fees of \$1,850 and expenses of \$50.29.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Simon A Chen

Represented By
Neil R Hedtke

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:15 PM

6:19-18662 Dymtry Ethal Lewis and Tiffany Leshone Lewis

Chapter 7

#15.00 Hrg re trustee's final report and applications for compensation

FROM: 3-9-21

Docket 35

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

Pursuant to the trustee's final report, the following administrative claim will be allowed:

(1) Trustee: fees of \$1,897.52 and expenses of \$37.09.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Dymtry Ethal Lewis

Represented By
Stephen D Brittain

Joint Debtor(s):

Tiffany Leshone Lewis

Represented By
Stephen D Brittain

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:15 PM

CONT... Dymtry Ethal Lewis and Tiffany Leshone Lewis

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

1:15 PM

6:20-10768 Victor Manuel Gonzalez

Chapter 7

#16.00 Hrg re trustee's final report and applications for compensation

FROM: 3-9-21

Docket 24

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

Pursuant to the trustee's final report, the following administrative claims will be allowed:

- (1) Trustee: fees of \$2,186.83; and
- (2) Karl T. Anderson: fees of \$1,000.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Victor Manuel Gonzalez

Represented By
James P Doan

Trustee(s):

Howard B Grobstein (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, March 23, 2021

Hearing Room 304

3:00 PM

6:16-13497 Dana Rae Burgess

Chapter 7

#17.00 Hrg re status conference

FROM: 11-17-20, 1-12-21

Docket 0

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-10-21: CONT'D TO 5-4-21 AT 3:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Rae Burgess

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Represented By
Reem J Bello
William N Lobel
Michael R Adele
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

3:00 PM

6:16-13497 Dana Rae Burgess

Chapter 7

#18.00 Hrg re motion for contempt for willfully violating an order of the court entered on 3-12-18

FROM: 9-1-20, 10-6-20, 11-17-20, 1-12-21

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-22-21; CONT'D TO 5-4-21 AT 3:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Rae Burgess

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Represented By
Reem J Bello
William N Lobel
Michael R Adele

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

3:00 PM

6:19-12898 Robbie Eugene Smith and Desiree Marie Smith

Chapter 13

#19.00 Hrg re status conference

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-22-21; CONT'D TO 5-4-21 AT 3:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robbie Eugene Smith

Represented By
Summer M Shaw

Joint Debtor(s):

Desiree Marie Smith

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

3:30 PM

6:18-19790 Linda Rene Basquez

Chapter 7

#20.00 Hrg re status conference

Docket 0

Tentative Ruling:

The status conference will occur by telephone and both counsel for the trustee and the trustee are directed to appear. Both counsel and the trustee should review and have available copies of the order of the Court entered on January 14, 2021 [docket # 405] as well as the order of the Court entered on March 22, 2021 [docket #431].

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, March 23, 2021

Hearing Room 304

3:30 PM

6:18-19790 Linda Rene Basquez

Chapter 7

#21.00 Hrg re objection to the claim number 8 of Vanessa Gutierrez in the amount of \$8,893.72

FROM: 11-17-10, 1-26-21

Docket 255

***** VACATED *** REASON: ORDER DENYING THE OBJECTION
ENTERED 2-9-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

1:30 PM

6:21-10623 Cecilia Leonard

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cecilia Leonard

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

1:30 PM

6:21-10646 Mary L Lee

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary L Lee

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

1:30 PM

6:21-10647 Glenda Renee Murphy

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Glenda Renee Murphy

Pro Se

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

1:30 PM

6:21-10693 Maria Arellano

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Arellano

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

1:30 PM

6:21-10749 Diane Kay Backovich

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diane Kay Backovich

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

1:30 PM

6:21-10754 Agustin Martin

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Agustin Martin

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, March 24, 2021

Hearing Room 304

1:30 PM

6:21-10781 Maxine J. Levander

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 0

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maxine J. Levander

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:19-19852 Christopher M. Burford

Chapter 13

#8.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 55

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-22-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher M. Burford

Represented By
Gregory Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:19-14427 Ubaldo Antonio Rivas and Aura Nineth Rivas

Chapter 13

#9.00 Hrg motion for order transferring case to a judge under the loan modification program

Docket 49

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-23-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ubaldo Antonio Rivas

Represented By
Matthew D. Resnik

Joint Debtor(s):

Aura Nineth Rivas

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:20-12856 William Albert Hoffman

Chapter 13

#10.00 Hrg re motion to incur debt

Docket 50

Tentative Ruling:

The pending motion seeks to obtain secured post-petition financing on a recourse basis (i.e. the borrower is personally liable to the lender). The motion contemplates that the proposed debt will be secured by collateral and such a request is permissible under section 364 of the Bankruptcy Code. However, debt incurred post-petition on a recourse basis will also create an administrative claim in the case. See, e.g., In re Steenes, 942 F.3d 834 (7th Cir. 2019); Security Bank of Marshalltown v. Neiman, 1 F.3d 687 (8th Cir. 1993). The amount of the administrative claim will depend on the extent to which (if any) the collateral is insufficient to pay the creditor in full.

As a consequence, in order to avoid any unpaid administrative claim at the end of the case, the terms of the proposed new recourse financing need to provide for repayment of the new financing in full during the term of the chapter 13 plan. If the current terms of the financing contemplate payment of the new debt in full during the existing terms of the plan, the motion can be approved with the condition that if the moving party seeks to pay off the plan early, it will also need to pay off the new financing early. In other words, the chapter 13 plan could not conclude until the new debt is paid in full.

If, on the other hand, the current terms of the proposed financing extend beyond the current term of the chapter 13 plan, then the terms of the confirmed plan will need to be modified and/or extended to provide for payment of the debt prior to conclusion of the chapter 13 case.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

CONT...

William Albert Hoffman

Chapter 13

The Court would appreciate it if counsel would review the cases cited above prior to the hearing.

Party Information

Debtor(s):

William Albert Hoffman

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:20-17688 Leticia Cisneros

Chapter 13

#11.00 Hrg re motion for order disallowing claim number 9 filed by American Express National Bank

Docket 35

***** VACATED *** REASON: NTC OF WITHDRAWAL FILED 3-23-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leticia Cisneros

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:21-10322 Reginald F. Stark

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reginald F. Stark

Represented By
Keith Q Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:21-10405 Daisy Tobilla

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daisy Tobilla

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:21-10430 Ernestina A Perez

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 2-16-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ernestina A Perez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:21-10439 LaRon M Hall

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LaRon M Hall

Represented By
Stephen R Wade

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:21-10511 Julie Ann Hathaway

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket 16

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julie Ann Hathaway

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:21-10537 James Valenzuela Del Villar and Rosa Elia Del Villar

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

Docket 6

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Valenzuela Del Villar

Represented By
Sundee M Teeple

Joint Debtor(s):

Rosa Elia Del Villar

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:21-10538 Paul Joseph Elwart and Angela Elli Elwart

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Joseph Elwart

Represented By
Paul Y Lee

Joint Debtor(s):

Angela Elli Elwart

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:21-10541 Martin J Salgado, Sr. and Adela G Salgado

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin J Salgado Sr.

Represented By
Paul Y Lee

Joint Debtor(s):

Adela G Salgado

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:21-10560 Anthony T. Hakimian

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony T. Hakimian

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:21-10587 Edward David Cross and Mary Ann Elizabeth Cross

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

Docket 7

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward David Cross

Represented By
M. Wayne Tucker

Joint Debtor(s):

Mary Ann Elizabeth Cross

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:00 PM

6:21-10588 Christopher Michael Kittleson and Diana Lynn Kittleson

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-9-21;
CONT'D TO 7-26-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Michael Kittleson

Represented By
Paul Y Lee

Joint Debtor(s):

Diana Lynn Kittleson

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:15 PM

6:19-19055 Donald H Wells and Deborah R Wells

Chapter 13

#23.00 Hrg re motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

FROM: 1-27-21

Docket 66

*** VACATED *** REASON: CASE DISMISSED 3-12-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald H Wells

Represented By
Paul Y Lee

Joint Debtor(s):

Deborah R Wells

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:30 PM

6:17-20401 Andre N. Tynes and Winsome F. Ellis-Tynes

Chapter 13

#24.00 Motion for relief from stay

PERITUS PORFOLIO SERVICES VS DEBTORS

Property: 2016 Hyundai Accent SE
[Personal Prop] Reilly D. Wilkinson, attorney/movant

Docket 121

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-23-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andre N. Tynes

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Winsome F. Ellis-Tynes

Represented By
Christopher J Langley
Michael Smith

Movant(s):

PERITUS PORTFOLIO SERVICES

Represented By
Reilly D Wilkinson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:30 PM

6:20-16712 Urania Ursa Banks

Chapter 13

#25.00 Motion for relief from stay

NORTHROP GRUMMAN FEDERAL CREDIT UNION VS DEBTOR

Property: 2016 Honda HR-V
[Personal Prop] Bruce P. Needleman, attorney/movant

Docket 33

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 2-25-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Urania Ursa Banks

Represented By
Paul Y Lee

Movant(s):

Northrop Grumman Federal Credit

Represented By
Bruce P. Needleman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:30 PM

6:21-10587 Edward David Cross and Mary Ann Elizabeth Cross

Chapter 13

#26.00 Motion for relief from stay

AMERICREDIT FINANCIAL VS DEBTORS

Property: 2012 Chevrolet Tahoe
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 27

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-23-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward David Cross

Represented By
M. Wayne Tucker

Joint Debtor(s):

Mary Ann Elizabeth Cross

Represented By
M. Wayne Tucker

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Sheryl K Ith
Mandy D Youngblood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:30 PM

6:21-11067 Cirilo Sahagun Blanche, Jr. and Jocelyn Rebong Blanche

Chapter 13

#27.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cirilo Sahagun Blanche Jr.

Represented By
Michael E Clark

Joint Debtor(s):

Jocelyn Rebong Blanche

Represented By
Michael E Clark

Movant(s):

Cirilo Sahagun Blanche Jr.

Represented By
Michael E Clark

Jocelyn Rebong Blanche

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:30 PM

6:21-10625 Henry Frederick Ramey, Jr

Chapter 13

#28.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 11

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-23-21; CONT'D TO 7-26-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henry Frederick Ramey Jr

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:30 PM

6:21-10805 Jerome C. Adamo

Chapter 13

#29.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerome C. Adamo

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:30 PM

6:21-10811 James Henry Achuff, Jr.

Chapter 13

#30.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Henry Achuff Jr.

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:45 PM

6:16-19640 Maria Guadalupe Villalobos and Ricardo Villalobos

Chapter 13

#31.00 Hrg re motion to substitute debtor(s) in as counsel in pro per instead of current counsel of record

FROM: 1-27-21

Docket 132

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Maria Guadalupe Villalobos

Represented By
Manfred Schroer

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:45 PM

CONT... Maria Guadalupe Villalobos and Ricardo Villalobos

Chapter 13

Joint Debtor(s):

Ricardo Villalobos

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:45 PM

6:19-11081 Anita Ayala

Chapter 13

#32.00 Motion for relief from stay

WELLS FARGO BANK VS DEBTOR

Property: 3691 Broken Feather Drive, Norco, CA 92860
[Real Prop] Caren J. Castle, attorney/movant

FROM: 3-10-21

Docket 66

Tentative Ruling:

Having reviewed the motion and the case, the Court finds that there is no automatic stay in this case pursuant to 11 U.S.C. § 362(c)(3)(A). The debtor filed a prior chapter 13 bankruptcy case (6:18-bk-16850-WJ) that was dismissed within twelve months prior to the filing of this case. And the debtor never filed a motion to continue the stay in this case.

Accordingly, the pending motion is unnecessary and the Court is prepared to enter an order finding that there is no automatic stay in this case. Pursuant to section 362(c)(3)(A), the automatic stay terminated in this case (as to both the debtor and property of the bankruptcy estate) on the thirtieth day after the filing of this bankruptcy case. As of March 13, 2019, there has been no automatic stay in this bankruptcy case with respect to both the debtor and the bankruptcy estate.

Party Information

Debtor(s):

Anita Ayala

Represented By
Dina Farhat

Movant(s):

Wells Fargo Bank, N.A., as trustee,

Represented By
Daniel K Fujimoto
Caren J Castle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:45 PM

CONT... Anita Ayala

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:45 PM

6:21-10430 Ernestina A Perez

Chapter 13

#33.00 Motion for relief from stay

WELLINGTON TRUST VS DEBTOR

Property: 11796 Roswell Avenue, Chino, CA 91710
[Real Prop] Darlene C. Vigil, attorney/movant

FROM: 3-10-21

Docket 12

Tentative Ruling:

Why did the moving party check boxes 7 and 7(a) of the notice of the motion and add the words "opposition may be submitted at the hearing"?

Party Information

Debtor(s):

Ernestina A Perez

Pro Se

Movant(s):

Wilmington Trust, National

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:45 PM

6:21-10625 Henry Frederick Ramey, Jr

Chapter 13

#34.00 Motion for relief from stay

HECTOR PENA GOMEZ VS DEBTOR

Property: 24784 5th Street, San Bernardino, CA 92410
[UD] John E. Bouzane, attorney/movant

FROM: 3-10-21

Docket 18

Tentative Ruling:

The hearing regarding this motion shall be heard on shortened notice and any opposition is due at the hearing. Therefore, appearances are required at the hearing.

The motion requests relief from the automatic stay to complete an eviction. Using a bankruptcy case to delay an eviction is not appropriate. *See, e.g., In re Smith*, 105 B.R. 50, 53 & 55 (Bankr. C.D. Cal. 1989) (describing cases filed to delay an eviction as “abusive” and designed to “delay improperly the landlord from obtaining possession of his property.”). Therefore, the tentative ruling of the Court is to grant the motion pursuant to 11 U.S.C. § 362(d)(1) with the following relief:

(1) Termination of the stay to allow movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to obtain possession of the property.

(2) Waiver of the 14-day stay prescribed by Bankruptcy Rule 4001(a)(3).

Party Information

Debtor(s):

Henry Frederick Ramey Jr

Pro Se

Movant(s):

Hector Pena Gomez

Represented By
John E Bouzane

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

2:45 PM

CONT... Henry Frederick Ramey, Jr

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

3:00 PM

6:15-18214 Anibal W Diaz Aguilar and Patricia R Diaz

Chapter 13

#35.00 Hrg re status conference regarding application of discharge

FROM: 1-13-21

CASE DISCHARGE: 2-4-21

Docket 19

Tentative Ruling:

Final Ruling. The Court has reviewed the new applications for entry of discharge filed in this case. Based on that review, the court entered a discharge in this case and, therefore, it does not appear that a status conference is necessary at this time. **No appearances are required.**

If the debtors have any concerns, questions or objections regarding these matters or anything else regarding this case that the debtors wish to address, the debtors or counsel for the debtors are welcome to appear at the status conference. Likewise, if the debtors or counsel for the debtors wish to discuss the chapter 13 procedures order or ask any questions, the status conference is an opportunity to do so. Any issues in this case may be addressed at the status conference. However, as stated above, no appearances are required and, in the absence of an appearance, the Court will simply conclude the status conference.

Party Information

Debtor(s):

Anibal W Diaz Aguilar

Represented By
Vincent B Garcia

Joint Debtor(s):

Patricia R Diaz

Represented By
Vincent B Garcia

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

3:30 PM

6:16-14711 Eugenio Hernandez and Carmen Hernandez

Chapter 13

#36.00 Status conference regarding post-confirmation default

FROM: 1-13-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eugenio Hernandez

Represented By
Sunita N Sood

Joint Debtor(s):

Carmen Hernandez

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, March 24, 2021

Hearing Room 304

3:30 PM

6:16-14711 Eugenio Hernandez and Carmen Hernandez

Chapter 13

#37.00 Hrg re motion for denying discharge or in the alternative dismissing case

Docket 160

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eugenio Hernandez

Represented By
Sunita N Sood

Joint Debtor(s):

Carmen Hernandez

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

8:30 AM

6:20-16060 Atoshaa Marie Turner

Chapter 7

#1.00 Hrg re reaffirmation agreement filed 11-18-20 between Debtor and Hyundai Capital America DBA Kia Motors Finance in the amount of \$1,631.15

RE: 2015 Kia Optima

FROM: 1-14-21, 2-11-21

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Atoshaa Marie Turner

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

8:30 AM

6:20-16442 Mike Luis Vega

Chapter 7

#2.00 Hrg re reaffirmation agreement filed 11-29-20 between Debtor and U.S. Bank National Association in the amount of \$40,465.95

RE: 2018 Chevrolet Truck Silverado 1500

FROM: 1-14-21, 2-11-21

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mike Luis Vega

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

8:30 AM

6:20-16890 Matthew Michael Bomengen

Chapter 7

#3.00 Hrg re reaffirmation agreement filed 12-9-20 between Debtor and Bank of America, N.A. in the amount of \$19,893.59

RE: 2018 Honda Accord Sedan #3147

FROM: 1-13-21, 2-11-21

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Matthew Michael Bomengen Pro Se

Trustee(s):

Robert Whitmore (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

8:30 AM

6:20-16896 Steven Richard Vasquez, Jr

Chapter 7

#4.00 Hrg re reaffirmation agreement filed 1-20-21 between Debtor and Arrowhead Credit Union in the amount of \$13,199.50

RE: 2014 Chevrolet Silverado

FROM: 3-11-21

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Richard Vasquez Jr

Pro Se

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

8:30 AM

6:20-17448 Alan Justus Mash

Chapter 7

#5.00 Hrg re reaffirmation agreement filed 12-18-20 between Debtor and Bank of the West in the amount of \$41,002.35

RE: 2017 Jayco North TT

FROM: 1-13-21, 2-11-21

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alan Justus Mash

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

8:30 AM

6:20-17525 Melvin Lamont Morrow

Chapter 7

#6.00 Hrg re reaffirmation agreement filed 1-21-21 between Debtor and Altura Credit Union in the amount of \$19,036.03

RE: 2013 BMW 528i

FROM: 3-11-21

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melvin Lamont Morrow

Pro Se

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

10:00 AM

6:20-13934 Sheldon David Singleton and Sheleshia Lavada Singleton

Chapter 7

#7.00 Motion for relief from stay

WELLS FARGO BANK VS DEBTORS

Property: 2017 Honda Accord Sedan
[Personal Prop] Josephine E. Salmon, attorney/movant

Docket 84

*** VACATED *** REASON: ORDER REGARDING MOTION
ENTERED 3-24-21

Tentative Ruling:

Party Information

Debtor(s):

Sheldon David Singleton

Represented By
Kevin Tang

Joint Debtor(s):

Sheleshia Lavada Singleton

Represented By
Kevin Tang

Movant(s):

Wells Fargo Bank, N.A., d/b/a Wells

Represented By
Josephine E Salmon

Trustee(s):

Arturo Cisneros (TR)

Represented By
Nathan F Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

10:00 AM

6:21-10039 Alexis Ruben Gonzalez

Chapter 7

#8.00 Motion for relief from stay

TOYOTA MOTOR CREDIT VS DEBTOR

Property: 2020 Toyota Corolla Hatchback
[Personal Prop] Austin P. Nagel, attorney/movant

Docket 9

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-24-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexis Ruben Gonzalez

Represented By
Melissa A Raskey

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

10:30 AM

6:18-20286 Philmar Care, LLC

Chapter 7

Adv#: 6:20-01190 Howard M. Ehrenberg, Solely in his capacity as cha v. Garfinkel et al

#9.00 Status conference re: Complaint for (1) Avoidance and recovery of preferential transfers; (2) Avoidance and recovery of fraudulent transfers; (3) Avoidance and recovery of unlawful distributions; (4) Preservation of avoided transfers; (5) Accounting; and (6) Disallowance of claims

FROM: 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philmar Care, LLC

Represented By
Ashley M McDow

Defendant(s):

David Garfinkel

Pro Se

Devora Garfinkel

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Solely in his

Represented By
Daniel A Lev
Asa S Hami

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Kim O Dincel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

10:30 AM

6:18-20286 Philmar Care, LLC

Chapter 7

Adv#: 6:20-01189 Howard M. Ehrenberg, Solely in his capacity as cha v. Zalmanoff et al

#10.00 Status conference re: Complaint for (1) Avoidance and recovery of preferential transfers; (2) Avoidance and recovery of fraudulent transfers; (3) Avoidance and recovery of unlawful distributions; (4) Preservation of avoided transfers; (5) Accounting; and (6) Disallowance of claims

FROM: 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philmar Care, LLC

Represented By
Ashley M McDow

Defendant(s):

Shraga Zalmanoff

Pro Se

Kasirer Trust, an entity of unknown

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Solely in his

Represented By
Daniel A Lev
Asa S Hami

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Kim O Dincel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

10:30 AM

6:18-20286 Philmar Care, LLC

Chapter 7

Adv#: 6:20-01188 Howard M. Ehrenberg, Solely in his capacity as cha v. Zeffen

#11.00 Status conference re: Complaint for (1) Avoidance and recovery of preferential transfers; (2) Avoidance and recovery of fraudulent transfers; (3) Avoidance and recovery of unlawful distributions; (4) Preservation of avoided transfers; (5) Accounting; and (6) Disallowance of claims

FROM: S/C 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philmar Care, LLC

Represented By
Ashley M McDow

Defendant(s):

David Zeffen

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Solely in his

Represented By
Daniel A Lev
Asa S Hami

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Kim O Dincel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

10:30 AM

6:18-20286 Philmar Care, LLC

Chapter 7

Adv#: 6:20-01191 Howard M. Ehrenberg, Solely in his capacity as cha v. Garfinkel et al

#12.00 Status conference re: Complaint for (1) Avoidance and recovery of preferential transfers; (2) Avoidance and recovery of fraudulent transfers; (3) Avoidance and recovery of unlawful distributions; (4) Preservation of avoided transfers; (5) Accounting; and (6) Disallowance of claim

FROM: S/C 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philmar Care, LLC

Represented By
Ashley M McDow

Defendant(s):

Abraham Garfinkel

Pro Se

Lynn Garfinkel

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Solely in his

Represented By
Daniel A Lev
Asa S Hami

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Kim O Dincel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

11:00 AM

6:20-16627 Ramon Road Production Campus, LLC a Delaware limit

Chapter 7

#13.00 Motion for relief from stay

BRITTANY SMITH AND RLI INSURANCE VS DEBTOR

Property: Palm Spring Court Docket Number PSC2000503
[Non Bk Forum] Emily A. Ruby, attorney/movant

FROM: 2-25-21

Docket 21

Tentative Ruling:

The tentative ruling of the Court is to deny the motion without prejudice because the movant did not serve the debtor pursuant to LBR 4001-1(c)(1)(C)(i).

Party Information

Debtor(s):

Ramon Road Production Campus,

Represented By
Victor A Sahn

Movant(s):

Brittany Renee Smith

Represented By
Emily A Ruby

Trustee(s):

Arturo Cisneros (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

1:30 PM

6:11-40323 Jose Aguilar

Chapter 13

Adv#: 6:20-01184 Aguilar v. OneWest Bank FSB, successor in interest to Indymac

#14.00 Status conference re: Complaint to avoid junior lien of Onewest Bank FSB

[Property: 14940 Spring Street, Fontana, CA 92335]

FROM: 2-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Aguilar

Represented By
Javier H Castillo

Defendant(s):

OneWest Bank FSB, successor in

Pro Se

Plaintiff(s):

Jose Aguilar

Represented By
Javier H Castillo

Trustee(s):

Rod (MJ) Danielson (TR)

Represented By
Rod (MJ) Danielson (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

1:30 PM

6:11-40323 Jose Aguilar

Chapter 13

Adv#: 6:20-01184 Aguilar v. OneWest Bank FSB, successor in interest to Indymac

#15.00 Hrg re motion for default judgment

FROM: 1-28-21

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Aguilar

Represented By
Javier H Castillo

Defendant(s):

OneWest Bank FSB, successor in

Pro Se

Plaintiff(s):

Jose Aguilar

Represented By
Javier H Castillo

Trustee(s):

Rod (MJ) Danielson (TR)

Represented By
Rod (MJ) Danielson (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

1:30 PM

6:20-13919 Donald Ray Paulson

Chapter 7

Adv#: 6:20-01155 Saunders et al v. Paulson

#16.00 Hrg re order to show cause regarding why this adversary proceeding should not be dismissed

FROM: 1-14-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Ray Paulson

Represented By
Ronald W Ask

Defendant(s):

Donald Ray Paulson

Pro Se

Plaintiff(s):

Dawn Saunders

Represented By
Raul B Garcia

George Saunders

Pro Se

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang
Garcia Reed & Ramirez LLP

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

1:30 PM

6:20-13919 Donald Ray Paulson

Chapter 7

Adv#: 6:20-01155 Saunders et al v. Paulson

#17.00 Status conference re: Complaint to determine dischargeability of debt

FROM: S/C 12-3-20, 1-14-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Ray Paulson

Represented By
Ronald W Ask

Defendant(s):

Donald Ray Paulson

Pro Se

Plaintiff(s):

Dawn Saunders

Represented By
Paul Y Lee

George Saunders

Represented By
Paul Y Lee

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

1:30 PM

6:20-13919 Donald Ray Paulson

Chapter 7

Adv#: 6:20-01154 Knobloch v. Paulson

#18.00 Hrg re order to show cause regarding why this adversary proceeding should not be dismissed

FROM: 1-14-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Ray Paulson

Represented By
Ronald W Ask

Defendant(s):

Donald Ray Paulson

Pro Se

Plaintiff(s):

Joseph Knobloch

Represented By
Raul B Garcia

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang
Garcia Reed & Ramirez LLP

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

1:30 PM

6:20-13919 Donald Ray Paulson

Chapter 7

Adv#: 6:20-01154 Knobloch v. Paulson

#19.00 Status conference re: Compliant to determine dischargeability of debt

FROM: S/C 12-3-20, 1-14-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Ray Paulson

Represented By
Ronald W Ask

Defendant(s):

Donald Ray Paulson

Pro Se

Plaintiff(s):

Joseph Knobloch

Represented By
Paul Y Lee

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

2:00 PM

6:20-11199 Laura Elsa Aguilar-Recendez

Chapter 7

Adv#: 6:20-01183 Daff v. Avilez

#20.00 Hrg re order to show cause regarding why the pleadings should not be stricken and judgment entered in favor of the plaintiff

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Elsa Aguilar-Recendez

Represented By
Marcella Lucente

Defendant(s):

Elsa Avilez

Represented By
William E Krall

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

2:00 PM

6:20-11199 Laura Elsa Aguilar-Recendez

Chapter 7

Adv#: 6:20-01183 Daff v. Avilez

#21.00 Hrg re motion for default judgment

FROM: 2-25-21

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Elsa Aguilar-Recendez

Represented By
Marcella Lucente

Defendant(s):

Elsa Avilez

Pro Se

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

2:30 PM

6:20-12705 Lance Benedict

Chapter 7

Adv#: 6:20-01124 Step Ahead Music, LLC v. Benedict

#22.00 Pre-Trial conference re: Complaint of Step Ahead Music, LLC for non dischargeability of debt

FROM S/C 10-8-20, 2-25-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lance Benedict

Represented By
William J Howell

Defendant(s):

Lance Benedict

Pro Se

Plaintiff(s):

Step Ahead Music, LLC

Represented By
Steven A Lamb

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

2:30 PM

6:20-12705 Lance Benedict

Chapter 7

Adv#: 6:20-01124 Step Ahead Music, LLC v. Benedict

#23.00 Hrg re order to show cause regarding why the answer of the defendant should not be stricken and judgment entered in favor of the plaintiff

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lance Benedict

Represented By
William J Howell

Defendant(s):

Lance Benedict

Pro Se

Plaintiff(s):

Step Ahead Music, LLC

Represented By
Steven A Lamb

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

3:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#24.00 Hrg re motion for order to approve compromise controversy and settlement and release agreement between Debtor and Rixon and Associates

FROM: 2-23-21, 3-9-21

Docket 39

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

3:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#25.00 Hg re motion to approve compromise between Debtor and Stanley R. Moroz
FROM: 2-23-21, 3-9-21

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

3:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#26.00 Hrg re motion for order approving stipulation authorizing debtor's use of cash collateral and granting adequate protection to secured creditors

FROM: 2-23-21, 3-9-21

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, March 25, 2021

Hearing Room 304

3:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#27.00 Hrg re order setting chapter 11 status conference

FROM: 3-9-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 5, 2021

Hearing Room 304

2:00 PM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01197 Daff v. Citibank, N.A. et al

#1.00 Hrg motion to dismiss complaint for failure to state claim upon which relief can be granted

FROM: 3-11-21

Docket 14

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-31-21; CONT'D TO 4-15-21 AT 3:00 P.M.**

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Citibank, N.A.

Pro Se

Mark Kinnison

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 5, 2021

Hearing Room 304

2:00 PM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01195 Daff v. Barclays US et al

#2.00 Hrg motion to dismiss complaint for failure to state claim upon which relief can be granted

FROM: 3-11-21

Docket 14

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-31-21; CONT'D TO 4-15-21 AT 3:00 P.M.**

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Barclays US

Represented By
John C Gray

Barclays Bank Delaware

Represented By
John C Gray

Mark Kinnison

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 5, 2021

Hearing Room 304

2:00 PM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01196 Daff v. Chase Bank U.S.A., N.A. et al

#3.00 Hrg motion to dismiss complaint for failure to state claim upon which relief can be granted

FROM: 3-11-21

Docket 11

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-31-21; CONT'D TO 4-15-21 AT 3:00 P.M.**

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Chase Bank U.S.A., N.A.

Pro Se

Mark Kinnison

Represented By
Michael G Spector

Paula Roberts

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 5, 2021

Hearing Room 304

2:00 PM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01194 Daff v. American Express National Bank et al

#4.00 Hrg re motion to dismiss compliant for failure to state a claim upon which relief can be granted

FROM: 3-11-21

Docket 14

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-31-21; CONT'D TO 4-15-21 AT 3:00 P.M.**

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

American Express National Bank

Pro Se

Michael Rodriguez

Represented By
Michael G Spector

Paula Roberts

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 5, 2021

Hearing Room 304

2:00 PM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01200 Daff v. Adelanto Millworks, LLC et al

#5.00 Hrg re motion to dismiss complaint for: (1) Lack of standing; and (2) Failure to state a claim upon which relief can be granted

FROM: 3-11-21

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-31-21; CONT'D TO 4-15-21 AT 3:00 P.M.**

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Adelanto Millworks, LLC

Represented By
Michael G Spector

Mark Kinnison

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

1:00 PM

6:18-19790 Linda Rene Basquez

Chapter 7

#1.00 Hrg re chapter 7 trustee's omnibus motion for order partially disallowing the following claims as unsupported claim

Claim number 8 filed by Vanessa Gutierrez
Claim number 9 filed by Kevin Thanh Bui
Claim number 11 filed by Diane De George
Claim number 17 filed by Steven Hill
Claim number 18 filed by Robert Klunk
Claim number 20 filed by Jane Laxamana
Claim number 22 filed by Kent Morgan
Claim number 24 filed by Maria Panaligan
Claim number 26 filed by Mariel Saldana
Claim number 28 filed by Joe Strange
Claim number 30 filed by Hanyu Xie
Claim number 31 filed by Danielle Starkman
Claim number 32 filed by Christopher Stamas

Docket 421

***** VACATED *** REASON: NTC OF WITHDRAWAL FILED 3-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

1:00 PM

6:18-19790 Linda Rene Basquez

Chapter 7

#2.00 Hrg re chapter 7 trustee's omnibus motion for order partially disallowing the following claims as unsupported claims

Claim number 13 filed by Tracy Ferris
Claim number 15 filed by Apelu Foisaga

Docket 419

***** VACATED *** REASON: NTC OF WITHDRAWL FILED 3-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

1:00 PM

6:18-19790 Linda Rene Basquez

Chapter 7

#3.00 Hrg re chapter 7 trustee's omnibus motion for order partially disallowing the following claims as unsupported claims

Claim number 10 filed by Alisha Cruzan
Claim number 12 filed by Bridget Dorn
Claim number 14 filed by David Fishbeck
Claim number 19 filed by Alisa Koh
Claim number 21 filed by Ramon Mascorro
Claim number 23 filed by Mary Newton
Claim number 25 filed by Tyla Catena
Claim number 33 filed by Sara Jacques

Docket 424

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-24-21; CONT'D TO 7-6-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

1:00 PM

6:20-14160 Gilbert C Ramirez, Jr. and Patricia M Ramirez

Chapter 11

#4.00 Hrg re motion for dismissal or conversion to chater 7 proceeding

Docket 89

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert C Ramirez Jr.

Represented By
Leonard J Cravens

Joint Debtor(s):

Patricia M Ramirez

Represented By
Leonard J Cravens

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

1:00 PM

6:20-17503 Pro Installs Appliance Installations, Inc.

Chapter 11

#5.00 Hrg re first interim application for compensation and reimbursement of expenses of Michael Jay Berger

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pro Installs Appliance Installations,

Represented By
Michael Jay Berger

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

1:00 PM

6:20-17503 Pro Installs Appliance Installations, Inc.

Chapter 11

#5.01 Hrg re application for payment of interim fees and or expenses of Jennifer M. Lui

Docket 77

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pro Installs Appliance Installations,

Represented By
Michael Jay Berger

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

1:00 PM

6:20-17506 Gary Outzen

Chapter 7

#6.00 Hrg re motion for order to operate certain real property of the estate

Docket 67

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the debtor, creditors and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Gary Outzen

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

1:00 PM

CONT... Gary Outzen

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

1:00 PM

6:20-17551 CNC Puma Corporation

Chapter 11

#6.01 Hrg re motion for order fixing dates in subchapter V case

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CNC Puma Corporation

Represented By
J. Luke Hendrix

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

2:00 PM

6:20-14160 Gilbert C Ramirez, Jr.

Chapter 11

Adv#: 6:20-01178 United States Trustee for the Central District of v. Ramirez, Jr. et al

#7.00 Status conference re: Complaint to deny debtors' discharge

FROM: S/C 2-11-21, 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert C Ramirez Jr.

Represented By
Leonard J Cravens

Defendant(s):

Gilbert C Ramirez Jr.

Pro Se

Patricia M Ramirez

Pro Se

Joint Debtor(s):

Patricia M Ramirez

Represented By
Leonard J Cravens

Plaintiff(s):

United States Trustee for the Central

Represented By
Everett L Green

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

2:30 PM

6:13-22630 Derek Ryan Ross and Tammy Ann Ross

Chapter 7

#8.00 Hrg re motion to avoid lien with Nikiforos and Georgia Valakantjis

[Property: 8365 Avenida Leon Rancho Cucamonga, San Bernardino, CA 91730]

Docket 48

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Derek Ryan Ross

Represented By
M Stephen Cho
David Jacob

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

2:30 PM

CONT... Derek Ryan Ross and Tammy Ann Ross

Chapter 7

Joint Debtor(s):

Tammy Ann Ross

Represented By
M Stephen Cho
David Jacob

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

2:30 PM

6:13-22630 Derek Ryan Ross and Tammy Ann Ross

Chapter 7

#9.00 Hrg re motion to avoid lien with MCT Group

[Property: 8365 Avenida Leon Rancho Cucamonga, San Bernardino, CA 91730]

Docket 46

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Derek Ryan Ross

Represented By
M Stephen Cho
David Jacob

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

2:30 PM

CONT... Derek Ryan Ross and Tammy Ann Ross

Chapter 7

Joint Debtor(s):

Tammy Ann Ross

Represented By
M Stephen Cho
David Jacob

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

2:30 PM

6:11-28399 Gina Marie Stafford

Chapter 7

#9.01 Hrg re motion to avoid lien with Citbank (South Dakota), N.A.
[Property: 6576 Vianza Pl, Rancho Cucamonga, CA 91701]

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gina Marie Stafford

Represented By
Matthew Donahue
Keith Q Nguyen

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

2:30 PM

6:20-15791 Rocio Solache-Gil

Chapter 7

#9.02 Hrg re motion to avoid lien with Judgment Recovery Assistance, LLC
[Property: 5800 Hammer Avenue, Spc 141, Mira Loma, CA 91752]

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rocio Solache-Gil

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

3:00 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:19-01007 Anderson v. Gonzaga University

#10.00 Pre-Trial conference re: Complaint for (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfer; (3) Avoidance, recovery, and preservation of fraudulent transfers; and (4) Avoidance, recovery, and preservation of fraudulent transfers

FROM: S/C 4-11-19, P/T 12-5-19, 6-25-20, 9-17-20

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 1-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

Gonzaga University

Pro Se

Plaintiff(s):

Karl T. Anderson

Represented By
Judith E Marshack

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 6, 2021

Hearing Room 304

3:00 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:19-01006 Anderson v. Point Loma Nazarene University

#11.00 Pre-Trial conference re: Complaint for (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfer; (3) Avoidance, recovery, and preservation of fraudulent transfers; and (4) Avoidance, recovery, and preservation of fraudulent transfers

FROM: S/C 4-11-19, 4-18-19, 5-2-19, 6-25-20, P/T 9-17-20

Docket 1

***** VACATED *** REASON: ORDER DISMISSING ENTERED 1-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

Point Loma Nazarene University

Pro Se

Plaintiff(s):

Karl T. Anderson

Represented By
Judith E Marshack

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

1:30 PM

6:21-10875 Kashif Khan and Monica Cruz

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 3

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.

Party Information

Debtor(s):

Kashif Khan

Represented By
Sundee M Teeple

Joint Debtor(s):

Monica Cruz

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

1:30 PM

6:21-11015 Michelle F. Allan

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.**

Party Information

Debtor(s):

Michelle F. Allan

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

1:30 PM

6:21-11027 Brian E Scott

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.**

Party Information

Debtor(s):

Brian E Scott

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

1:30 PM

6:21-11030 Perry C Robertson

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.**

Party Information

Debtor(s):

Perry C Robertson

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

1:30 PM

6:21-11047 Salvador Marron Valadez and Maria Godinez Aceves

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.**

Party Information

Debtor(s):

Salvador Marron Valadez

Represented By
Clay E Presley

Joint Debtor(s):

Maria Godinez Aceves

Represented By
Clay E Presley

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, April 7, 2021

Hearing Room 304

1:30 PM

6:21-11050 Rovinski Renter

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.

Party Information

Debtor(s):

Rovinski Renter

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

1:30 PM

6:21-11058 George Pirsko and Rachel Pirsko

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.

Party Information

Debtor(s):

George Pirsko

Represented By
Sundee M Teeple

Joint Debtor(s):

Rachel Pirsko

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:18-11896 Steven Zamarripa

Chapter 13

#8.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 129

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 3-29-21

Party Information

Debtor(s):

Steven Zamarripa

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:19-14830 Elisha L. Cornforth

Chapter 13

#9.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 44

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FIELD 3-23-21**

Party Information

Debtor(s):

Elisha L. Cornforth

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:19-19512 Keith Frazer and Marlene L. Frazer

Chapter 13

#10.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 73

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 3-25-21

Party Information

Debtor(s):

Keith Frazer

Represented By
Gregory Ashcraft

Joint Debtor(s):

Marlene L. Frazer

Represented By
Gregory Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:17-11823 Margaret Latoya Broadnax

Chapter 13

#10.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 39

***** VACATED *** REASON: SCHEULING ORDER ENTERED 4-1-21**

Party Information

Debtor(s):

Margaret Latoya Broadnax

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:17-17653 Charoletta Brinetta Green

Chapter 13

#10.02 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 124

***** VACATED *** REASON: SCHEULING ORDER ENTERED 4-1-21**

Party Information

Debtor(s):

Charoletta Brinetta Green

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:18-15084 Clement Leroy Harris and Nannetta Harris

Chapter 13

#10.03 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 75

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 3-23-21

Party Information

Debtor(s):

Clement Leroy Harris

Represented By
Dana Travis

Joint Debtor(s):

Nannetta Harris

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:18-18497 David Earl Drahos and Gail Annette Drahos

Chapter 13

#10.04 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 88

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 3-29-21

Party Information

Debtor(s):

David Earl Drahos

Represented By
Summer M Shaw

Joint Debtor(s):

Gail Annette Drahos

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:18-16925 Amber R. Armendariz

Chapter 13

#10.05 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 79

*** VACATED *** REASON: SCHEULING ORDER ENTERED 4-1-21

Party Information

Debtor(s):

Amber R. Armendariz

Represented By
Gregory Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:19-15112 Josephine Abad Gaerlan

Chapter 13

#10.06 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 54

***** VACATED *** REASON: SCHEULING ORDER ENTERED 4-1-21**

Party Information

Debtor(s):

Josephine Abad Gaerlan

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:21-10623 Cecilia Leonard

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

Docket 15

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.

Party Information

Debtor(s):

Cecilia Leonard

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:21-10625 Henry Frederick Ramey, Jr

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-23-21; CONT'D TO 7-26-21 AT 2:30 P.M.**

Party Information

Debtor(s):

Henry Frederick Ramey Jr

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:21-10646 Mary L Lee

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 6

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.

Party Information

Debtor(s):

Mary L Lee

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:21-10647 Glenda Renee Murphy

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 5

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.**

Party Information

Debtor(s):

Glenda Renee Murphy

Pro Se

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:21-10693 Maria Arellano

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.**

Party Information

Debtor(s):

Maria Arellano

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:21-10749 Diane Kay Backovich

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.**

Party Information

Debtor(s):

Diane Kay Backovich

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:21-10754 Agustin Martin

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.

Party Information

Debtor(s):

Agustin Martin

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:21-10781 Maxine J. Levander

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.

Party Information

Debtor(s):

Maxine J. Levander

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:21-10805 Jerome C. Adamo

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.

Party Information

Debtor(s):

Jerome C. Adamo

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:00 PM

6:21-10811 James Henry Achuff, Jr.

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; CONT'D TO 7-26-21 AT 2:30 P.M.**

Party Information

Debtor(s):

James Henry Achuff Jr.

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:15 PM

6:12-37113 Tamela Rochelle Cash-Curry

Chapter 13

#21.00 Hrg re motion to avoid lien with Equable Ascent Financial, LLC

FROM: 2-24-21

Docket 96

***** VACATED *** REASON: SCHECULING ORDER ENTERED 3-25-21; CONT'D TO 5-13-21 AT 3:00 P.M.**

Party Information

Debtor(s):

Tamela Rochelle Cash-Curry

Represented By
Andrew Moher

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:30 PM

6:20-14078 David E Morgan

Chapter 13

#22.00 Motion for relief from stay

TOYOTA MOTOR CREDIT VS DEBTOR

Property: 2014 Toyota Camry
[Personal Prop] Austin P. Nagel, attorney/movant

Docket 41

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21**

Party Information

Debtor(s):

David E Morgan

Represented By
Daniel C Sever

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:30 PM

6:21-10646 Mary L Lee

Chapter 13

#23.00 Motion for relief from stay

CATAMOUNT PROPERTIES 2018 VS DEBTOR

Property: 5812 San Sevaine Road, Rancho Cucamonga, CA 91739
[UD] Amelia Valenzuela, attorney/movant

Docket 20

***** VACATED *** REASON: CASE DISMISSED 4-5-21**

Party Information

Debtor(s):

Mary L Lee

Pro Se

Movant(s):

Catamount Properties 2018, LLC

Represented By
Amelia B. Valenzuela

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:30 PM

6:21-10647 Glenda Renee Murphy

Chapter 13

#24.00 Motion for relief from stay

CATAMOUNT PROPERTIES 2018 VS DEBTOR

Property: 5812 San Sevaine Road, Rancho Cucamonga, CA 91739
[UD] Amelia Valenzuela, attorney/movant

Docket 23

***** VACATED *** REASON: CASE DISMISSED 4-5-21**

Party Information

Debtor(s):

Glenda Renee Murphy

Pro Se

Movant(s):

Catamount Properties 2018, LLC, its

Represented By
Amelia B. Valenzuela

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:30 PM

6:21-11065 Joseph Robert Carter and Natilee Susanne Carter

Chapter 13

#25.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.

Party Information

Debtor(s):

Joseph Robert Carter

Represented By
Paul Y Lee

Joint Debtor(s):

Natilee Susanne Carter

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 7, 2021

Hearing Room 304

2:30 PM

6:21-11067 Cirilo Sahagun Blanche, Jr. and Jocelyn Rebong Blanche

Chapter 13

#26.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.

Party Information

Debtor(s):

Cirilo Sahagun Blanche Jr.

Represented By
Michael E Clark

Joint Debtor(s):

Jocelyn Rebong Blanche

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 8, 2021

Hearing Room 304

8:30 AM

6:21-10227 Christian Santos Rivera

Chapter 7

#1.00 Hrg re reaffirmation agreement filed 2-28-21 between Debtor and Toyota Motor Credit Corporation in the amount of \$22,885.82

RE: 2020 Toyota Corolla

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 5-13-21 AT 8:30 A.M.**

Party Information

Debtor(s):

Christian Santos Rivera

Pro Se

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 8, 2021

Hearing Room 304

8:30 AM

6:21-10344 Shawn Macky Edward Loaiza

Chapter 7

#2.00 Hrg re reaffirmation agreement filed 2-19-21 between Debtor and Toyota Motor Credit Corporation in the amount of \$24,915.61

RE: 2020 Toyota Corolla

Docket 11

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 5-13-21 AT 8:30 P.M.**

Party Information

Debtor(s):

Shawn Macky Edward Loaiza Pro Se

Trustee(s):

Lynda T. Bui (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 8, 2021

Hearing Room 304

10:00 AM

6:19-10528 KLINTON, INC, a California Corporation

Chapter 7

Adv#: 6:21-01012 Grobstein v. Mehtar et al

#3.00 Status conference re: Complaint to: (1) avoid and recover preferential transfer; (2) to avoid and recover fraudulent transfers; (3) to avoid and recover transfers and (4) to preserve transfers for the benefit of the estate

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-29-21; CONT'D TO 5-6-21 AT 11:00 A.M.**

Party Information

Debtor(s):

KLINTON, INC, a California

Represented By
Michael E Plotkin

Defendant(s):

Leena Mehtar

Pro Se

Danna Mehtar

Pro Se

LDZJ Family Limited Partnership

Pro Se

Mohammed Naji

Pro Se

Plaintiff(s):

Howard B. Grobstein

Represented By
David M Goodrich

Trustee(s):

Howard B Grobstein (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 8, 2021

Hearing Room 304

10:00 AM

6:20-14160 Gilbert C Ramirez, Jr. and Patricia M Ramirez

Chapter 7

#4.00 Motion for relief from stay

AJAX MORTGAGE VS DEBTORS

Property: 26302 Monroe Street, Thermal, CA 92274
[Real Property] Reilly D. Wilkinson, attorney/movant

Docket 94

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 5-13-21 AT 11:00 A.M.**

Party Information

Debtor(s):

Gilbert C Ramirez Jr.

Represented By
Leonard J Cravens

Joint Debtor(s):

Patricia M Ramirez

Represented By
Leonard J Cravens

Movant(s):

Ajax Mortgage Loan Trust 2019-E,

Represented By
Joshua L Scheer
Reilly D Wilkinson

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 8, 2021

Hearing Room 304

10:00 AM

6:21-10444 Mark Matthew Towle

Chapter 7

#5.00 Motion for relief from stay

McPHERSON RANE VS DE DEBTOR

Property: Superior Court Docket # BC690858
[Non Bk Forum] Edwin F. McPherson, attorney/movant

Docket 11

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 5-13-21 AT 11:00 A.M.**

Party Information

Debtor(s):

Mark Matthew Towle

Represented By
Kathleen P March

Movant(s):

McPherson Rane LLP

Represented By
Edwin F McPherson

Trustee(s):

Steven M Speier (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Thursday, April 8, 2021

Hearing Room 304

10:30 AM

6:20-14390 Long Hung Ha

Chapter 7

Adv#: 6:21-01001 Liu et al v. Ha

#6.00 Status conference re: Complaint to discharge for certain debts

Docket 1

*** VACATED *** REASON: NTC OF REQUEST FOR DISMISSAL
FILED 3-1-21

Party Information

Debtor(s):

Long Hung Ha

Represented By
Leslie A Cohen

Defendant(s):

Long Hung Ha

Pro Se

Plaintiff(s):

Yanmin Liu

Represented By
Felix T Woo

Kesheng Liu

Represented By
Felix T Woo

Sanping Liu

Represented By
Felix T Woo

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 8, 2021

Hearing Room 304

11:00 AM

6:20-14758 Ridge Park Point, LLC

Chapter 7

#7.00 Motion for relief from stay

MERCHANTS BANK OF COMMERCE VS DEBTOR

Property: 43620 Ridge Park Drive, Temecula, CA 92590-5520
[Real Prop] Walter R. Dahl, attorney/movant

FROM: 11-5-20, 12-3-20, 12-17-20, 1-28-21, 2-25-21

Docket 39

***** VACATED *** REASON: NTC OF WITHDAWAL 3-16-21**

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Movant(s):

Merchants Bank of Commerce

Represented By
Walter R Dahl

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm
Nathan F Smith
Christina J Khil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 8, 2021

Hearing Room 304

1:30 PM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:20-01181 Bui et al v. KINGS CASH GROUP, LLC et al

#8.00 Hrg re motion of Kalamata Capital Group LLC for judgment on the pleadings or in the alterative for summary judgment

Docket 16

***** VACATED *** REASON: ORDER DENYING MOTON ENTERED 4-7-21**

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

KINGS CASH GROUP, LLC

Represented By
Misty A Perry Isaacson
Timothy W Evanston

KALAMATA CAPITAL GROUP

Represented By
Misty A Perry Isaacson

Albert Gahfi

Represented By
Misty A Perry Isaacson
Timothy W Evanston

DOES 1-2

Pro Se

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea
Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 8, 2021

Hearing Room 304

1:30 PM

CONT... Vario Corp.

Chapter 7

Elmer D Martin III
Curtis C. Jung
Clifford P Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Thursday, April 8, 2021

Hearing Room 304

1:30 PM

6:20-14390 Long Hung Ha

Chapter 7

Adv#: 6:21-01001 Liu et al v. Ha

#9.00 Hrg re motion to dismiss adversary proceeding

Docket 4

*** VACATED *** REASON: ORDER ENTERED 3-29-21

Party Information

Debtor(s):

Long Hung Ha

Represented By
Leslie A Cohen

Defendant(s):

Long Hung Ha

Represented By
Leslie A Cohen

Plaintiff(s):

Yanmin Liu

Represented By
Felix T Woo

Kesheng Liu

Represented By
Felix T Woo

Sanping Liu

Represented By
Felix T Woo

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 8, 2021

Hearing Room 304

1:30 PM

6:20-14390 Long Hung Ha

Chapter 7

Adv#: 6:21-01001 Liu et al v. Ha

#10.00 Hrg re motion for leave to file adversary proceeding complaint for exception to discharge for certain debts

Docket 9

***** VACATED *** REASON: ORDER ENTERED 3-29-21**

Party Information

Debtor(s):

Long Hung Ha

Represented By
Leslie A Cohen

Defendant(s):

Long Hung Ha

Represented By
Leslie A Cohen

Plaintiff(s):

Yanmin Liu

Represented By
Felix T Woo

Kesheng Liu

Represented By
Felix T Woo

Sanping Liu

Represented By
Felix T Woo

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-14548 Ryan Eli

Chapter 13

#1.00 Confirmation of Chapter 13 Plan

FROM: 8-19-20, 1-11-21

Docket 2

*** VACATED *** REASON: CASE DISMISSED 4-6-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Eli

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-14548 Ryan Eli

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-12-20, 1-11-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 4-6-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Eli

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-14607 Asdrubal Diaz

Chapter 13

#3.00 Confirmation of Chapter 13 Plan

FROM: 9-2-20

Docket 0

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On January 5, 2021, the Court entered a scheduling order [docket #40]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Asdrubal Diaz

Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 10:00 a.m.

On March 23, 2021, pursuant to paragraph 3 of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #48] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on August 19, 2020 [docket #26] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 4 of the Order, counsel for the Debtors then filed a pleading on March 23, 2021 [docket #49] agreeing with the Trustee's terms in the Statement and the worksheet. Any objection to confirmation was filed but later withdrawn.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting August 4, 2020, the monthly plan payment is \$1,999.

Starting September 4, 2020, the monthly plan payment is \$2,200.

The due date for each payment is the 4th day of each month and the Trustee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Asdrubal Diaz

Chapter 13

must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$131,799. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$75 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Asdrubal Diaz

Chapter 13

Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Asdrubal Diaz

Chapter 13

f. Interlineations:

1. The Trustee shall pay the secured claim of PennyMac Loan Services in the amount of \$18,279.99 at a rate no less than \$304.67 per month for 60 months.
2. The Trustee shall pay the secured claim of Sunnymead Ranch Planned Community Association in the amount of \$17,461.24 at a rate no less than \$371 per month for 60 months with interest at the rate of 10% per annum.
3. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Asdrubal Diaz

Chapter 13

the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Asdrubal Diaz

Chapter 13

mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors except to the following limited extent:

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in August of 2020 in the approximate amount of \$1,153.41 per month to the creditor PennyMac Loan Services. The Trustee shall also commence paying the monthly homeowners association dues for the same property in September of 2020 in the approximate amount of \$108 per month to the creditor Sunnymead Ranch Planned Community Association. Until that time, the Debtors shall timely make the post-petition payments directly to both creditors. Other than those few payments by the Debtors prior to August of 2020, this case does not involve any other direct payments by the Debtors to creditors and, therefore, the Debtors need only file reports pursuant to paragraph 5(e) for the limited period of time during which they are responsible for making Direct Payments.

b. As used in this order, the term "Direct Payments" means (i) all

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Asdrubal Diaz

Chapter 13

payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Asdrubal Diaz

Chapter 13

2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Asdrubal Diaz

Chapter 13

Debtor(s):

Asdrubal Diaz

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-14607 Asdrubal Diaz

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-19-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Asdrubal Diaz

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Asdrubal Diaz

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-14846 Andre Jones, Jr. and Helena Mercedes Jones

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

FROM: 9-2-20, 1-11-21

Docket 0

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On January 5, 2021, the Court entered a scheduling order [docket #32]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Andre Jones, Jr. and Helena Mercedes Jones Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 10:00 a.m.

On March 25, 2021, pursuant to paragraph 3 of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #40] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on July 21, 2020 [docket #14] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 4 of the Order, counsel for the Debtors then filed a pleading on March 30, 2021 [docket #41] agreeing with the Trustee's terms in the Statement and the worksheet.

The Debtors have not objected to the Court's procedures order [docket #12] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting August 17, 2020, the monthly plan payment is \$1,693.

Starting September 17, 2020, the monthly plan payment is \$1,773.

Starting January 17, 2021, the monthly plan payment is \$1,845.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Andre Jones, Jr. and Helena Mercedes Jones

Chapter 13

Starting June 17, 2021, the monthly plan payment is \$2,304.

The due date for each payment is the 17th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$133,210. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$2,500, counsel is entitled to payment of \$2,500 from the estate at a rate no more than \$250 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Andre Jones, Jr. and Helena Mercedes Jones

Chapter 13

claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Andre Jones, Jr. and Helena Mercedes Jones Chapter 13

nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$3,602.73 at a rate no less than \$60.05 per month for 60 months.
2. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$7,034.35 at a rate no less than \$117.24 per month for 60 months.
3. The Trustee shall pay the secured claim of Capital One Auto Finance in the amount of \$14,201.23 at a rate no less than \$267.99 per month for 60 months with interest at the rate of 5% per annum.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Andre Jones, Jr. and Helena Mercedes Jones Chapter 13

the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Andre Jones, Jr. and Helena Mercedes Jones

Chapter 13

provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2011 Volkswagen Jetta in the approximate amount of \$459.33 per month. (Creditor: Santander Consumer USA).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Andre Jones, Jr. and Helena Mercedes Jones

Chapter 13

advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Andre Jones, Jr. and Helena Mercedes Jones Chapter 13

Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Andre Jones Jr.

Represented By
Kristin R Lamar

Joint Debtor(s):

Helena Mercedes Jones

Represented By
Kristin R Lamar

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-14846 Andre Jones, Jr. and Helena Mercedes Jones

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-19-20, 1-11-21

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Andre Jones Jr.

Represented By
Kristin R Lamar

Joint Debtor(s):

Helena Mercedes Jones

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

**CONT... Andre Jones, Jr. and Helena Mercedes Jones
Kristin R Lamar**

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-15109 Tracy Ann Davis

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

FROM: 9-16-20, 1-11-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On January 5, 2021, the Court entered a scheduling order [docket #43]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Tracy Ann Davis

Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 10:00 a.m.

On March 17, 2021, pursuant to paragraph 3 of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #58] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 1, 2020 [docket #29] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 4 of the Order, counsel for the Debtors then filed a pleading on April 5, 2021 [docket #59] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting September 1, 2020, the monthly plan payment is \$1,120.

Starting October 1, 2020, the monthly plan payment is \$3,202.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Tracy Ann Davis

Chapter 13

The due date for each payment is the 1st day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$190,038. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$0; having previously received \$0, counsel is entitled to payment of \$0 from the estate.

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Tracy Ann Davis

Chapter 13

payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$16,733.05 at a rate no less than \$278.88 per month for 60 months.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Tracy Ann Davis

Chapter 13

2. The Trustee shall pay the secured claim of PHH Mortgage in the amount of \$32,735.90 at a rate no less than \$545.60 per month for 60 months.
3. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
4. Additional provisions:
 - a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.
 - b. No claims listed in Class 3B (or any other class) shall be bifurcated.
 - c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.
 - d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.
 - e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Tracy Ann Davis

Chapter 13

timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Tracy Ann Davis

Chapter 13

attachment), that attachment is hereby disapproved and stricken.

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2017 Hyundai Velocity in the approximate amount of \$534 per month. (Creditor: Capital One).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in October of 2020 in the approximate amount of \$1,579.30 per month to the creditor PHH Mortgage. The Trustee shall also commence paying the monthly homeowners association dues for the same property in October of 2020 in the approximate amount of \$220 per month to the creditor Laings. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to both creditors.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Tracy Ann Davis

Chapter 13

away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Tracy Ann Davis

Chapter 13

of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, the 2017 BMW 3 series ("Abandoned Property") is hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Tracy Ann Davis

Chapter 13

Debtor(s):

Tracy Ann Davis

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-15109 Tracy Ann Davis

Chapter 13

#8.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-2-20, 1-11-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Tracy Ann Davis

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Tracy Ann Davis

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-15615 Thanh V Nguyen and Veronica Prado

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

FROM: 10-7-20, 1-11-21

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On January 5, 2021, the Court entered a scheduling order [docket #40]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Thanh V Nguyen and Veronica Prado Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 10:00 a.m.

On March 17, 2021, pursuant to paragraph 3 of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #47] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on August 26, 2020 [docket #18] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 4 of the Order, counsel for the Debtors then filed a pleading on March 18, 2021 [docket #48] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting September 18, 2020, the monthly plan payment is \$3,519.

Starting October 18, 2020, the monthly plan payment is \$3,940.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Thanh V Nguyen and Veronica Prado

Chapter 13

The due date for each payment is the 18th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$235,979. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$795, counsel is entitled to payment of \$4,205 from the estate at a rate no more than \$420.50 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Thanh V Nguyen and Veronica Prado

Chapter 13

claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Thanh V Nguyen and Veronica Prado

Chapter 13

f. Interlineations:

1. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$17,507.60 at a rate no less than \$291.79 per month for 60 months.
2. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$71,203.73 at a rate no less than \$1,186.73 per month for 60 months.
3. The Trustee shall pay the secured claim of the Internal Revenue Service in the amount of \$13,006.33 at a rate no less than \$245.45 per month for 60 months with interest at the rate of 5% per annum.
4. The Trustee shall pay the secured claim of BMW Financial Services in the amount of \$23,493 at a rate no less than \$432.66 per month for 60 months with interest at the rate of 4% per annum.
5. The Trustee shall pay the secured claim of Loancare LLC in the amount of \$1,188.42 at a rate no less than \$19.81 per month for 60 months.
6. Debtors must pay at least \$46,667 to the unsecured creditors per the liquidation analysis.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Thanh V Nguyen and Veronica Prado Chapter 13

the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Thanh V Nguyen and Veronica Prado

Chapter 13

and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$3,058.99 per month. (Creditor: Loancare LLC).

All payments for the junior mortgage against the residence of the Debtors in the approximate amount of \$297.69 per month. (Creditor: TCF National Bank).

All payments for the automobile loan for the 2012 BMW Z4 in the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Thanh V Nguyen and Veronica Prado

Chapter 13

approximate amount of \$750.88 per month. (Creditor: BMW Financial Services).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Thanh V Nguyen and Veronica Prado

Chapter 13

required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Thanh V Nguyen and Veronica Prado

Chapter 13

Party Information

Debtor(s):

Thanh V Nguyen

Represented By
Daniel King

Joint Debtor(s):

Veronica Prado

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-15615 Thanh V Nguyen and Veronica Prado

Chapter 13

#10.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-23-20, 1-11-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Thanh V Nguyen

Represented By
Daniel King

Joint Debtor(s):

Veronica Prado

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Thanh V Nguyen and Veronica Prado

Chapter 13

Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-15651 Aurea Elisa Bolt

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

FROM: 10-7-20, 1-11-21

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On January 5, 2021, the Court entered a scheduling order [docket #29]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Aurea Elisa Bolt

Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 10:00 a.m.

On March 23, 2021, pursuant to paragraph 3 of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #37] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 23, 2020 [docket #20] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 4 of the Order, counsel for the Debtors then filed a pleading on March 23, 2021 [docket #38] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$400 commencing on September 20, 2020. The due date for each payment is the 20th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 36 months. General unsecured claims shall be paid 41% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$14,400. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Aurea Elisa Bolt

Chapter 13

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$2,500, counsel is entitled to payment of \$2,500 from the estate at a rate no more than \$250 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Aurea Elisa Bolt

Chapter 13

payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Aurea Elisa Bolt

Chapter 13

not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Aurea Elisa Bolt

Chapter 13

contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors.

b. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Aurea Elisa Bolt

Chapter 13

and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing.

d. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, all timeshares ("Abandoned Property") are hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Aurea Elisa Bolt Chapter 13

Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Aurea Elisa Bolt

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-15651 Aurea Elisa Bolt

Chapter 13

#12.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-23-20, 1-11-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Aurea Elisa Bolt

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Aurea Elisa Bolt

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-16109 Carla Ewelan

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

FROM: 10-28-20, 2-8-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On February 2, 2020, the Court entered a scheduling order [docket #35]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Carla Ewelan

Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 10:00 a.m.

On March 17, 2021, pursuant to paragraph 3 of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #42] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on January 22, 2021 [docket #32] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 4 of the Order, counsel for the Debtors then filed a pleading on March 31, 2021 [docket #43] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting October 4, 2020, the monthly plan payment is \$497.

Starting November 4, 2020, the monthly plan payment is \$2,033.

Starting March 4, 2021, the monthly plan payment is \$2,256.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Carla Ewelan

Chapter 13

Starting June 4, 2022, the monthly plan payment is \$2,480.

The due date for each payment is the 4th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 33% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$141,669. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$75 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Carla Ewelan

Chapter 13

claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Carla Ewelan

Chapter 13

nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of the County of San Bernardino in the amount of \$2,934.35 at a rate no less than \$74.51 per month for 60 months with interest at the rate of 18% per annum.
2. The Trustee shall pay the secured claim of Ocwen Loan Servicing in the amount of \$27,412.08 at a rate no less than \$456.87 per month for 60 months.
3. The Trustee shall pay the secured claim of Santander Consumer USA in the amount of \$267.60 at a rate no less than \$22.79 per month for 12 months with interest at the rate of 4% per annum.
4. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$6,589.42 at a rate no less than \$109.82 per month for 60 months.
5. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Carla Ewelan

Chapter 13

on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT...

Carla Ewelan

Chapter 13

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2008 Chrysler 300 LX in the approximate amount of \$224.08 per month. (Creditor: Santander Consumer USA).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in November of 2020 in the approximate amount of \$1,334 per month to the creditor Ocwen Loan Servicing. Until that time, the Debtors shall timely make the post-petition mortgage

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Carla Ewelan

Chapter 13

payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Carla Ewelan

Chapter 13

required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Carla Ewelan

Chapter 13

Party Information

Debtor(s):

Carla Ewelan

Represented By
Clifford Bordeaux

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

6:20-16109 Carla Ewelan

Chapter 13

#14.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-7-20, 2-8-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Carla Ewelan

Represented By
Clifford Bordeaux

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

10:00 AM

CONT... Carla Ewelan

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

6:20-11644 Juan Felipe Angeles, Jr. and Candida Yessenia Aguilar

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

FROM: 4-8-20, 6-3-20, 7-29-20, 10-28-20, 2-8-21

Docket 6

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-9-21;
CONT'D TO 10-25-21 AT 11:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Juan Felipe Angeles Jr.

Represented By
M. Wayne Tucker

Joint Debtor(s):

Candida Yessenia Aguilar

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

6:20-11644 Juan Felipe Angeles, Jr. and Candida Yessenia Aguilar

Chapter 13

#16.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-25-20, 6-3-20, 7-29-20, 10-28-20, 2-8-21

Docket 6

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-9-21;
CONT'D TO 10-25-21 AT 11:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Juan Felipe Angeles Jr.

Represented By
M. Wayne Tucker

Joint Debtor(s):

Candida Yessenia Aguilar

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

6:20-14171 Garfield Stephen Flowers

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

FROM: 8-5-20, 10-28-20, 2-8-21

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On February 3, 2021, the Court entered a scheduling order [docket #39]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

CONT... Garfield Stephen Flowers

Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 11:00 a.m.

On March 23, 2021, pursuant to paragraph 4 of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #45] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on June 16, 2020 [docket #4] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 5 of the Order, counsel for the Debtors then filed a pleading on March 23, 2021 [docket #46] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$4,024 commencing on July 16, 2020. The due date for each payment is the 16th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$241,440. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

CONT... Garfield Stephen Flowers

Chapter 13

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,002, counsel is entitled to payment of \$3,998 from the estate at a rate no more than \$399.80 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

CONT...

Garfield Stephen Flowers

Chapter 13

payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Bank of America in the amount of \$57,195.56 at a rate no less than \$953.26 per month for 60 months.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

CONT...

Garfield Stephen Flowers

Chapter 13

2. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
3. Debtors must pay 100% to the unsecured creditors per the liquidation analysis.
4. Additional provisions:
 - a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.
 - b. No claims listed in Class 3B (or any other class) shall be bifurcated.
 - c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.
 - d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.
 - e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

CONT... Garfield Stephen Flowers

Chapter 13

this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

CONT... Garfield Stephen Flowers

Chapter 13

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2016 Hyundai Sonata in the approximate amount of \$389 per month. (Creditor: Hyundai Motor Finance).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in July of 2020 in the approximate amount of \$2,300.19 per month to the creditor Bank of America. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

CONT... Garfield Stephen Flowers

Chapter 13

financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

CONT... Garfield Stephen Flowers

Chapter 13

the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Garfield Stephen Flowers

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

6:20-14171 Garfield Stephen Flowers

Chapter 13

#18.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 7-22-20, 10-28-20, 2-8-21

Docket 4

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Garfield Stephen Flowers

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

CONT... Garfield Stephen Flowers

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

6:20-15702 Nyesha D. Williams

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

FROM: 10-21-20, 2-8-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Party Information

Debtor(s):

Nyesha D. Williams

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

6:20-15702 Nyesha D. Williams

Chapter 13

#20.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-7-20, 2-8-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Party Information

Debtor(s):

Nyesha D. Williams

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

11:00 AM

6:20-15702 Nyesha D. Williams

Chapter 13

#21.00 Hrg re motion for authority to enter into a loan modification
FROM: 3-10-21

Docket 38

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Party Information

Debtor(s):

Nyesha D. Williams

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:19-12898 Robbie Eugene Smith and Desiree Marie Smith

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

FROM: 12-16-20

Docket 53

***** VACATED *** REASON: CASE DISMISSED 12-30-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robbie Eugene Smith

Represented By
Summer M Shaw

Joint Debtor(s):

Desiree Marie Smith

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:19-12898 Robbie Eugene Smith and Desiree Marie Smith

Chapter 13

#23.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 12-9-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 12-30-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robbie Eugene Smith

Represented By
Summer M Shaw

Joint Debtor(s):

Desiree Marie Smith

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-16974 Scott Curtis Pease and Joyce Carol Pease

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

FROM: 12-16-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On November 12, 2020, the Court entered a scheduling order [docket #19]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Scott Curtis Pease and Joyce Carol Pease Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 1:30 p.m.

On March 17, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #25] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on October 20, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on March 17, 2021 [docket #26] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting November 20, 2020, the monthly plan payment is \$950.

Starting January 20, 2021, the monthly plan payment is \$776.

Starting May 20, 2023, the monthly plan payment is \$1,196.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Scott Curtis Pease and Joyce Carol Pease

Chapter 13

The due date for each payment is the 20th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$59,508. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,300, counsel is entitled to payment of \$3,700 from the estate at a rate no more than \$370 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Scott Curtis Pease and Joyce Carol Pease

Chapter 13

and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... **Scott Curtis Pease and Joyce Carol Pease**
the Trustee to object to any proof of claim.

Chapter 13

4. Additional provisions:

 a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

 b. No claims listed in Class 3B (or any other class) shall be bifurcated.

 c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

 d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

 e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Scott Curtis Pease and Joyce Carol Pease

Chapter 13

F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Scott Curtis Pease and Joyce Carol Pease

Chapter 13

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2014 Buick Enclave in the approximate amount of \$422.78 per month. (Creditor: SchoolsFirst Federal Credit Union).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Scott Curtis Pease and Joyce Carol Pease

Chapter 13

the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Scott Curtis Pease and Joyce Carol Pease Chapter 13

for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Scott Curtis Pease

Represented By
Paul Y Lee

Joint Debtor(s):

Joyce Carol Pease

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-16974 Scott Curtis Pease and Joyce Carol Pease

Chapter 13

#25.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-2-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Scott Curtis Pease

Represented By
Paul Y Lee

Joint Debtor(s):

Joyce Carol Pease

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Scott Curtis Pease and Joyce Carol Pease

Chapter 13

Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17003 Ruben Alan Quintero and Sonia Jo Ann Lovato

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

FROM: 12-16-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 12-14-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben Alan Quintero

Represented By
Raj T Wadhvani

Joint Debtor(s):

Sonia Jo Ann Lovato

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17003 Ruben Alan Quintero and Sonia Jo Ann Lovato

Chapter 13

#27.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 12-2-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 12-14-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben Alan Quintero

Represented By
Raj T Wadhvani

Joint Debtor(s):

Sonia Jo Ann Lovato

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17009 Sheila Renee Spence

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

FROM: 12-16-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On November 12, 2020, the Court entered a scheduling order [docket #18]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Sheila Renee Spence

Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 1:30 p.m.

On March 29, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #38] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on October 22, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on March 31, 2021 [docket #39] agreeing with the Trustee's terms in the Statement and the worksheet.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting November 22, 2020, the monthly plan payment is \$423.

Starting December 22, 2020, the monthly plan payment is \$2,219.

Starting May 22, 2021, the monthly plan payment is \$2,530.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Sheila Renee Spence

Chapter 13

Starting November 22, 2021, the monthly plan payment is \$2,780.

The due date for each payment is the 22nd day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$160,138. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,460, counsel is entitled to payment of \$3,540 from the estate at a rate no more than \$300 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Sheila Renee Spence

Chapter 13

and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Sheila Renee Spence

Chapter 13

the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Fay Servicing in the amount of \$24,927.91 at a rate no less than \$415.47 per month for 60 months.
2. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
3. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Sheila Renee Spence

Chapter 13

confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Sheila Renee Spence

Chapter 13

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2015 Hyundai Elantra in the approximate amount of \$250.38 per month. (Creditor: Certified Federal Credit Union).

All payments for the solar panels in the approximate amount of \$364.75 per month. (Creditor: Matadors Community Credit Union).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in January of 2021 in the approximate amount of \$1,550.38 per month to the creditor Fay Servicing. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Sheila Renee Spence

Chapter 13

of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Sheila Renee Spence

Chapter 13

January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Sheila Renee Spence

Represented By
Nancy Korompis

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Sheila Renee Spence

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17009 Sheila Renee Spence

Chapter 13

#29.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-2-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Sheila Renee Spence

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Sheila Renee Spence

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17027 Patrick James Lyons

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

FROM: 12-16-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On November 12, 2020, the Court entered a scheduling order [docket #18]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Patrick James Lyons

Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 1:30 p.m.

On March 29, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #30] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on October 22, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on April 5, 2021 [docket #31] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$1,933 commencing on November 22, 2020. The due date for each payment is the 22nd day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$115,980. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Patrick James Lyons

Chapter 13

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$350 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Patrick James Lyons

Chapter 13

payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Patrick James Lyons

Chapter 13

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Patrick James Lyons

Chapter 13

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. All language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... **Patrick James Lyons**
(collectively, "Direct Payments"):

Chapter 13

All payments for the automobile loan for the 2013 Dodge Avenger in the approximate amount of \$219 per month. (Creditor: Flagship Credit Acceptance).

All payments for the automobile loan for the 2018 Mercedes-Benz E300 in the approximate amount of \$1,090.46 per month. (Creditor: Daimler Trust).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Patrick James Lyons

Chapter 13

the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Patrick James Lyons

Chapter 13

deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, the 2019 Toyota Highlander ("Abandoned Property") is hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Patrick James Lyons

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17027 Patrick James Lyons

Chapter 13

#31.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-2-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Patrick James Lyons

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Patrick James Lyons

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17078 Fernando Rojas

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

FROM: 12-16-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 12-30-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Rojas

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17078 Fernando Rojas

Chapter 13

#33.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 12-9-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 12-30-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Rojas

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17159 Ruben E. Moreno, Jr and Stephanie M. Moreno

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

FROM: 12-16-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On November 12, 2020, the Court entered a scheduling order [docket #23]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Ruben E. Moreno, Jr and Stephanie M. Moreno Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 1:30 p.m.

On March 23, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #39] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on October 29, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on March 31, 2021 [docket #40] agreeing with the Trustee's terms in the Statement and the worksheet.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting December 1, 2020, the monthly plan payment is \$1,292.

Starting January 1, 2021, the monthly plan payment is \$3,483.

The due date for each payment is the 1st day of each month and the Trustee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Ruben E. Moreno, Jr and Stephanie M. Moreno Chapter 13

must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$206,789. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,000, counsel is entitled to payment of \$4,000 from the estate at a rate no more than \$400 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Ruben E. Moreno, Jr and Stephanie M. Moreno

Chapter 13

Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Ruben E. Moreno, Jr and Stephanie M. Moreno

Chapter 13

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$5,173.46 at a rate no less than \$86.22 per month for 60 months.
2. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$680.95 at a rate no less than \$15.13 per month for 45 months.
3. The Trustee shall pay the secured claim of PennyMac Loan Services in the amount of \$2,233.64 at a rate no less than \$37.23 per month for 60 months.
4. The Trustee shall pay the secured claim of Les Schwab Tire Centers of Central California in the amount of \$1,189.24 at a rate no less than \$21.90 per month for 60 months with interest at the rate of 4% per annum.
5. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
6. Debtors must pay at least \$27,267 to the unsecured creditors per the liquidation analysis.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... **Ruben E. Moreno, Jr and Stephanie M. Moreno** **Chapter 13**

on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Ruben E. Moreno, Jr and Stephanie M. Moreno

Chapter 13

i. The Debtors have checked the box "none" in section IV of the Plan.

Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the homeowners association for the rental property of the Debtors in the approximate amount of \$375 per month. (Creditor: First Service Residential HOA).

All payments for the automobile loan for the 2017 Hyundai Santa Fe in the approximate amount of \$495.79 per month. (Creditor: Alaska USA Federal Credit Union).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Ruben E. Moreno, Jr and Stephanie M. Moreno

Chapter 13

All payments for the automobile loan for the 2014 Ford F150 in the approximate amount of \$632.12 per month. (Creditor: Ford Motor Credit).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in January of 2021 in the approximate amount of \$2,010.35 per month to the creditor PennyMac Loan Services. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Ruben E. Moreno, Jr and Stephanie M. Moreno Chapter 13

including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Ruben E. Moreno, Jr and Stephanie M. Moreno

Chapter 13

any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, the 2019 Ford Flex ("Abandoned Property") is hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Ruben E. Moreno Jr

Represented By
Christine A Kingston

Joint Debtor(s):

Stephanie M. Moreno

Represented By
Christine A Kingston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17159 Ruben E. Moreno, Jr and Stephanie M. Moreno

Chapter 13

#35.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-9-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Ruben E. Moreno Jr

Represented By
Christine A Kingston

Joint Debtor(s):

Stephanie M. Moreno

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Ruben E. Moreno, Jr and Stephanie M. Moreno

Christine A Kingston

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17161 Elaine Pastrano

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

FROM: 12-16-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On November 12, 2020, the Court entered a scheduling order [docket #18]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Elaine Pastrano

Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 1:30 p.m.

On March 17, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #26] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on October 29, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on March 24, 2021 [docket #27] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #12] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting December 1, 2020, the monthly plan payment is \$2,570.

Starting May 1, 2021, the monthly plan payment is \$2,639.

The due date for each payment is the 1st day of each month and the Trustee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Elaine Pastrano

Chapter 13

must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$157,995. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$2,500, counsel is entitled to payment of \$2,500 from the estate at a rate no more than \$250 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Elaine Pastrano

Chapter 13

Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Elaine Pastrano

Chapter 13

f. Interlineations:

1. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$2,862.14 at a rate no less than \$47.70 per month for 60 months.
2. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$23,433.33 at a rate no less than \$390.56 per month for 60 months.
3. The Trustee shall pay the secured claim of Ally Financial in the amount of \$18.75 at a rate no less than \$18.75 per month for one month.
4. The Trustee shall pay the secured claim of Mountain West Financial in the amount of \$593.42 at a rate no less than \$15.22 per month for 39 months.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Elaine Pastrano

Chapter 13

the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Elaine Pastrano

Chapter 13

provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$2,605.74 per month. (Creditor: Mountain West Financial).

All payments for the automobile loan for the 2015 Jeep Cherokee in the approximate amount of \$375 per month. (Creditor: Ally Financial).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Elaine Pastrano

Chapter 13

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Elaine Pastrano

Chapter 13

preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, the 2013 Chrysler 200 ("Abandoned Property") is hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT...

Elaine Pastrano

Chapter 13

Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Elaine Pastrano

Represented By
Andy Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17161 Elaine Pastrano

Chapter 13

#37.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-9-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Elaine Pastrano

Represented By
Andy Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

CONT... Elaine Pastrano

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17232 Emmanuel Carrera

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

FROM: 12-16-20

Docket 0

***** VACATED *** REASON: CASE DISMISSED 12-21-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Emmanuel Carrera

Represented By
Omar Gastelum

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

1:30 PM

6:20-17232 Emmanuel Carrera

Chapter 13

#39.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 12-9-20

Docket 0

***** VACATED *** REASON: CASE DISMISSED 12-21-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Emmanuel Carrera

Represented By
Omar Gastelum

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

6:20-17270 Thomas Anthony Zabala and Pamela Jean Zabala

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

FROM: 12-30-20

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Party Information

Debtor(s):

Thomas Anthony Zabala

Represented By
Dana Travis

Joint Debtor(s):

Pamela Jean Zabala

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

6:20-17270 Thomas Anthony Zabala and Pamela Jean Zabala

Chapter 13

#41.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-16-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Party Information

Debtor(s):

Thomas Anthony Zabala

Represented By
Dana Travis

Joint Debtor(s):

Pamela Jean Zabala

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

6:20-17270 Thomas Anthony Zabala and Pamela Jean Zabala

Chapter 13

#42.00 Hrg re motion for authority to enter into subordinate partial claims mortgage agreement on real property

[Property: 13553 Fullerton Lane, Victorville, CA 92392]

Docket 0

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>

Meeting ID: 160 635 3249

Password: 900728

Party Information

Debtor(s):

Thomas Anthony Zabala

Represented By
Dana Travis

Joint Debtor(s):

Pamela Jean Zabala

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

6:20-17287 Salvador Marron Valadez and Maria Godinez Aceves

Chapter 13

#43.00 Confirmation of Chapter 13 Plan

FROM: 12-30-20

Docket 1

***** VACATED *** REASON: CASE DISMISSED 12-29-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Marron Valadez

Represented By
Clay E Presley

Joint Debtor(s):

Maria Godinez Aceves

Represented By
Clay E Presley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

6:20-17287 Salvador Marron Valadez and Maria Godinez Aceves

Chapter 13

#44.00 Status Hearing
RE: [2] Chapter 13 Plan (LBR F3015-1).

FROM: 12-16-20

Docket 2

***** VACATED *** REASON: CASE DISMISSED 12-29-20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Marron Valadez

Represented By
Clay E Presley

Joint Debtor(s):

Maria Godinez Aceves

Represented By
Clay E Presley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

6:20-17325 Thomas David Cossalter

Chapter 13

#45.00 Confirmation of Chapter 13 Plan

FROM: 12-30-20

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On November 19, 2020, the Court entered a scheduling order [docket #17]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Thomas David Cossalter

Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 2:30 p.m.

On March 23, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #26] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on November 5, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on March 26, 2021 [docket #28] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$879 commencing on December 5, 2020. The due date for each payment is the 5th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$52,740. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Thomas David Cossalter

Chapter 13

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,200, counsel is entitled to payment of \$3,800 from the estate at a rate no more than \$380 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT...

Thomas David Cossalter

Chapter 13

payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$2,108.15 at a rate no less than \$35.14 per month for 60 months.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT...

Thomas David Cossalter

Chapter 13

2. The Trustee shall pay the secured claim of Exeter Finance LLC in the amount of \$7,978 at a rate no less than \$152.39 per month for 60 months with interest at the rate of 5.5% per annum.
3. The Trustee shall pay the secured claim of Ashley Home Furniture in the amount of \$1,500 at a rate no less than \$28.65 per month for 60 months with interest at the rate of 5.5% per annum.
4. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT...

Thomas David Cossalter

Chapter 13

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Thomas David Cossalter

Chapter 13

3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors.

b. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing.

d. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Thomas David Cossalter

Chapter 13

days after the due date for the first monthly payment to the Trustee, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Thomas David Cossalter

Represented By
Michael T Reid

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

6:20-17325 Thomas David Cossalter

Chapter 13

#46.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-16-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Thomas David Cossalter

Represented By
Michael T Reid

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Thomas David Cossalter

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

6:20-17350 Daniel Clay McMillin and Agatha Ann McMillin

Chapter 13

#47.00 Confirmation of Chapter 13 Plan

FROM: 12-30-20

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On November 19, 2020, the Court entered a scheduling order [docket #17]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Daniel Clay McMillin and Agatha Ann McMillin Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 2:30 p.m.

On March 17, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #26] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on November 6, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on March 19, 2021 [docket #27] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting December 6, 2020, the monthly plan payment is \$2,575.

Starting January 6, 2021, the monthly plan payment is \$2,701.

The due date for each payment is the 6th day of each month and the Trustee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Daniel Clay McMillin and Agatha Ann McMillin Chapter 13

must receive the payment by that day each month. The duration of the Plan is 36 months. General unsecured claims shall be paid 33% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$97,110. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$190, counsel is entitled to payment of \$4,810 from the estate at a rate no more than \$481 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT...

Daniel Clay McMillin and Agatha Ann McMillin

Chapter 13

Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT...

Daniel Clay McMillin and Agatha Ann McMillin

Chapter 13

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$15,083.39 at a rate no less than \$418.98 per month for 36 months.
2. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$576.91 at a rate no less than \$16.03 per month for 36 months.
3. The Trustee shall pay the secured claim of Altura Credit Union in the amount of \$6,941.09 at a rate no less than \$204.93 per month for 36 months with interest at the rate of 4% per annum.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Daniel Clay McMillin and Agatha Ann McMillin Chapter 13

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Daniel Clay McMillin and Agatha Ann McMillin Chapter 13

3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors.

b. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing.

d. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Daniel Clay McMillin and Agatha Ann McMillin

Chapter 13

days after the due date for the first monthly payment to the Trustee, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, all timeshares and the 2014 Harley-Davidson (collectively, "Abandoned Property") are hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Daniel Clay McMillin

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Agatha Ann McMillin

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

6:20-17350 Daniel Clay McMillin and Agatha Ann McMillin

Chapter 13

#48.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-16-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Daniel Clay McMillin

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Agatha Ann McMillin

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT...

Daniel Clay McMillin and Agatha Ann McMillin

Rabin J Pournazarian

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

6:20-17369 Becky Lyn Hall

Chapter 13

#49.00 Confirmation of Chapter 13 Plan

FROM: 12-30-20

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On November 19, 2020, the Court entered a scheduling order [docket #18]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT...

Becky Lyn Hall

Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 2:30 p.m.

On March 17, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #36] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on December 18, 2020 [docket #29] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on March 17, 2021 [docket #37] agreeing with the Trustee's terms in the Statement and the worksheet.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting December 9, 2020, the monthly plan payment is \$1,007.

Starting January 9, 2021, the monthly plan payment is \$4,317.

Starting April 9, 2021, the monthly plan payment is \$4,423.

The due date for each payment is the 9th day of each month and the Trustee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT...

Becky Lyn Hall

Chapter 13

must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$261,646. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,520, counsel is entitled to payment of \$3,480 from the estate at a rate no more than \$348 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT...

Becky Lyn Hall

Chapter 13

Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT...

Becky Lyn Hall

Chapter 13

f. Interlineations:

1. The Trustee shall pay the secured claim of New Res-Shellpoint Mortgage in the amount of \$32,755.26 at a rate no less than \$545.92 per month for 60 months.
2. The Trustee shall pay the secured claim of Select Portfolio Servicing in the amount of \$13,887.95 at a rate no less than \$231.47 per month for 60 months.
3. The Trustee shall pay the secured claim of Riverwalk Masters in the amount of \$5,000 at a rate no less than \$83.33 per month for 60 months.
4. The Trustee shall pay the secured claim of Riverwalk Area 10 HOA in the amount of \$1,441.80 at a rate no less than \$24.03 per month for 60 months.
5. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT...

Becky Lyn Hall

Chapter 13

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Becky Lyn Hall

Chapter 13

this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors except to the following limited extent:

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in January of 2021 in the approximate amount of \$1,781.30 per month to the creditor New Res-Shellpoint Mortgage. Likewise, the Trustee shall commence making the monthly payments for the junior mortgage for the same property in January of 2021 in the approximate amount of \$1,089.20 per month to the creditor Select Portfolio Servicing. The Trustee shall also commence paying the monthly homeowners association dues for the same property in January of 2021 in the approximate amount of \$100 per month to the creditor Riverwalk Area 10 HOA. The Trustee shall also commence paying the monthly homeowners association dues for the same property in January of 2021 in the approximate amount of \$53 per month to the creditor Riverwalk Masters. Until that time, the Debtors shall timely make the post-petition payments directly to all these

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Becky Lyn Hall

Chapter 13

creditors. Other than those few payments by the Debtors prior to January of 2021, this case does not involve any other direct payments by the Debtors to creditors and, therefore, the Debtors need only file reports pursuant to paragraph 5(e) for the limited period of time during which they are responsible for making Direct Payments.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Becky Lyn Hall

Chapter 13

to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Becky Lyn Hall

Chapter 13

Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Becky Lyn Hall

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

6:20-17369 Becky Lyn Hall

Chapter 13

#50.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-16-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Becky Lyn Hall

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Becky Lyn Hall

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

6:20-17438 Angel Luis Pena, Jr. and Carmen Milagros Pena

Chapter 13

#51.00 Confirmation of Chapter 13 Plan

FROM: 12-30-20

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On November 19, 2020, the Court entered a scheduling order [docket #22]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Angel Luis Pena, Jr. and Carmen Milagros Pena Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 2:30 p.m.

On March 17 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #32] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on November 16, 2020 [docket #16] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on March 26, 2021 [docket #33] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$1,500 commencing on December 13, 2020. The due date for each payment is the 13th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$90,000. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Angel Luis Pena, Jr. and Carmen Milagros Pena

Chapter 13

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$6,000; having previously received \$2,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$350 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT...

Angel Luis Pena, Jr. and Carmen Milagros Pena

Chapter 13

payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$20,789.96 at a rate no less than \$346.50 per month for 60 months.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT...

Angel Luis Pena, Jr. and Carmen Milagros Pena

Chapter 13

2. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$19,091.53 at a rate no less than \$318.19 per month for 60 months.
3. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.
4. Additional provisions:
 - a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.
 - b. No claims listed in Class 3B (or any other class) shall be bifurcated.
 - c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.
 - d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.
 - e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Angel Luis Pena, Jr. and Carmen Milagros Pena Chapter 13

timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Angel Luis Pena, Jr. and Carmen Milagros Pena

Chapter 13

attachment), that attachment is hereby disapproved and stricken.

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2013 Lexus GS 350 in the approximate amount of \$377.37 per month. (Creditor: Ally Bank).

All payments for the automobile loan for the 2012 Lexus RX 350 in the approximate amount of \$340.50 per month. (Creditor: Capital One Auto Finance).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Angel Luis Pena, Jr. and Carmen Milagros Pena Chapter 13

otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

CONT... Angel Luis Pena, Jr. and Carmen Milagros Pena Chapter 13

The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Angel Luis Pena Jr.

Represented By
Dana Travis

Joint Debtor(s):

Carmen Milagros Pena

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

6:20-17438 Angel Luis Pena, Jr. and Carmen Milagros Pena

Chapter 13

#52.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-16-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Angel Luis Pena Jr.

Represented By
Dana Travis

Joint Debtor(s):

Carmen Milagros Pena

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

2:30 PM

**CONT... Angel Luis Pena, Jr. and Carmen Milagros Pena
Dana Travis**

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

6:20-17481 Amy Lynn Goldenberg

Chapter 13

#53.00 Confirmation of Chapter 13 Plan

FROM: 1-13-21

Docket 0

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On December 4, 2020, the Court entered a scheduling order [docket #18]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT... Amy Lynn Goldenberg Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 3:30 p.m.

On March 31, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #34] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on December 28, 2020 [docket #23] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on April 1, 2021 [docket #35] agreeing with the Trustee's terms in the Statement and the worksheet.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting December 14, 2020, the monthly plan payment is \$324.

Starting September 14, 2024, the monthly plan payment is \$724.

The due date for each payment is the 14th day of each month and the Trustee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT...

Amy Lynn Goldenberg

Chapter 13

must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 48% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$25,440. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,200, counsel is entitled to payment of \$3,800 from the estate at a rate no more than \$265 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT...

Amy Lynn Goldenberg

Chapter 13

Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT...

Amy Lynn Goldenberg

Chapter 13

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$1,615.15 at a rate no less than \$26.92 per month for 60 months.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT...

Amy Lynn Goldenberg

Chapter 13

timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT... **Amy Lynn Goldenberg**
shall not apply in this case.

Chapter 13

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2015 Honda Civic in the approximate amount of \$332 per month. (Creditor: Bridgecrest (Carvana LLC)).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT...

Amy Lynn Goldenberg

Chapter 13

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT... Amy Lynn Goldenberg Chapter 13

this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Amy Lynn Goldenberg

Represented By
Sara E Razavi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

6:20-17481 Amy Lynn Goldenberg

Chapter 13

#54.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-30-20

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Amy Lynn Goldenberg

Represented By
Sara E Razavi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT... Amy Lynn Goldenberg

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

6:20-17514 Sonya Yvonne Wright

Chapter 13

#55.00 Confirmation of Chapter 13 Plan

FROM: 1-13-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 4-6-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sonya Yvonne Wright

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

6:20-17514 Sonya Yvonne Wright

Chapter 13

#56.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-30-20

Docket 11

***** VACATED *** REASON: CASE DISMISSED 4-6-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sonya Yvonne Wright

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

6:20-17667 Ronald Jesse Jimenez, Sr. and Melanie Gaye Jimenez

Chapter 13

#57.00 Confirmation of Chapter 13 Plan

FROM: 1-13-21

Docket 6

***** VACATED *** REASON: CASE DISMISSED 1-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Jesse Jimenez Sr.

Represented By
Melissa A Raskey

Joint Debtor(s):

Melanie Gaye Jimenez

Represented By
Melissa A Raskey

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

6:20-17667 Ronald Jesse Jimenez, Sr. and Melanie Gaye Jimenez

Chapter 13

#58.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 12-30-20

Docket 6

***** VACATED *** REASON: CASE DISMISSED 1-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Jesse Jimenez Sr.

Represented By
Melissa A Raskey

Joint Debtor(s):

Melanie Gaye Jimenez

Represented By
Melissa A Raskey

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

6:20-17677 Yadira Sandra Santa Maria

Chapter 13

#59.00 Confirmation of Chapter 13 Plan

FROM: 1-13-21

Docket 5

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On December 4, 2020, the Court entered a scheduling order [docket #21]

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT... Yadira Sandra Santa Maria

Chapter 13

("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for April 12, 2021 at 3:30 p.m.

On March 17, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #31] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on December 24, 2020 [docket #27] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on March 18, 2021 [docket #32] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #14] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On April 12, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on April 12, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$725 commencing on December 27, 2020. The due date for each payment is the 27th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$43,500. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT... Yadira Sandra Santa Maria

Chapter 13

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$3,000, counsel for the debtors shall refund \$500 to the Trustee within seven days of confirmation of the Plan and \$500 shall be added to the base. Counsel is entitled to payment of the remaining \$2,500 from the estate at a rate no more than \$250 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT...

Yadira Sandra Santa Maria
preceding paragraph).

Chapter 13

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT...

Yadira Sandra Santa Maria

Chapter 13

Service in the amount of \$5,385.84 at a rate no less than \$89.76 per month for 60 months.

2. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$2,499.57 at a rate no less than \$41.66 per month for 60 months.
3. The Trustee shall pay the secured claim of Santander Consumer USA in the amount of \$1,917.56 at a rate no less than \$35.31 per month for 60 months with interest at the rate of 4% per annum.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT... Yadira Sandra Santa Maria

Chapter 13

by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT... **Yadira Sandra Santa Maria**
2012.

Chapter 13

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2009 Dodge Challenger in the approximate amount of \$610 per month. (Creditor: Capital One Auto Finance).

All payments for the automobile loan for the 2011 Dodge Charger in the approximate amount of \$388 per month. (Creditor: Santander Consumer USA).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT... Yadira Sandra Santa Maria

Chapter 13

Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT... Yadira Sandra Santa Maria

Chapter 13

which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Yadira Sandra Santa Maria

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

6:20-17677 Yadira Sandra Santa Maria

Chapter 13

#60.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-30-20

Docket 5

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). Parties should attend the hearing by using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1606353249>
Meeting ID: 160 635 3249
Password: 900728

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

Debtor(s):

Yadira Sandra Santa Maria

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, April 12, 2021

Hearing Room 304

3:30 PM

CONT... Yadira Sandra Santa Maria

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

10:15 AM

6:20-13934 Sheldon David Singleton and Sheleshia Lavada Singleton

Chapter 7

#1.00 Motion for relief from stay

BMW BANK OF NORTH AMERICA VS DEBTORS

Property: 2014 BMW 6 Series 6401 Gran Coupe 4D
[Persaonal Prop] Marjorie M. Johnson, attorney/movant

FROM: 3-11-21

Docket 82

***** VACATED *** REASON: ORDER REGARDING MOTION
ENTERED 3-24-21**

Tentative Ruling:

Party Information

Debtor(s):

Sheldon David Singleton

Represented By
Kevin Tang

Joint Debtor(s):

Sheleshia Lavada Singleton

Represented By
Kevin Tang

Movant(s):

BMW Bank of North America

Represented By
Marjorie M Johnson

Trustee(s):

Arturo Cisneros (TR)

Represented By
Nathan F Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

11:00 AM

6:19-16968 Leon Richard Mays

Chapter 7

Adv#: 6:19-01150 Meng et al v. Mays et al

#2.00 Hrg re motion for stay or abstention of adversary proceeding

FROM: 2-11-21, 3-11-21

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leon Richard Mays

Represented By
W. Derek May

Defendant(s):

Leon Richard Mays

Represented By
Baruch C Cohen

Darryl W Daniels

Represented By
Baruch C Cohen

Joint Debtor(s):

Darryl W Daniels

Represented By
W. Derek May

Plaintiff(s):

Richard Meng

Represented By
Christopher J Langley
Michael Smith
Heidi M Cheng

Vivian Meng

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

11:00 AM

CONT... Leon Richard Mays

Chapter 7

Christopher J Langley
Michael Smith
Heidi M Cheng

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

11:00 AM

6:20-14884 Oscar Pillado

Chapter 7

Adv#: 6:20-01161 Bui v. Pillado

#3.00 Status conference re: Complaint for (1) Avoidance of intentional fraudulent transfers and recovery of same; (2) Avoidance of constructive fraudulent transfer and recovery of same; (3) Disallowance of claim; (4) Unjust enrichment; and (5) Turnover of property of the estate

FROM: S/C 12-3-20, 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oscar Pillado

Represented By
Eva M Hollands

Defendant(s):

Beatriz Pillado

Pro Se

Plaintiff(s):

Lynda T. Bui

Represented By
Rika Kido

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

1:30 PM

6:11-40323 Jose Aguilar

Chapter 13

Adv#: 6:20-01184 Aguilar v. OneWest Bank FSB, successor in interest to Indymac

#4.00 Hrg re motion for default judgment

FROM: 1-28-21, 3-25-21

Docket 6

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-14-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Aguilar

Represented By
Javier H Castillo

Defendant(s):

OneWest Bank FSB, successor in

Pro Se

Plaintiff(s):

Jose Aguilar

Represented By
Javier H Castillo

Trustee(s):

Rod (MJ) Danielson (TR)

Represented By
Rod (MJ) Danielson (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

1:30 PM

6:11-40323 Jose Aguilar

Chapter 13

Adv#: 6:20-01184 Aguilar v. OneWest Bank FSB, successor in interest to Indymac

#5.00 Status conference re: Complaint to avoid junior lien of Onewest Bank FSB

[Property: 14940 Spring Street, Fontana, CA 92335]

FROM: S/C 2-11-21, 3-25-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-14-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Aguilar

Represented By
Javier H Castillo

Defendant(s):

OneWest Bank FSB, successor in

Pro Se

Plaintiff(s):

Jose Aguilar

Represented By
Javier H Castillo

Trustee(s):

Rod (MJ) Danielson (TR)

Represented By
Rod (MJ) Danielson (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

2:00 PM

6:17-14073 James Anthony Rojas
Adv#: 6:20-01160 Tran v. Rojas

Chapter 7

#6.00 Status conference re: Complaint for determination of nondischargeability of debt

FROM: S/C 12-3-20, 2-11-21, 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Anthony Rojas

Represented By
Rhonda Walker

Defendant(s):

James Anthony Rojas

Pro Se

Plaintiff(s):

San Tran

Represented By
Joshua R Engle

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

2:00 PM

6:20-14758 Ridge Park Point, LLC

Chapter 7

Adv#: 6:20-01180 Cisneros, solely in his capacity as the chapter 7 v. National Merchants

#7.00 Status conference re: Complaint (1) Breach of contract; (2) Turnover

FROM: 2-11-21, 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Defendant(s):

National Merchants Association,

Pro Se

Plaintiff(s):

A. Cisneros, solely in his capacity

Represented By
Nathan F Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm
Nathan F Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

2:30 PM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:20-01181 Bui et al v. KINGS CASH GROUP, LLC et al

#8.00 Status conference re: Complaint for (1) Declaratory relief; (2) Avoidance of preferential transfer; (3) Avoidance of lien and equitable subordination; (4) Avoidance and preservation of claims

FROM: S/C 2-11-21, 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

KINGS CASH GROUP, LLC

Pro Se

KALAMATA CAPITAL GROUP

Pro Se

Albert Gahfi

Pro Se

DOES 1-2

Pro Se

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea
Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By
Elmer D Martin III

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

2:30 PM

CONT... Vario Corp.

Chapter 7

Curtis C. Jung
Clifford P Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

3:00 PM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01194 Daff v. American Express National Bank et al

#9.00 Hrg re motion to dismiss compliant for failure to state a claim upon which relief can be granted

FROM: 3-11-21, 4-5-21

Docket 14

***** VACATED *** REASON: ORDER DENIED ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

American Express National Bank

Pro Se

Michael Rodriguez

Represented By
Michael G Spector

Paula Roberts

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

3:00 PM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01195 Daff v. Barclays US et al

#10.00 Hrg motion to dismiss complaint for failure to state claim upon which relief can be granted

FROM: 3-11-21, 4-5-21

Docket 14

***** VACATED *** REASON: ORDER DENIED ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Barclays US

Represented By
John C Gray

Barclays Bank Delaware

Represented By
John C Gray

Mark Kinnison

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

3:00 PM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01196 Daff v. Chase Bank U.S.A., N.A. et al

#11.00 Hrg motion to dismiss complaint for failure to state claim upon which relief can be granted

FROM: 3-11-21, 4-5-21

Docket 11

***** VACATED *** REASON: ORDER DENIED ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Chase Bank U.S.A., N.A.

Pro Se

Mark Kinnison

Represented By
Michael G Spector

Paula Roberts

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

3:00 PM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01197 Daff v. Citibank, N.A. et al

#12.00 Hrg motion to dismiss complaint for failure to state claim upon which relief can be granted

FROM: 3-11-21, 4-5-21

Docket 14

***** VACATED *** REASON: ORDER DENIED ENTERED 4-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Citibank, N.A.

Pro Se

Mark Kinnison

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 15, 2021

Hearing Room 304

3:00 PM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01200 Daff v. Adelanto Millworks, LLC et al

#13.00 Hrg re motion to dismiss complaint for: (1) Lack of standing; and (2) Failure to state a claim upon which relief can be granted

FROM: 3-11-21, 4-5-21

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-14-21; CONT'D TO 5-6-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Adelanto Millworks, LLC

Represented By
Michael G Spector

Mark Kinnison

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 20, 2021

Hearing Room 304

1:00 PM

6:17-10291 Paul Bojic

Chapter 7

#1.00 Hrg re motion for order order disallowing claim of John H. Georges claim number 7-1

Docket 81

Tentative Ruling:

Final Ruling. The objection to claim has been set for hearing on the notice required by Federal Rule of Bankruptcy Procedure 3007 and Local Bankruptcy Rules ("LBR") 3007-1 and 9013-1(d)(2). The failure of the claimant to file written opposition at least 14 days before the hearing as required by LBR 3007-1(b)(6) and 9013-1(h) is deemed consent to the sustaining of the objection. *See* LBR 9013-1(h); *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the Court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* LBR 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion pursuant to 11 U.S.C. § 502(b). Claim #7-1 in the amount of \$221,500 filed by John H. Georges is hereby disallowed.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Paul Bojic

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 20, 2021

Hearing Room 304

1:00 PM

CONT... Paul Bojic

Chapter 7

Jenny L Doling
Summer M Shaw

Trustee(s):

Howard B Grobstein (TR)

Represented By
David B Golubchik
David B Golubchik
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 20, 2021

Hearing Room 304

1:00 PM

6:17-10291 Paul Bojic

Chapter 7

#2.00 Hrg re motion for an order disallowing claim of Vern Weldy claim number 8-1

Docket 82

Tentative Ruling:

Final Ruling. The objection to claim has been set for hearing on the notice required by Federal Rule of Bankruptcy Procedure 3007 and Local Bankruptcy Rules ("LBR") 3007-1 and 9013-1(d)(2). The failure of the claimant to file written opposition at least 14 days before the hearing as required by LBR 3007-1(b)(6) and 9013-1(h) is deemed consent to the sustaining of the objection. *See* LBR 9013-1(h); *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the Court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* LBR 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion pursuant to 11 U.S.C. § 502(b). Claim #8-1 in the amount of \$317,560 filed by Vern Weldy is hereby disallowed.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Paul Bojic

Represented By
Jenny L Doling

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 20, 2021

Hearing Room 304

1:00 PM

CONT... Paul Bojic

Chapter 7

Summer M Shaw

Trustee(s):

Howard B Grobstein (TR)

Represented By

David B Golubchik

David B Golubchik

Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 20, 2021

Hearing Room 304

1:00 PM

6:19-18400 Carmen Elizabeth Loera

Chapter 7

#3.00 Hrg re trustee's final report and applications for compensation

Docket 21

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

The Court thanks the trustee for the fine work in this case. The trustee recovered the proceeds of a preferential transfer to an insider and a portion of a tax refund. The trustee did so efficiently (i.e. without hiring counsel) and in a manner that minimized administrative expenses and maximized the recovery to creditors. Well done.

Pursuant to the trustee's final report, the following administrative claim will be allowed:

(1) Trustee: fees of \$1,263.08 and expenses of \$63.90.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Carmen Elizabeth Loera

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 20, 2021

Hearing Room 304

1:00 PM

6:20-10611 Leonard Serafin

Chapter 7

#4.00 Hrg re trustee's final report and applications for compensation

Docket 29

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

The Court thanks the trustee for administering a case with a small amount of non-exempt assets. Although the total recovery is relatively small, it is sufficient to pay approximately 20% recovery to general unsecured creditors. That is more than most creditors receive in most chapter 7 cases. Well done!

Pursuant to the trustee's final report, the following administrative claim will be allowed:

(1) Trustee: fees of \$979.75 and expenses of \$62.95.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Leonard Serafin

Represented By
Inez Tinoco-Vaca

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 20, 2021

Hearing Room 304

1:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#5.00 Hrg re chapter 11 status conference

FROM: 3-24-20, 5-12-20, 6-23-20, 8-4-20, 10-6-20, 1-12-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-23-21; CONT'D TO 5-4-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 20, 2021

Hearing Room 304

1:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#6.00 Hrg re application for payment of interim fees and or expenses

FROM: 8-4-20, 10-6-20, 1-12-21

Docket 166

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-23-21; CONT'D TO 6-15-21 AT 2:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 20, 2021

Hearing Room 304

1:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#7.00 Hrg re motion requesting the court fix dates in a subchapter V case in which there is no disclosure statement
FROM: 5-12-20, 6-23-20, 8-4-20, 10-6-20, 1-12-21

Docket 82

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-23-21; CONT'D TO 6-15-21 AT 2:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 20, 2021

Hearing Room 304

1:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#8.00 Hrg re motion to approve debtor's disclosure statement

FROM: 8-4-20, 10-6-20, 1-12-21

Docket 144

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-23-21; CONT'D TO 6-15-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

1:30 PM

6:21-11184 Pascual Liera, Jr.

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pascual Liera Jr.

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

1:30 PM

6:21-11189 Daniel Allen West and Yokarine West

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Allen West

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Yokarine West

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

1:30 PM

6:21-11210 Kevin Hargrove

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Hargrove

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

1:30 PM

6:21-11225 Christopher John Uttecht

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher John Uttecht

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

1:30 PM

6:21-11229 Lillian Baker

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lillian Baker

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

1:30 PM

6:21-11332 Minh The Doan

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Minh The Doan

Represented By
Lyly Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, April 21, 2021

Hearing Room 304

1:30 PM

6:21-11381 Keith Alan Fairbrother

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keith Fairbrother

Represented By
Dennis A Rasmussen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:17-12987 David Joseph Hazell and Suzanne Larue Hazell

Chapter 13

#8.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 189

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 4-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Joseph Hazell

Represented By
Dana Travis

Joint Debtor(s):

Suzanne Larue Hazell

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:19-11560 Salvador Cervantes Salazar and Elizabeth Salazar

Chapter 13

#8.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 97

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Cervantes Salazar

Represented By
Seema N Sood

Joint Debtor(s):

Elizabeth Salazar

Represented By
Seema N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:13-23922 Todd R Arnold and Diane M Arnold

Chapter 13

#9.00 Hrg re motion to reopen chapter 13 case

Docket 68

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Todd R Arnold

Represented By
Susan Jill Wolf

Joint Debtor(s):

Diane M Arnold

Represented By
Susan Jill Wolf

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:20-16448 Robert Frank Gonzales

Chapter 13

#10.00 Hrg re objection to claim of LVNV Funding, LLC claim number four and motion for order disallowing

Docket 35

Tentative Ruling:

Final Ruling. The objection to claim has been set for hearing on the notice required by Federal Rule of Bankruptcy Procedure 3007 and Local Bankruptcy Rules ("LBR") 3007-1 and 9013-1(d)(2). The failure of the claimant to file written opposition at least 14 days before the hearing as required by LBR 3007-1(b)(6) and 9013-1(h) is deemed consent to the sustaining of the objection. *See* LBR 9013-1(h); *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* LBR 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion pursuant to 11 U.S.C. § 502(b). General unsecured claim #4-1 in the amount of \$10,371.62 filed by LVNV Funding, LLC is hereby disallowed.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

CONT... Robert Frank Gonzales

Chapter 13

Debtor(s):

Robert Frank Gonzales

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:20-16448 Robert Frank Gonzales

Chapter 13

#11.00 Hrg re objection to claim of CACH, LLC, claim number 5 and motion for order disallowing claim

Docket 36

Tentative Ruling:

Final Ruling. The objection to claim has been set for hearing on the notice required by Federal Rule of Bankruptcy Procedure 3007 and Local Bankruptcy Rules ("LBR") 3007-1 and 9013-1(d)(2). The failure of the claimant to file written opposition at least 14 days before the hearing as required by LBR 3007-1(b)(6) and 9013-1(h) is deemed consent to the sustaining of the objection. *See* LBR 9013-1(h); *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* LBR 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion pursuant to 11 U.S.C. § 502(b). General unsecured claim #5-1 in the amount of \$30,475.46 filed by CACH, LLC is hereby disallowed.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

CONT... Robert Frank Gonzales

Chapter 13

Debtor(s):

Robert Frank Gonzales

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:21-10855 Simon Sanchez

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Simon Sanchez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:21-10875 Kashif Khan and Monica Cruz

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 3

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kashif Khan

Represented By
Sundee M Teeple

Joint Debtor(s):

Monica Cruz

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:21-11015 Michelle F. Allan

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle F. Allan

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:21-11027 Brian E Scott

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian E Scott

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:21-11030 Perry C Robertson

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Perry C Robertson

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:21-11047 Salvador Marron Valadez and Maria Godinez Aceves

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Marron Valadez

Represented By
Clay E Presley

Joint Debtor(s):

Maria Godinez Aceves

Represented By
Clay E Presley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:21-11050 Rovinski Renter

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rovinski Renter

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:21-11058 George Pirsko and Rachel Pirsko

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

Docket 6

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

George Pirsko

Represented By
Sundee M Teeple

Joint Debtor(s):

Rachel Pirsko

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:21-11065 Joseph Robert Carter and Natilee Susanne Carter

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Robert Carter

Represented By
Paul Y Lee

Joint Debtor(s):

Natilee Susanne Carter

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:00 PM

6:21-11067 Cirilo Sahagun Blanche, Jr. and Jocelyn Rebong Blanche

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cirilo Sahagun Blanche Jr.

Represented By
Michael E Clark

Joint Debtor(s):

Jocelyn Rebong Blanche

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:15 PM

6:17-11893 Jesus Garcia Rodriguez and Rosalba Garcia Carranza

Chapter 13

#22.00 Hrg re application of attorney for debtor for additional fees and related expenses in a pending chapter 13 case subject to a rights and responsibilities agreement (RARA) for the period of 1-10-18 to 1-10-18

FROM: 2-10-21

Docket 59

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 4-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Garcia Rodriguez

Represented By
Jenny L Doling

Joint Debtor(s):

Rosalba Garcia Carranza

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:15 PM

6:17-11893 Jesus Garcia Rodriguez and Rosalba Garcia Carranza

Chapter 13

#23.00 Hrg re application of attorney for debtor for additional fees and related expenses in a pending chapter 13 case subject to a rights and responsibilities agreement (RARA) for the period of 3-19-19 to 3-19-19

FROM: 2-10-21

Docket 60

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 4-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Garcia Rodriguez

Represented By
Jenny L Doling

Joint Debtor(s):

Rosalba Garcia Carranza

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:15 PM

6:17-11893 Jesus Garcia Rodriguez and Rosalba Garcia Carranza

Chapter 13

#24.00 Hrg re application of attorney for debtor for additional fees and related expenses in a pending chapter 13 case subject to a rights and responsibilities agreement (RARA) for the period of 2-19-20 to 2-19-20

FROM: 2-10-21

Docket 61

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 4-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Garcia Rodriguez

Represented By
Jenny L Doling

Joint Debtor(s):

Rosalba Garcia Carranza

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:15 PM

6:20-16712 Urania Ursa Banks

Chapter 13

#25.00 Hrg re motion to disallow claims

FROM: 3-10-21

Docket 27

Tentative Ruling:

In preparing for the hearing, the moving party should re-consider the statements in paragraph 3 of the declaration of Paul Lee in support of the motion by reviewing the addresses for the debtor listed on the following documents:

(1) Proof of Claim 8-1, page 17 of 36, filed by PennyMac Loan Services, LLC;

(2) Proof of Claim 4-1 Part 2, page 15 of 15, filed by Northrop Gumman Federal Credit Union; and

(3) Notice of Motion and Motion for Relief from the Automatic Stay, page 19 of 20, filed by Northrop Grumman Federal Credit Union (Docket No. 33).

Party Information

Debtor(s):

Urania Ursa Banks

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:15 PM

6:21-10094 Patricia Ann Doublet

Chapter 13

#26.00 Hrg re debtor's motion to avoid lien with CACV of Colorado, LLC

[Property: 4890 Huntsmen Place, Fontana, San Bernardino, CA 92336]

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Ann Doublet

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:15 PM

6:21-10143 Vito Joseph Palmisano

Chapter 13

#27.00 Hrg re motion for order determining value of collateral with Americredit/GM
Financial

FROM: 3-10-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vito Joseph Palmisano

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:30 PM

6:18-15085 Cicely Ann Biggers

Chapter 13

#28.00 Motion for relief from stay

TOYOTA MOTOR CREDIT VS DEBTOR

Property: 2016 Toyota Highlander
[Personal Prop] Kirsten Martinez, attorney/movant

Docket 112

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cicely Ann Biggers

Represented By
Dana Travis

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:30 PM

6:19-16221 Joel R. Lozano and Yolanda Nava Lozano

Chapter 13

#29.00 Motion for relief from stay

TOYOTA LEASE TRUST VS DEBTORS

Property: 2018 Toyota RAV4
[Personal Prop] Kirsten Martinez, attorney/movant

Docket 29

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-15-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joel R. Lozano

Represented By
Todd L Turoci

Joint Debtor(s):

Yolanda Nava Lozano

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:30 PM

6:20-14915 Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

#30.00 Motion for relief from stay

FIFTH THIRD BANK VS DEBTORS

Property: 2017 GMC Sierra 2500
[Personal Prop] Kirsten Martinez, attorney/movant

Docket 56

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Valdovinos

Represented By
Sundee M Teeple

Joint Debtor(s):

Geovanna A. Valdovinos

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

2:30 PM

6:21-11460 Dolores Marina Mendez

Chapter 13

#31.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dolores Marina Mendez

Represented By
Trang P Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

3:00 PM

6:15-14791 Chad Christian Calonder

Chapter 13

#32.00 Hrg re status conference regarding application of discharge

CASE DISCHARGE 4-15-21

Docket 87

Tentative Ruling:

Final Ruling. The Court has reviewed the new application for entry of discharge filed in this case. Based on that review, the Court entered a discharge in this case and, therefore, it does not appear that a status conference is necessary at this time. **No appearances are required.**

If the debtor has any concerns, questions or objections regarding these matters or anything else regarding this case that the debtor wishes to address, the debtor or counsel for the debtor is welcome to appear at the status conference. Likewise, if the debtor or counsel for the debtor wishes to discuss the chapter 13 procedures order or ask any questions, the status conference is an opportunity to do so. Any issues in this case may be addressed at the status conference. However, as stated above, no appearances are required and, in the absence of an appearance, the Court will simply conclude the status conference.

Party Information

Debtor(s):

Chad Christian Calonder

Represented By
Javier H Castillo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

3:00 PM

6:15-18298 Jason Neil Anderson and Elizabeth Estel Anderson

Chapter 13

#33.00 Hrg re status conference regarding application of discharge

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jason Neil Anderson

Represented By
Arturo A Burga
Randy Alexander

Joint Debtor(s):

Elizabeth Estel Anderson

Represented By
Arturo A Burga
Randy Alexander

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

3:00 PM

6:16-14301 Sherri Jean Wynn Tanner

Chapter 13

#34.00 Hrg re status conference regarding application of discharge

CASE DISCHARGE: 3-22-21

Docket 1

Tentative Ruling:

Final Ruling. The Court has reviewed the new application for entry of discharge filed in this case. Based on that review, the Court entered a discharge in this case and, therefore, it does not appear that a status conference is necessary at this time. **No appearances are required.**

If the debtor has any concerns, questions or objections regarding these matters or anything else regarding this case that the debtor wishes to address, the debtor or counsel for the debtor is welcome to appear at the status conference. Likewise, if the debtor or counsel for the debtor wishes to discuss the chapter 13 procedures order or ask any questions, the status conference is an opportunity to do so. Any issues in this case may be addressed at the status conference. However, as stated above, no appearances are required and, in the absence of an appearance, the Court will simply conclude the status conference.

Party Information

Debtor(s):

Sherri Jean Wynn Tanner

Represented By
Ronald W Ask

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

3:00 PM

6:17-12808 Don D Pineda and Trinidad B Pineda

Chapter 13

#35.00 Hrg re status conference regarding application of discharge

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Don D Pineda

Represented By
Gary J Holt

Joint Debtor(s):

Trinidad B Pineda

Represented By
Gary J Holt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

3:00 PM

6:17-18205 Jose Co Ong

Chapter 13

#36.00 Hrg re status conference regarding application of discharge

CASE DISCHARGE 4-15-21

Docket 1

Tentative Ruling:

Final Ruling. The Court has reviewed the new application for entry of discharge filed in this case. Based on that review, the Court entered a discharge in this case and, therefore, it does not appear that a status conference is necessary at this time. **No appearances are required.**

If the debtor has any concerns, questions or objections regarding these matters or anything else regarding this case that the debtor wishes to address, the debtor or counsel for the debtor is welcome to appear at the status conference. Likewise, if the debtor or counsel for the debtor wishes to discuss the chapter 13 procedures order or ask any questions, the status conference is an opportunity to do so. Any issues in this case may be addressed at the status conference. However, as stated above, no appearances are required and, in the absence of an appearance, the Court will simply conclude the status conference.

Party Information

Debtor(s):

Jose Co Ong

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

3:00 PM

6:19-10317 Charles Borden and Jennifer Borden

Chapter 13

#37.00 Hrg re status conference regarding application of discharge

CASE DISCHARGE: 3-22-21

Docket 61

Tentative Ruling:

Final Ruling. The Court has reviewed the new applications for entry of discharge filed in this case. Based on that review, the Court entered a discharge in this case and, therefore, it does not appear that a status conference is necessary at this time. **No appearances are required.**

If the debtors have any concerns, questions or objections regarding these matters or anything else regarding this case that the debtors wish to address, the debtors or counsel for the debtors are welcome to appear at the status conference. Likewise, if the debtors or counsel for the debtors wish to discuss the chapter 13 procedures order or ask any questions, the status conference is an opportunity to do so. Any issues in this case may be addressed at the status conference. However, as stated above, no appearances are required and, in the absence of an appearance, the Court will simply conclude the status conference.

Party Information

Debtor(s):

Charles Borden

Represented By
Tom A Moore

Joint Debtor(s):

Jennifer Borden

Represented By
Tom A Moore

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

3:00 PM

6:19-11456 Kathryn Dolores Svatos

Chapter 13

#38.00 Hrg re status conference regarding application of discharge

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathryn Dolores Svatos

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

3:15 PM

6:17-17743 Kyle Christopher Core

Chapter 13

#39.00 Hrg re status conference regarding application of discharge

FROM: 11-18-20, 1-13-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kyle Christopher Core

Represented By
Mona V Patel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 22, 2021

Hearing Room 304

10:00 AM

6:20-17413 David Emilio Jones and Cecilia Barrera Jones

Chapter 7

#1.00 Motion for relief from stay

ACAR LEASING LTD VS DEBTORS

Property: 2018 Buick Enclave
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 33

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-14-21**

Party Information

Debtor(s):

David Emilio Jones

Represented By
Thomas D Sands - SUSPENDED BK -

Joint Debtor(s):

Cecilia Barrera Jones

Represented By
Thomas D Sands - SUSPENDED BK -

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 22, 2021

Hearing Room 304

10:00 AM

6:21-10596 Jose Luis Flores Santiago and Cristina Vargas Moreno

Chapter 7

#2.00 Motion for relief from stay

SANTANDER CONSUMER USA VS DEBTOR

Property: 2020 Jeep Compass
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-14-21**

Party Information

Debtor(s):

Jose Luis Flores Santiago

Represented By
James G. Beirne

Joint Debtor(s):

Cristina Vargas Moreno

Represented By
James G. Beirne

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 22, 2021

Hearing Room 304

10:00 AM

6:21-10666 Patricia Joan Maldonado

Chapter 7

#3.00 Motion for relief from stay

FORD MOTOR CREDIT VS DEBTOR

2017 FORD ESCAPE

[Personal Prop] Shelly K. Ith, attorney/movant

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-14-21**

Party Information

Debtor(s):

Patricia Joan Maldonado

Represented By
Edgar P Lombera

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 22, 2021

Hearing Room 304

10:00 AM

6:21-11148 Shannen Evans and Adam Joseph Evans

Chapter 7

#4.00 Motion for relief from stay

EXETER FINANCE VS DEBTORS

Property: 2014 Dodge Dart
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 9

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-14-21**

Party Information

Debtor(s):

Shannen Evans

Represented By
David L Nelson

Joint Debtor(s):

Adam Joseph Evans

Represented By
David L Nelson

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 22, 2021

Hearing Room 304

10:00 AM

6:21-11291 Raul Azcuenaga

Chapter 7

#5.00 Motion for relief from stay

DAIMLER TRUST VS DEBTOR

Property: 2018 Mercedes-Benz C300W
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 8

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-14-21**

Party Information

Debtor(s):

Raul Azcuenaga

Represented By
Antonio John Ibarra

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 22, 2021

Hearing Room 304

10:00 AM

6:21-11295 Rene De La Parra

Chapter 7

#6.00 Motion for relief from stay

HONDA LEASE TRUST VS DEBTOR

Property: 2020 Acura MDX
[Personal Prop] Vincent V. Frounjian, attorney/movant

Docket 8

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-14-21**

Party Information

Debtor(s):

Rene De La Parra

Represented By
Christopher Hewitt

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 22, 2021

Hearing Room 304

1:30 PM

6:15-14612 Reinier Santos Dela Cruz

Chapter 13

Adv#: 6:20-01168 Dela Cruz et al v. Wilmington Trust, National Association, as success

#7.00 Status conference re: Complaint to avoid junior lien on principal residence

[Property: 574 Highland Court, Upland, CA 91786]

FROM: S/C 1-14-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 5-20-21 AT 1:30 P.M.**

Party Information

Debtor(s):

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Defendant(s):

Wilmington Trust, National

Pro Se

Joint Debtor(s):

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Plaintiff(s):

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 22, 2021

Hearing Room 304

1:30 PM

6:20-12668 Trina Lee Kenney

Chapter 7

Adv#: 6:20-01128 Loy et al v. Kenney

#8.00 Status conference re: Complaint to determine dischargeability of debt

FROM: 10-8-20, 1-13-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 5-6-21 AT 2:00 P.M.**

Party Information

Debtor(s):

Trina Lee Kenney

Represented By
Todd L Turoci

Defendant(s):

Trina Lee Kenney

Pro Se

Plaintiff(s):

Jessica Loy

Represented By
Laila Masud
D Edward Hays

Brittany Swigart

Represented By
D Edward Hays

Brandon Swigart

Represented By
D Edward Hays

Jane Doe

Represented By
D Edward Hays

Ramtin Mehrvijeh

Represented By
D Edward Hays

Julia Summer Evans

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 22, 2021

Hearing Room 304

1:30 PM

CONT...

Trina Lee Kenney

Chapter 7

D Edward Hays

Austin Matelson

Represented By
D Edward Hays

Emily Kovach

Represented By
D Edward Hays

Jane Roe

Represented By
D Edward Hays

Caru Society for the Prevention of

Represented By
D Edward Hays

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 22, 2021

Hearing Room 304

1:30 PM

6:20-13504 Elijah Timothy Hunter Kenney

Chapter 7

Adv#: 6:20-01140 Loy et al v. Kenney

#9.00 Status conference re: Complaint to determine dischargeability of debt

FROM: 11-5-20, 1-13-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 5-6-21 AT 2:00 P.M.**

Party Information

Debtor(s):

Elijah Timothy Hunter Kenney

Represented By
Todd L Turoci
Donald W Reid

Defendant(s):

Elijah Timothy Hunter Kenney

Pro Se

Plaintiff(s):

Jessica Loy

Represented By
Laila Masud
D Edward Hays

Brittany Swigart

Represented By
D Edward Hays

Brandon Swigart

Represented By
D Edward Hays

Jane Doe

Represented By
D Edward Hays

Ramtin Mehrvijeh

Represented By
D Edward Hays

Julia Summer Evans

Represented By
D Edward Hays

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 22, 2021

Hearing Room 304

1:30 PM

CONT... Elijah Timothy Hunter Kenney

Chapter 7

Austin Matelson

Represented By
D Edward Hays

Emily Kovach

Represented By
D Edward Hays

Jane Roe

Represented By
D Edward Hays

Caru Society for the Prevention of

Represented By
D Edward Hays

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 22, 2021

Hearing Room 304

1:30 PM

6:20-13505 Jezriel Patricia Kenney

Chapter 7

Adv#: 6:20-01141 Loy et al v. Kenney

#10.00 Status conference re: Complaint to determine dischargeability of debt

FROM: 11-5-20, 1-13-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 5-6-21 AT 2:00 P.M.**

Party Information

Debtor(s):

Jezriel Patricia Kenney

Represented By
Todd L Turoci
Donald W Reid

Defendant(s):

Jezriel Patricia Kenney

Pro Se

Plaintiff(s):

Jessica Loy

Represented By
D Edward Hays

Brittany Swigart

Represented By
D Edward Hays

Brandon Swigart

Represented By
D Edward Hays

Jane Doe

Represented By
D Edward Hays

Ramtin Mehrvijeh

Represented By
D Edward Hays

Julia Summer Evans

Represented By
D Edward Hays

Austin Matelson

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, April 22, 2021

Hearing Room 304

1:30 PM

CONT... Jezriel Patricia Kenney

Chapter 7

D Edward Hays

Emily Kovach

Represented By
D Edward Hays

Jane Roe

Represented By
D Edward Hays

Caru Society for the Prevention of

Represented By
Laila Masud
D Edward Hays

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 27, 2021

Hearing Room 304

11:00 AM

6:20-17551 CNC Puma Corporation

Chapter 11

#1.00 Hrg re status conference

Docket 0

Party Information

Debtor(s):

CNC Puma Corporation

Represented By
J. Luke Hendrix

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 27, 2021

Hearing Room 304

11:00 AM

6:20-17551 CNC Puma Corporation

Chapter 11

#2.00 Hrg re motion for order fixing dates in subchapter V case

FROM: 4-6-21

Docket 51

Party Information

Debtor(s):

CNC Puma Corporation

Represented By
J. Luke Hendrix

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, April 27, 2021

Hearing Room 304

3:00 PM

6:20-17503 Pro Installs Appliance Installations, Inc.

Chapter 11

#3.00 Hrg re status conference

Docket 0

Party Information

Debtor(s):

Pro Installs Appliance Installations,

Represented By
Michael Jay Berger

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 3, 2021

Hearing Room 304

10:00 AM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:19-01007 Anderson v. Gonzaga University

#1.00 Trial re: Complaint (1) Avoidance, Recovery, and Preservation of Fraudulent Transfers [11 U.S.C. §§ 548, 550, and 551]; 2) Avoidance, Recovery, and Preservation of Fraudulent Transfer [11 U.S.C. §§ 544, 550, and 551; Cal. Civ.Code §§ 3439 et seq.]; (3) Avoidance, Recovery, and Preservation of Fraudulent Transfers [11 U.S.C. §§ 548, 550, and 551; and (4) Avoidance, Recovery, and Preservation of Fraudulent Transfers [11 U.S.C. §§ 544, 550, and 551; Cal. Civ. Code §§ 3439 et seq.]

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 1-15-21**

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

Gonzaga University

Represented By
Eric A Mitnick

Plaintiff(s):

Karl T. Anderson

Represented By
Judith E Marshack
Matthew Grimshaw
Kristine A Thagard

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw
Cionca IP Law P C

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

1:00 PM

6:16-12192 Mark Technologies Corporation

Chapter 7

#1.00 Hrg re trustee's final report and applications for compensation

Docket 616

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Technologies Corporation

Represented By
Eve H Karasik

Trustee(s):

Helen R. Frazer (TR)

Represented By
Elissa Miller
Sulmeyer Kupetz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

1:00 PM

6:17-13068 Eva G. Camarena

Chapter 7

#2.00 Hrg re trustee's final report and applications for compensation

Docket 58

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eva G. Camarena

Represented By
James C Shields

Trustee(s):

Howard B Grobstein (TR)

Represented By
Montserrat Morales
Jeremy Faith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

1:00 PM

6:19-20489 Guadalupe Guzman

Chapter 7

#3.00 Hrg re motion for order: (1) Approving the sale of real property of the estate free and clear of liens, subject to overbids, combined with notice of bidding procedures and request for approval of the bidding procedures utilized; (2) Approving payment of real estate commission and other costs; and (3) Granting related relief

[Property: 1050 Gabbro Way, Hemet, CA 92543]

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guadalupe Guzman

Represented By
John C Colwell

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

1:00 PM

6:20-12399 Matthew Ryan Crider and Breanna Michelle Crider

Chapter 7

#4.00 Hrg re trustee's final report and applications for compensation

Docket 79

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

Pursuant to the trustee's final report, the following administrative claims will be allowed:

- (1) Trustee: fees of \$5,650 and expenses of \$1,058.95;
- (2) Rawson & Associates: fees of \$250; and
- (3) Donald T. Fife, CPA: fees of \$1,000.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Matthew Ryan Crider

Represented By
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

1:00 PM

CONT... Matthew Ryan Crider and Breanna Michelle Crider

Chapter 7

Joint Debtor(s):

Breanna Michelle Crider

Represented By
Robert B Rosenstein

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

1:00 PM

6:20-13005 TTBGM, Inc

Chapter 7

#5.00 Hrg re motion for an order disallowing claims

Claim number 14 filed by Steve Cornaglia
Claim number 15 filed by Patrick & Pamela Courtney
Claim number 16 filed by Richard Besone, JD

Docket 166

***** VACATED *** REASON: ORDER CONT ENTERED 4-21-21;
CONT'D TO 5-18-21 AT 1:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

TTBGM, Inc

Represented By
Thomas C Corcovelos

Trustee(s):

Arturo Cisneros (TR)

Represented By
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

1:00 PM

6:20-17506 Gary Outzen

Chapter 7

#6.00 Hrg re final fees and or expense for Caroline R. Djang

Docket 65

***** VACATED *** REASON: ORDER CONT ENTERED 4-29-21;
CONT'D TO 12-14-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Outzen

Represented By
Todd L Turoci

Trustee(s):

Lynda T. Bui (TR)

Represented By
Melissa Davis Lowe

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, May 4, 2021

Hearing Room 304

1:00 PM

6:20-17506 Gary Outzen

Chapter 7

#7.00 Hrg re final fees and or expense for the Turoci Firm, Inc.

Docket 70

*** VACATED *** REASON: ORDER CONT ENTERED 4-29-21;
CONT'D TO 12-14-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Outzen

Represented By
Todd L Turoci

Trustee(s):

Lynda T. Bui (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

1:00 PM

6:21-10067 Tri-K Truss Company

Chapter 7

#8.00 Hrg re motion for order: (1) Approving compromise with Pacific Truss and Supply Inc.; (2) Sale of property free and clear of liens; and (3) Waiver of the rule 6004 stay

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tri-K Truss Company

Represented By
Jenny L Doling

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Goe & Forsythe LLP

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

1:00 PM

6:16-20563 Giovanni Agostino Nanci and Stephanie Suzanne Nanci

Chapter 7

#8.01 Hrg re motion of chapter 7 trustee to approve compromise with debtors for resolution of all claims

Docket 105

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Giovanni Agostino Nanci

Represented By
Donald W Reid

Joint Debtor(s):

Stephanie Suzanne Nanci

Represented By
Donald W Reid

Trustee(s):

Steven M Speier (TR)

Represented By
Julie Philippi
Morey & Upton
Scott Talkov
Christopher M Kiernan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

1:30 PM

6:20-17503 Pro Installs Appliance Installations, Inc.

Chapter 11

#9.00 Hrg re first interim application for compensation and reimbursement of expenses of Michael Jay Berger

FROM: 4-6-21

Docket 73

***** VACATED *** REASON: SCHEDULNG ORDER ENTERED 4-27-21; CONT'D TO 9-7-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pro Installs Appliance Installations,

Represented By
Michael Jay Berger

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

1:30 PM

6:20-17503 Pro Installs Appliance Installations, Inc.

Chapter 11

#10.00 Hrg re application for payment of interim fees and or expenses of Jennifer M. Lui

FROM: 4-6-21

Docket 77

***** VACATED *** REASON: SCHEDULNG ORDER ENTERED 4-27-21; CONT'D TO 9-7-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pro Installs Appliance Installations,

Represented By
Michael Jay Berger

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

2:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#11.00 Hrg re order setting chapter 11 status conference

FROM: 3-9-21, 3-25-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

2:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#12.00 Hrg re motion for allowance and payment of administrative expense claim
FROM: 3-9-21

Docket 249

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci
Amelia Puertas-Samara

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, May 4, 2021

Hearing Room 304

2:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#13.00 Hrg re motion for order approving compromise of controversy

FROM: 3-9-21

Docket 262

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 4-15-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci
Amelia Puertas-Samara

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

2:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#14.00 Hrg re chapter 11 status conference

FROM: 3-24-20, 5-12-20, 6-23-20, 8-4-20, 10-6-20, 1-12-21, 4-20-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

3:00 PM

6:19-10026 Anibal Mesala Silva

Chapter 13

Adv#: 6:20-01142 Silva v. MIDFIRST BANK et al

#15.00 Hrg re motion debtor's demand for mandatory disqualification of Judge Scott Yun

Docket 36

***** VACATED *** REASON: SCHEDULING ORER ENERED 4-27-21;
CONT'D TO 6-29-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anibal Mesala Silva

Pro Se

Defendant(s):

MIDFIRST BANK

Represented By
Darlene C Vigil

Midland Mortgage

Represented By
Darlene C Vigil

Plaintiff(s):

Anibal Silva

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

3:30 PM

6:16-13497 Dana Rae Burgess

Chapter 7

#16.00 Hrg re motion for contempt for willfully violating an order of the court entered on 3-12-18

FROM: 9-1-20, 10-6-20, 11-17-20, 1-12-21, 3-23-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Rae Burgess

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Represented By
Reem J Bello
William N Lobel
Michael R Adele

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

3:30 PM

6:16-13497 Dana Rae Burgess

Chapter 7

#17.00 Hrg re status conference

FROM: 11-17-20, 1-12-21, 3-23-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Rae Burgess

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Represented By
Reem J Bello
William N Lobel
Michael R Adele
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

3:30 PM

6:19-12898 Robbie Eugene Smith and Desiree Marie Smith

Chapter 13

#18.00 Hrg re status conference

FROM: 3-23-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robbie Eugene Smith

Represented By
Summer M Shaw

Joint Debtor(s):

Desiree Marie Smith

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

1:30 PM

6:21-11437 Jose Gaspar Trujillo

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 4-6-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Gaspar Trujillo

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

1:30 PM

6:21-11460 Dolores Marina Mendez

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 9-27-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dolores Marina Mendez

Represented By
Trang P Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

1:30 PM

6:21-11520 Dawn Renee Tanner

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 9-27-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dawn Renee Tanner

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

1:30 PM

6:21-11567 Shihal Howard

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 9-27-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shihal Howard

Represented By
Joshua L Sternberg

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

1:30 PM

6:21-11646 Kimberly M Voskeritchian

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 9-27-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly M Voskeritchian

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

1:30 PM

6:21-11741 Lynnetta J Wright-Diaz

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 9-27-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynnetta J Wright-Diaz

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

1:30 PM

6:21-11746 Allan Wagner

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 9-27-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allan Wagner

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:15-20556 Antonio R Ulit, Jr.

Chapter 13

#8.00 Hrg re trustee's motion to dismiss regarding unreasonable delay

Docket 79

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-3-21;
CONT'D TO 5-19-21 AT 2:15 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antonio R Ulit Jr.

Represented By
Gary J Holt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:16-12773 Otoniel Toledo

Chapter 13

#9.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 88

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 2-22-21; ADVANCED TO 3-10-21 AT 2:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Otoniel Toledo

Represented By
Joseph A Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:20-10877 Martha Vaca Herrera and Gabriel Yanez

Chapter 13

#10.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 49

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 4-21-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martha Vaca Herrera

Represented By
Dana Travis

Joint Debtor(s):

Gabriel Yanez

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:17-10824 Jorge Alberto Rios and Ana Lilia Campos

Chapter 13

#10.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 75

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 4-28-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Alberto Rios

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Ana Lilia Campos

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:17-12045 John Michael Saenz and Hortencia Saenz

Chapter 13

#10.02 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 49

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 4-26-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Michael Saenz

Represented By
Sunita N Sood
Seema N Sood

Joint Debtor(s):

Hortencia Saenz

Represented By
Sunita N Sood
Seema N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:18-14391 Mark A. Serrato

Chapter 13

#10.03 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 54

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-26-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark A. Serrato

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:20-16712 Urania Ursa Banks

Chapter 13

#11.00 Hrg re objection to claim of CIGPE I, claim number 9 and motion for order disallowing claim

Docket 43

*** VACATED *** REASON: ORDER DISALLOWING CLAIM
ENTERED 5-3-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Urania Ursa Banks

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:21-10007 Mia Susanne Moyer

Chapter 13

#12.00 Hrg re order disallowing claim number 1 of Cavalry SPA I, LLC as assignee of Chase Bank USA N.A. (WAMU)

Docket 0

***** VACATED *** REASON: ORDER DISALLOWING CLAIM
ENTERED 5-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mia Susanne Moyer

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:21-11184 Pascual Liera, Jr.

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pascual Liera Jr.

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:21-11189 Daniel Allen West and Yokarine West

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Allen West

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Yokarine West

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:21-11210 Kevin Hargrove

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 6

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Hargrove

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:21-11225 Christopher John Uttecht

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher John Uttecht

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:21-11229 Lillian Baker

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lillian Baker

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:21-11232 Garrick Carl Belser

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Garrick Carl Belser

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:21-11332 Minh The Doan

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Minh The Doan

Represented By
Lyly Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, May 5, 2021

Hearing Room 304

2:00 PM

6:21-11381 Keith Alan Fairbrother

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 8-23-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keith Fairbrother

Represented By
Dennis A Rasmussen

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, May 5, 2021

Hearing Room 304

2:15 PM

6:16-15648 Robert Girard Nolan

Chapter 13

#21.00 Hrg re trustee's motion to dismiss case regarding unreasonable delay

ADVANCED FROM 5-19-21

Docket 46

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 4-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Girard Nolan

Represented By
Yelena Gurevich

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:30 PM

6:15-18923 Tyrone Owens, Sr. and Betty Jean Owens

Chapter 13

#22.00 Hrg re motion for relief from stay

WELLS FARGO BANK VS DEBTOR

Property: 12855 Mallorca Way, Victorville, CA 92395
[Real Prop] Eric Enciso, attorney/movant

Docket 127

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-26-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tyrone Owens Sr.

Represented By
Dana Travis

Joint Debtor(s):

Betty Jean Owens

Represented By
Dana Travis

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Sean C Ferry
Eric P Enciso

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 5, 2021

Hearing Room 304

2:30 PM

6:21-11845 Francisco Medrano and Claudia Mercedes Medrano

Chapter 13

#23.00 Hrg re motion for order imposing a stay or continuing the automatic stay

Docket 11

***** VACATED *** REASON: ORDER REGARDING AUTOMATIC
STAY ENTERED 4-27-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Medrano

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Claudia Mercedes Medrano

Represented By
Jaime A Cuevas Jr.

Movant(s):

Francisco Medrano

Represented By
Jaime A Cuevas Jr.
Jaime A Cuevas Jr.

Claudia Mercedes Medrano

Represented By
Jaime A Cuevas Jr.
Jaime A Cuevas Jr.
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

8:30 AM

6:21-10659 Luis Antonio Hernandez Cuevas

Chapter 7

#1.00 Hrg re reaffirmation agreement filed 4-12-21 between Debtor and Flagship Credit Acceptance for the amount of \$7,550.00

RE: 16 Hyundai Sonata

Docket 13

***** VACATED *** REASON: ORDER DISAPPROVING
REAFFIRMATION AGREEMENT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Antonio Hernandez Cuevas

Represented By
Irma C Coler

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

8:30 AM

6:21-10795 Jorge A Mora and Maria Del Rocio Mora

Chapter 7

#2.00 Hrg re reaffirmation agreement filed 4-13-21 between Debtor and Wells Fargo Auto in the amount of \$21,211.06

RE: 2018 Mercedes-Benz CLA Class

Docket 17

***** VACATED *** REASON: ORDER REGARDING REAFFIRMATION AGREEMENT ENTERED 4-27-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge A Mora

Represented By
Raymond Perez

Joint Debtor(s):

Maria Del Rocio Mora

Represented By
Raymond Perez

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

9:00 AM

6:20-17292 Moises A Valladares

Chapter 7

#3.00 Hrg re reaffirmation agreement filed 1-25-21 between Debtor and American Honda Finance Corp. in the amount of \$29,781.94

RE:2019 Honda Accord

FROM: 3-11-21

Docket 8

***** VACATED *** REASON: ORDER DISAPPROVING
REAFFIRMATION AGREEMENT ENTERED 4-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moises A Valladares

Represented By
Ruben Salazar

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

9:00 AM

6:21-10106 Randall B Cotin

Chapter 7

#4.00 Hrg re reaffirmation agreement filed 2-3-21 between Debtor and Capital One Auto Finance in the amount of \$14,889.68

RE: 2016 Nissan Quest Wagon

FROM: 3-11-21

Docket 15

***** VACATED *** REASON: ORDER REGARDING REAFFIRMATION
AGREEMENT ENTERED 4-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Randall B Cotin

Represented By
Elaine O San Juan

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

10:00 AM

6:17-14622 Heath Carr

Chapter 7

#5.00 Motion for relief from stay

GUILD MORTGAGE VS DEBTOR

Property: 1184 Teton Drive, Big Bear Lake, CA 92315
[Real Prop] Nancy Lee, attorney/movant

Docket 120

***** VACATED *** REASON: ORDER REGARDING AUTOMATIC
STAY ENTERED 4-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Heath Carr

Represented By
Keith Q Nguyen

Movant(s):

Guild Mortgage Company LLC

Represented By
Nancy L Lee

Trustee(s):

Howard B Grobstein (TR)

Represented By
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

10:00 AM

6:21-10953 Ashlee Nicole Alvarez

Chapter 7

#6.00 Motion for relief from stay

TOYOTA MOTOR CREDIT VS DEBTOR

Property: 2017 Toyota Highlander
[Personal Prop] Kristen Martinez, attorney/movant

Docket 9

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ashlee Nicole Alvarez

Represented By
James P Doan

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

10:00 AM

6:21-10973 Eric Fabian Ramirez

Chapter 7

#7.00 Motion for relief from stay

TOYOTA MOTOR CREDIT VS DEBTOR

Property: 2019 Toyota Prius Prime
[Personal Prop] Austin P. Nagel, attorney/movant

Docket 11

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Fabian Ramirez

Represented By
Curtis R Aijala

Movant(s):

Toyota Motor Credit Corporation,

Represented By
Austin P Nagel

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

10:00 AM

6:21-10984 Isabel R Castaneda

Chapter 7

#8.00 Motion for relief from stay

AMERICREDIT FINANCIAL SERVICES VS DEBTOR

Property: 2017 Chevrolet Camaro
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Isabel R Castaneda

Represented By
Christopher Hewitt

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Sheryl K Ith

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

10:00 AM

6:21-11543 Josefina Ortega-Quinonez

Chapter 7

#9.00 Motion for relief from stay

AMERICAN HONDA FINANCE VS DEBTOR

Property: 2019 Honda Accord
[Personal Prop] Vincent V. Frounjian, attorney/movant

Docket 9

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Josefina Ortega-Quinonez

Represented By
James G. Beirne

Movant(s):

American Honda Finance

Represented By
Vincent V Frounjian

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

10:30 AM

6:19-16555 Miguel A Nigo

Chapter 7

Adv#: 6:21-01025 United States Trustee for the Central District of v. Mares

#10.00 Status conference re: Complaint for injunctive relief, damages, and fines against defendant Maria Mares

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel A Nigo Pro Se

Defendant(s):

Maria Mares Pro Se

Plaintiff(s):

United States Trustee for the Central Represented By
Abram Feuerstein esq

Trustee(s):

Charles W Daff (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

10:30 AM

6:19-16555 Miguel A Nigo

Chapter 7

#11.00 Hrg re status conference

FROM: 7-21-20, 10-20-20, 11-17-20, 3-9-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel A Nigo

Pro Se

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

11:00 AM

6:19-10528 KLINTON, INC, a California Corporation

Chapter 7

Adv#: 6:21-01012 Grobstein v. Mehtar et al

#12.00 Status conference re: Complaint to: (1) avoid and recover preferential transfer; (2) to avoid and recover fraudulent transfers; (3) to avoid and recover transfers and (4) to preserve transfers for the benefit of the estate

FROM: 3-29-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

KLINTON, INC, a California

Represented By
Michael E Plotkin

Defendant(s):

Leena Mehtar

Pro Se

Danna Mehtar

Pro Se

LDZJ Family Limited Partnership

Pro Se

Mohammed Najj

Pro Se

Plaintiff(s):

Howard B. Grobstein

Represented By
David M Goodrich

Trustee(s):

Howard B Grobstein (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

1:30 PM

6:10-16163 Lawrence Eugene Forester

Chapter 13

Adv#: 6:21-01032 Forester et al v. CITIBANK N.A.

#13.00 Hrg re motion to dismiss adversary complaint for failure to state a claim upon which relief can be granted

Docket 5

***** VACATED *** REASON: ORDER GRANTING MOTION ENTERED
5-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Defendant(s):

CITIBANK N.A.

Represented By
Jillian A Benbow

Joint Debtor(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Plaintiff(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

1:30 PM

6:11-40323 Jose Aguilar

Chapter 13

Adv#: 6:20-01184 Aguilar v. OneWest Bank FSB, successor in interest to Indymac

#14.00 Status conference re: Complaint to avoid junior lien of Onewest Bank FSB

[Property: 14940 Spring Street, Fontana, CA 92335]

FROM: S/C 2-11-21, 3-25-21, 4-15-21

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 4-30-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Aguilar

Represented By
Javier H Castillo

Defendant(s):

OneWest Bank FSB, successor in

Pro Se

Plaintiff(s):

Jose Aguilar

Represented By
Javier H Castillo

Trustee(s):

Rod (MJ) Danielson (TR)

Represented By
Rod (MJ) Danielson (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

1:30 PM

6:11-40323 Jose Aguilar

Chapter 13

Adv#: 6:20-01184 Aguilar v. OneWest Bank FSB, successor in interest to Indymac

#15.00 Hrg re motion for default judgment

FROM: 1-28-21, 3-25-21, 4-15-21

Docket 6

***** VACATED *** REASON: ADVERSARY DISMISSED 4-30-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Aguilar

Represented By
Javier H Castillo

Defendant(s):

OneWest Bank FSB, successor in

Pro Se

Plaintiff(s):

Jose Aguilar

Represented By
Javier H Castillo

Trustee(s):

Rod (MJ) Danielson (TR)

Represented By
Rod (MJ) Danielson (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

2:00 PM

6:20-12668 Trina Lee Kenney

Chapter 7

Adv#: 6:20-01128 Loy et al v. Kenney

#16.00 Status conference re: Complaint to determine dischargeability of debt

FROM: 10-8-20, 1-13-21, 4-22-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-3-21;
CONT'D TO 1-13-22 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Trina Lee Kenney

Represented By
Todd L Turoci

Defendant(s):

Trina Lee Kenney

Pro Se

Plaintiff(s):

Jessica Loy

Represented By
Laila Masud
D Edward Hays

Brittany Swigart

Represented By
D Edward Hays

Brandon Swigart

Represented By
D Edward Hays

Jane Doe

Represented By
D Edward Hays

Ramtin Mehrvijeh

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

2:00 PM

CONT...

Trina Lee Kenney

Chapter 7

D Edward Hays

Julia Summer Evans

Represented By
D Edward Hays

Austin Matelson

Represented By
D Edward Hays

Emily Kovach

Represented By
D Edward Hays

Jane Roe

Represented By
D Edward Hays

Caru Society for the Prevention of

Represented By
D Edward Hays

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

2:00 PM

6:20-13504 Elijah Timothy Hunter Kenney

Chapter 7

Adv#: 6:20-01140 Loy et al v. Kenney

#17.00 Status conference re: Complaint to determine dischargeability of debt

FROM: 11-5-20, 1-13-21, 4-22-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-3-21;
CONT'D TO 1-13-22 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elijah Timothy Hunter Kenney

Represented By
Todd L Turoci
Donald W Reid

Defendant(s):

Elijah Timothy Hunter Kenney

Pro Se

Plaintiff(s):

Jessica Loy

Represented By
Laila Masud
D Edward Hays

Brittany Swigart

Represented By
D Edward Hays

Brandon Swigart

Represented By
D Edward Hays

Jane Doe

Represented By
D Edward Hays

Ramtin Mehrvijeh

Represented By
D Edward Hays

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

2:00 PM

CONT... Elijah Timothy Hunter Kenney Chapter 7

Julia Summer Evans Represented By
D Edward Hays

Austin Matelson Represented By
D Edward Hays

Emily Kovach Represented By
D Edward Hays

Jane Roe Represented By
D Edward Hays

Caru Society for the Prevention of Represented By
D Edward Hays

Trustee(s):

Howard B Grobstein (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

2:00 PM

6:20-13505 Jezriel Patricia Kenney

Chapter 7

Adv#: 6:20-01141 Loy et al v. Kenney

#18.00 Status conference re: Complaint to determine dischargeability of debt

FROM: 11-5-20, 1-13-21, 4-22-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-3-21;
CONT'D TO 1-13-22 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jezriel Patricia Kenney

Represented By
Todd L Turoci
Donald W Reid

Defendant(s):

Jezriel Patricia Kenney

Pro Se

Plaintiff(s):

Jessica Loy

Represented By
D Edward Hays

Brittany Swigart

Represented By
D Edward Hays

Brandon Swigart

Represented By
D Edward Hays

Jane Doe

Represented By
D Edward Hays

Ramtin Mehrvijeh

Represented By
D Edward Hays

Julia Summer Evans

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

2:00 PM

CONT... Jezriel Patricia Kenney

Chapter 7

D Edward Hays

Austin Matelson

Represented By
D Edward Hays

Emily Kovach

Represented By
D Edward Hays

Jane Roe

Represented By
D Edward Hays

Caru Society for the Prevention of

Represented By
Laila Masud
D Edward Hays

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 6, 2021

Hearing Room 304

3:00 PM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01200 Daff v. Adelanto Millworks, LLC et al

#19.00 Hrg re motion to dismiss complaint for: (1) Lack of standing; and (2) Failure to state a claim upon which relief can be granted

FROM: 3-11-21, 4-5-21, 4-15-21

Docket 10

***** VACATED *** REASON: ORDER DENYING MOTION ENTERED 5
-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Adelanto Millworks, LLC

Represented By
Michael G Spector

Mark Kinnison

Represented By
Michael G Spector

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, May 7, 2021

Hearing Room 304

10:00 AM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:19-01006 Anderson v. Point Loma Nazarene University

#1.00 Trial re: Complaint for avoidance, recovery, and preservation of fraudulent transfer

Docket 1

***** VACATED *** REASON: ORDER DISMISSING ENTERED 1-19-21**

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

Point Loma Nazarene University

Represented By
Gerald P Kennedy

Plaintiff(s):

Karl T. Anderson

Represented By
Judith E Marshack
Matthew Grimshaw
Kristine A Thagard

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw
Cionca IP Law P C
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-14915 Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

#1.00 Confirmation of Chapter 13 Plan

FROM: 1-27-21

Docket 30

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1609676413>

Meeting ID: 160 967 6413

Password: 128958

Again, debtors need not appear today.

Please review this posted calendar again on Monday around noon. The Court intends to post additional information by noon on Monday.

Party Information

Debtor(s):

Carlos Valdovinos

Represented By
Sundee M Teeple

Joint Debtor(s):

Geovanna A. Valdovinos

Represented By
Sundee M Teeple

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-14915 Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 1-13-21

Docket 30

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1609676413>

Meeting ID: 160 967 6413

Password: 128958

Again, debtors need not appear today.

Please review this posted calendar again on Monday around noon. The Court intends to post additional information by noon on Monday.

Party Information

Debtor(s):

Carlos Valdovinos

Represented By
Sundee M Teeple

Joint Debtor(s):

Geovanna A. Valdovinos

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

**CONT... Carlos Valdovinos and Geovanna A. Valdovinos
Sundee M Teeple**

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17688 Leticia Cisneros

Chapter 13

#3.00 Confirmation of Chapter 13 Plan

FROM: 1-27-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1609676413>

Meeting ID: 160 967 6413

Password: 128958

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT...

Leticia Cisneros

Chapter 13

confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On December 14, 2020, the Court entered a scheduling order [docket #22] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for May 10, 2021 at 1:30 p.m.

On April 12, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #43] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on November 28, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on April 13, 2021 [docket #44] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's amended procedures order [docket #14] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On May 10, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on May 10, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT...

Leticia Cisneros

Chapter 13

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting December 28, 2020, the monthly plan payment is \$1,100.

Starting January 28, 2021, the monthly plan payment is \$2,751.

The due date for each payment is the 28th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$163,409. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,960, counsel is entitled to payment of \$3,040 from the estate at a rate no more than \$304 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Leticia Cisneros

Chapter 13

fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT...

Leticia Cisneros

Chapter 13

tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$2,251.96 at a rate no less than \$37.53 per month for 60 months.
2. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$151.78 at a rate no less than \$15.18 per month for ten months.
3. The Trustee shall pay the secured claim of LoanCare in the amount of \$22,633.40 at a rate no less than \$377.22 per month for 60 months.
4. The Trustee shall pay the secured claim of CarMax Auto Finance in the amount of \$2,728.64 at a rate no less than \$50.25 per month for 60 months with interest at the rate of 4% per annum.
5. Debtors must pay 100% to the unsecured creditors per the liquidation analysis.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT...

Leticia Cisneros

Chapter 13

not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT...

Leticia Cisneros

Chapter 13

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors except to the following limited extent:

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in February of 2021 in the approximate amount of \$1,428.61 per month to the creditor LoanCare. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor. Other than those few payments by the Debtors prior to February of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT...

Leticia Cisneros

Chapter 13

2021, this case does not involve any other direct payments by the Debtors to creditors and, therefore, the Debtors need only file reports pursuant to paragraph 5(e) for the limited period of time during which they are responsible for making Direct Payments.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT...

Leticia Cisneros

Chapter 13

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Leticia Cisneros

Chapter 13

Debtor(s):

Leticia Cisneros

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17688 Leticia Cisneros

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 1-13-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1609676413>

Meeting ID: 160 967 6413

Password: 128958

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Leticia Cisneros

Chapter 13

Debtor(s):

Leticia Cisneros

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17705 Nemesis Gissel Ortiz Mcqueen

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

FROM: 1-27-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1609676413>

Meeting ID: 160 967 6413

Password: 128958

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Nemesis Gissel Ortiz Mcqueen

Chapter 13

confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On December 14, 2020, the Court entered a scheduling order [docket #16] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for May 10, 2021 at 1:30 p.m.

On April 21, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #30] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on November 30, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on April 21, 2021 [docket #31] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's amended procedures order [docket #11] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On May 10, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on May 10, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT...

Nemesis Gissel Ortiz Mcqueen

Chapter 13

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting January 1, 2021, the monthly plan payment is \$566.

Starting June 1, 2021, the monthly plan payment is \$584.

The due date for each payment is the 1st day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$34,950. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$3,850; having previously received \$1,350, counsel is entitled to payment of \$2,500 from the estate at a rate no more than \$250 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... **Nemesis Gissel Ortiz Mcqueen**
fees, domestic support obligations, etc.).

Chapter 13

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

 (ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Nemesis Gissel Ortiz Mcqueen

Chapter 13

tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT...

Nemesis Gissel Ortiz Mcqueen

Chapter 13

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Nemesis Gissel Ortiz Mcqueen

Chapter 13

attachment), that attachment is hereby disapproved and stricken.

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors.

b. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing.

d. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Nemesis Gissel Ortiz Mcqueen

Chapter 13

Party Information

Debtor(s):

Nemesis Gissel Ortiz Mcqueen

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17705 Nemesis Gissel Ortiz Mcqueen

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 1-13-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1609676413>

Meeting ID: 160 967 6413

Password: 128958

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Nemesis Gissel Ortiz Mcqueen

Chapter 13

Debtor(s):

Nemesis Gissel Ortiz Mcqueen

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17772 Charles A. Runge and Irma E. Runge

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

FROM: 1-27-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1609676413>

Meeting ID: 160 967 6413

Password: 128958

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Charles A. Runge and Irma E. Runge Chapter 13

confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On December 14, 2020, the Court entered a scheduling order [docket #16] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for May 10, 2021 at 1:30 p.m.

On April 21, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #36] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on January 13, 2021 [docket #26] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on April 27, 2021 [docket #37] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On May 10, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on May 10, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. §

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Charles A. Runge and Irma E. Runge

Chapter 13

1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting January 3, 2021, the monthly plan payment is \$1,090.

Starting February 3, 2021, the monthly plan payment is \$3,559.

The due date for each payment is the 3rd day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 32% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$211,071. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,463, counsel is entitled to payment of \$3,537 from the estate at a rate no more than \$75 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... **Charles A. Runge and Irma E. Runge**
fees, domestic support obligations, etc.).

Chapter 13

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

 (ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Charles A. Runge and Irma E. Runge

Chapter 13

tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$5,110.67 at a rate no less than \$85.18 per month for 60 months.
2. The Trustee shall pay the secured claim of Loan Depot in the amount of \$46,718.95 at a rate no less than \$778.65 per month for 60 months.
3. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
4. Gross income over \$70,000 is pledged to the Plan less tax deductions.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Charles A. Runge and Irma E. Runge Chapter 13

the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT...

Charles A. Runge and Irma E. Runge

Chapter 13

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors except to the following limited extent:

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in February of 2021 in the approximate amount of \$2,270.52 per month to the creditor Loan Depot. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor. Other than those few payments by the Debtors prior to February of 2021, this case does not involve any other direct payments by the Debtors to creditors and, therefore, the Debtors need only file reports pursuant to paragraph 5(e) for the limited period of time during which they are responsible for making Direct Payments.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT...

Charles A. Runge and Irma E. Runge

Chapter 13

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Charles A. Runge and Irma E. Runge

Chapter 13

then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Charles A. Runge

Represented By
Gary S Saunders

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Charles A. Runge and Irma E. Runge

Chapter 13

Joint Debtor(s):

Irma E. Runge

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17772 Charles A. Runge and Irma E. Runge

Chapter 13

#8.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 1-13-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1609676413>

Meeting ID: 160 967 6413

Password: 128958

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... Charles A. Runge and Irma E. Runge

Chapter 13

Debtor(s):

Charles A. Runge

Represented By
Gary S Saunders

Joint Debtor(s):

Irma E. Runge

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17784 D'Aniel Anthony Causey

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

FROM: 1-27-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1609676413>

Meeting ID: 160 967 6413

Password: 128958

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... D'Aniel Anthony Causey

Chapter 13

confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On December 14, 2020, the Court entered a scheduling order [docket #15] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for May 10, 2021 at 1:30 p.m.

On April 12, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #28] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on December 4, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on April 13, 2021 [docket #30] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On May 10, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on May 10, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. §

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... D'Aniel Anthony Causey

Chapter 13

1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$1,325 commencing on January 4, 2021. The due date for each payment is the 4th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$79,500. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$2,000, counsel is entitled to payment of \$3,000 from the estate at a rate no more than \$300 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT...

D'Aniel Anthony Causey

Chapter 13

priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... D'Aniel Anthony Causey

Chapter 13

the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$3,592.98 at a rate no less than \$59.88 per month for 60 months.
2. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$15,746.21 at a rate no less than \$262.44 per month for 60 months.
3. The Trustee shall pay the secured claim of American Honda Finance in the amount of \$139.20 at a rate no less than \$23.47 per month for six months with interest at the rate of 4% per annum.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... D'Aniel Anthony Causey

Chapter 13

the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... D'Aniel Anthony Causey

Chapter 13

provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2012 Honda Crosstour in the approximate amount of \$399.45 per month. (Creditor: American Honda Finance).

All payments for the automobile loan for the 2018 Honda Accord in the approximate amount of \$485.86 per month. (Creditor: SchoolsFirst Federal Credit Union).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT...

D'Aniel Anthony Causey

Chapter 13

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... D'Aniel Anthony Causey

Chapter 13

shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

D'Aniel Anthony Causey

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17784 D'Aniel Anthony Causey

Chapter 13

#10.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 1-13-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1609676413>

Meeting ID: 160 967 6413

Password: 128958

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

CONT... D'Aniel Anthony Causey

Chapter 13

Debtor(s):

D'Aniel Anthony Causey

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17806 Mark Alan Roybal

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

FROM: 1-27-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 1-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Alan Roybal

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17806 Mark Alan Roybal

Chapter 13

#12.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 1-13-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 1-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Alan Roybal

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17817 Johnny Lam Nguyen

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

FROM: 1-27-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 1-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Johnny Lam Nguyen

Represented By
Rex Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17817 Johnny Lam Nguyen

Chapter 13

#14.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 1-13-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 1-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Johnny Lam Nguyen

Represented By
Rex Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17864 Paul Joseph Elwart and Angela Elli Elwart

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

FROM: 1-27-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 1-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Joseph Elwart

Represented By
Paul Y Lee

Joint Debtor(s):

Angela Elli Elwart

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

1:30 PM

6:20-17864 Paul Joseph Elwart and Angela Elli Elwart

Chapter 13

#16.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 1-13-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 1-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Joseph Elwart

Represented By
Paul Y Lee

Joint Debtor(s):

Angela Elli Elwart

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, May 10, 2021

Hearing Room 304

2:30 PM

6:20-17897 Sandra K. Shea

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

FROM: 2-10-21

Docket 1

*** VACATED *** REASON: CASE DISMISSED 5-4-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra K. Shea

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

6:20-17897 Sandra K. Shea

Chapter 13

#18.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 1-27-21

Docket 6

***** VACATED *** REASON: CASE DISMISSED 5-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra K. Shea

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

6:20-17950 Maria Del Rosario Jimenez

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

FROM: 2-10-21

Docket 7

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1609676413>

Meeting ID: 160 967 6413

Password: 128958

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

CONT... Maria Del Rosario Jimenez

Chapter 13

confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On January 5, 2021, the Court entered a scheduling order [docket #18] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for May 10, 2021 at 2:30 p.m.

On April 21, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #30] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on January 27, 2021 [docket #25] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on April 29, 2021 [docket #31] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On May 10, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on May 10, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. §

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

CONT... Maria Del Rosario Jimenez

Chapter 13

1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting January 17, 2021, the monthly plan payment is \$482.

Starting May 17, 2021, the monthly plan payment is \$515.

The due date for each payment is the 17th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$30,768. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$4,500; having previously received \$2,500, counsel is entitled to payment of \$2,000 from the estate at a rate no more than \$200 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

CONT... Maria Del Rosario Jimenez

Chapter 13

fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

CONT... Maria Del Rosario Jimenez

Chapter 13

tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. Debtors must pay 100% to the unsecured creditors per the liquidation analysis.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

CONT... Maria Del Rosario Jimenez

Chapter 13

confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

CONT... Maria Del Rosario Jimenez

Chapter 13

addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2018 Ford Explorer in the approximate amount of \$600 per month. (Creditor: Ford Motor Credit Company).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

CONT... Maria Del Rosario Jimenez

Chapter 13

Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

CONT... Maria Del Rosario Jimenez

Chapter 13

the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Maria Del Rosario Jimenez

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

6:20-17950 Maria Del Rosario Jimenez

Chapter 13

#20.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 1-27-21

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1609676413>

Meeting ID: 160 967 6413

Password: 128958

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

CONT... Maria Del Rosario Jimenez

Chapter 13

Debtor(s):

Maria Del Rosario Jimenez

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

6:20-18078 Michelle Renee Maria Andrade

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

FROM: 2-10-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 5-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Renee Maria Andrade

Represented By
Barry E Borowitz
Heather J Canning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 10, 2021

Hearing Room 304

2:30 PM

6:20-18078 Michelle Renee Maria Andrade

Chapter 13

#22.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 1-27-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 5-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Renee Maria Andrade

Represented By
Barry E Borowitz
Heather J Canning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

8:30 AM

6:21-10227 Christian Santos Rivera

Chapter 7

#1.00 Hrg re reaffirmation agreement filed 2-28-21 between Debtor and Toyota Motor Credit Corporation in the amount of \$22,885.82

RE: 2020 Toyota Corolla

FROM: 4-8-21

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christian Santos Rivera

Pro Se

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

8:30 AM

6:21-10344 Shawn Macky Edward Loaiza

Chapter 7

#2.00 Hrg re reaffirmation agreement filed 2-19-21 between Debtor and Toyota Motor Credit Corporation in the amount of \$24,915.61

RE: 2020 Toyota Corolla

FROM: 4-8-21

Docket 11

***** VACATED *** REASON: CASE DISMISSED 4-7-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shawn Macky Edward Loaiza Pro Se

Trustee(s):

Lynda T. Bui (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

11:00 AM

6:20-14160 Gilbert C Ramirez, Jr. and Patricia M Ramirez

Chapter 7

#3.00 Motion for relief from stay

AJAX MORTGAGE VS DEBTORS

Property: 26302 Monroe Street, Thermal, CA 92274
[Real Property] Reilly D. Wilkinson, attorney/movant

FROM: 4-8-21

Docket 94

***** VACATED *** REASON: ORDER CONT ENTERED 5-10-21;
CONT'D TO 7-1-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert C Ramirez Jr.

Represented By
Leonard J Cravens

Joint Debtor(s):

Patricia M Ramirez

Represented By
Leonard J Cravens

Movant(s):

Ajax Mortgage Loan Trust 2019-E,

Represented By
Joshua L Scheer
Reilly D Wilkinson

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

11:00 AM

6:21-10444 Mark Matthew Towle

Chapter 7

#4.00 Motion for relief from stay

McPHERSON RANE VS DE DEBTOR

Property: Superior Court Docket # BC690858
[Non Bk Forum] Edwin F. McPherson, attorney/movant

FROM: 4-8-21

Docket 11

***** VACATED *** REASON: NTC OF WITHDRAWAL FILED 5-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Matthew Towle

Represented By
Kathleen P March

Movant(s):

McPherson Rane LLP

Represented By
Edwin F McPherson

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

1:30 PM

6:15-18688 Manuel Moreno

Chapter 13

Adv#: 6:20-01176 Moreno et al v. Mirabella Investments Group, LLC

#5.00 Status conference re: Complaint to avoid junior lien

[Property: 11364 Azure CT, Fontana, CA 92337]

FROM: S/C 2-11-21

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 2-10-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Moreno

Represented By
James P Doan

Defendant(s):

Mirabella Investments Group, LLC

Pro Se

Joint Debtor(s):

Sheryl Moreno

Represented By
James P Doan

Plaintiff(s):

Sheryl Moreno

Represented By
Jonathan D Doan

Manuel Moreno

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

1:30 PM

6:17-14073 James Anthony Rojas
Adv#: 6:20-01160 Tran v. Rojas

Chapter 7

#6.00 Status conference re: Complaint for determination of nondischargeability of debt

FROM: S/C 12-3-20, 2-11-21, 3-11-21, 4-15-21

Docket 1

***** VACATED *** REASON: ORDER CONT ENTERED 5-10-21;
CONT'D TO 6-17-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Anthony Rojas

Represented By
Rhonda Walker

Defendant(s):

James Anthony Rojas

Pro Se

Plaintiff(s):

San Tran

Represented By
Joshua R Engle

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

1:30 PM

6:18-12531 Jason Scott Hukill

Chapter 7

Adv#: 6:20-01033 Cisneros v. ConocoPhillips Corporation et al

#7.00 Status conference re: Complaint (1) Declaratory relief; (2) Revoking the Jason Scott Hukill Trust UTA dated January 20, 2013; and (3) Turnover of property of the estate and written accounting

FROM: S/C 6-11-20, 11-19-20, 2-25-21

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 5-5-21**

Tentative Ruling:

Party Information

Debtor(s):

Jason Scott Hukill	Pro Se
--------------------	--------

Defendant(s):

ConocoPhillips Corporation	Represented By Micheal W Bishop
----------------------------	------------------------------------

Crescent Point Energy U.S. Corp.	Represented By Benjamin B Strawn
----------------------------------	-------------------------------------

Halcon Resources Corporation	Pro Se
------------------------------	--------

Battalion Oil Corporation	Pro Se
---------------------------	--------

ONEOK Rockies Midstream, LLC	Pro Se
------------------------------	--------

Whiting Petroleum Corporation	Pro Se
-------------------------------	--------

The Jason Scott Hukill Trust u/t/a	Pro Se
------------------------------------	--------

Plaintiff(s):

Arturo M. Cisneros	Represented By Thomas H Casey
--------------------	----------------------------------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

1:30 PM

CONT... Jason Scott Hukill

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

1:30 PM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:20-01029 Bui et al v. Shih et al

#8.00 Pre-Trial conference re: Complaint for: (1) Breach of fiduciary duty; (2) Conversion and (3) Avoidance and recovery of intentional fraudulent

FROM: S /C 6-11-20, 8-6-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

Eva Shih

Pro Se

Tammy Hsieh

Represented By
Robert C Hsu

Louie Chang

Pro Se

Carl Chen

Pro Se

Kuei Mei Kuo

Pro Se

Centenary Development Corp., Inc.

Pro Se

Rona Global Inc., A California

Pro Se

Mix and Match, LLC, a Washington

Pro Se

Bright Yard Living Corp., a Texas

Pro Se

Plaintiff(s):

Lynda Bui

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

1:30 PM

CONT... Vario Corp.

Chapter 7

Leonard M. Shulman
Elmer D Martin III
Ryan O'Dea

East West Bank

Represented By
Elmer D Martin III
Clifford P Jung
Curtis C. Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

1:30 PM

6:19-16968 Leon Richard Mays

Chapter 7

Adv#: 6:19-01150 Meng et al v. Mays et al

#9.00 Status conference re complaint to determine non dischargeability of debt

FROM: S/C 1-16-20, P/T 9-24-20, 11-17-20, 12-3-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-10-21; CONT'D TO 7-1-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leon Richard Mays

Represented By
W. Derek May

Defendant(s):

Leon Richard Mays

Represented By
Baruch C Cohen

Darryl W Daniels

Represented By
Baruch C Cohen

Joint Debtor(s):

Darryl W Daniels

Represented By
W. Derek May

Plaintiff(s):

Vivian Meng

Represented By
Christopher J Langley
Michael Smith
Heidi M Cheng

Richard Meng

Represented By
Christopher J Langley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

1:30 PM

CONT... Leon Richard Mays

Chapter 7

Michael Smith
Heidi M Cheng

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack
Chad V Haes

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Thursday, May 13, 2021

Hearing Room 304

1:30 PM

6:19-18467 Romulo Loera

Chapter 7

Adv#: 6:20-01144 Simons v. Loera

#10.00 Pre-Trial conference re: Complaint to avoid and recover fraudulent transfer for the benefit of the estate

FROM: S/C 12-3-20

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-30-21; CONT'D TO 8-19-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Romulo Loera

Represented By
Douglas A. Crowder

Defendant(s):

Maria Loera

Represented By
Susan Jill Wolf

Plaintiff(s):

Larry D Simons

Represented By
Tamar Terzian

Trustee(s):

Larry D Simons (TR)

Represented By
David Seror

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

1:30 PM

6:20-11199 Laura Elsa Aguilar-Recendez

Chapter 7

Adv#: 6:20-01183 Daff v. Avilez

#11.00 Status conference re: (1) Avoidance of interentional fraudulent transfers and recovery of same; (2) Avoidance of constructive fraudulent transfers and recovery of same; (3) Imposition of constructive trust or resulting trust; (4) Unjust enrichment; (5) Declaration relief; (6) Turnover of property of the estate; and (7) Disallowance of claims

FROM: S/C 2-11-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-25-21; CONT'D TO 6-17-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Elsa Aguilar-Recendez

Represented By
Marcella Lucente

Defendant(s):

Elsa Avilez

Represented By
William E Krall

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

1:30 PM

6:20-11537 Asif Aziz

Chapter 7

Adv#: 6:20-01108 NextGear Capital v. Aziz

#12.00 Pre-Trial conference: re complaint to determine dischargeability of debt

FROM: S/C 9-3-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Asif Aziz

Represented By
Dominic Afzali

Defendant(s):

Asif Aziz

Represented By
Dominic Afzali
Matthew Abbasi

Plaintiff(s):

NextGear Capital

Represented By
Tom Roddy Normandin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

2:00 PM

6:10-16163 Lawrence Eugene Forester and Vicki Lovell Forester

Chapter 13

#13.00 Hrg re objection to claim number 10 filed by Citibank N.A.

FROM: 5-6-20, 7-24-20, 10-23-20, 1-8-21, 1-15-21, 2-26-21

Docket 110

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-22-21; CONT'D TO 6-3-21 AT 10:30 A.M.

Tentative Ruling:

Party Information

Debtor(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Joint Debtor(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Movant(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Vicki Lovell Forester

Represented By
Andrew S Bisom

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

2:00 PM

6:10-16163 Lawrence Eugene Forester and Vicki Lovell Forester

Chapter 13

#14.00 Hrg re motion to avoid junior lien on principal residence or in the alternative application for entry of order nunc pro tunc on motion to avoid junior lien on principal residence upon Citibank N.A.

[Property: 4525 Center Ave., Norco, CA 92860]

FROM: 3-4-20, 4-22-20, 7-24-20, 10-23-20, 1-8-21, 1-15-21, 2-26-21

Docket 105

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 3-22-21; CONT'D TO 6-3-21 AT 10:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Joint Debtor(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Movant(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Vicki Lovell Forester

Represented By
Andrew S Bisom

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

2:00 PM

6:11-16843 JOSE ALBERTO GUTIERREZ

Chapter 7

#15.00 Hrg re (1) Motion to reopen case and (2) For extension of time to file forms required for discharge

FROM: 6-30-20, 9-15-20, 11-17-20, 1-26-21, 5-23-21

Docket 22

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-12-21; CONT'D TO 7-22-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

JOSE ALBERTO GUTIERREZ

Represented By
James M Powell - DISBARRED -
Giovanni Orantes

Movant(s):

JOSE ALBERTO GUTIERREZ

Represented By
James M Powell - DISBARRED -
Giovanni Orantes

Trustee(s):

Patricia J Zimmermann (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

3:00 PM

6:12-37113 Tamela Rochelle Cash-Curry

Chapter 13

#16.00 Hrg re motion to avoid lien with Equable Ascent Financial, LLC

FROM: 2-24-21, 4-7-21

Docket 96

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-12-21; CONT'D TO 7-22-21 AT 1:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tamela Rochelle Cash-Curry

Represented By
Andrew Moher

Movant(s):

Tamela Rochelle Cash-Curry

Represented By
Andrew Moher

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

3:00 PM

6:18-16396 Leslie E. Tingley

Chapter 7

#17.00 Hrg re motion to reopen chapter 7 case

FROM: 6-24-20, 7-14-20, 10-6-20, 1-8-21, 1-15-21, 2-25-21

Docket 17

*** VACATED *** REASON: ORDER DENIED ENTERED 4-2-21

Tentative Ruling:

Party Information

Debtor(s):

Leslie E. Tingley

Represented By
Michael D Franco

Movant(s):

Leslie E. Tingley

Represented By
Michael D Franco
Michael D Franco
Michael D Franco
Michael D Franco

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 13, 2021

Hearing Room 304

4:00 PM

6:15-14301 Jose Quines Yolo and Ameurfina Tolentino Yolo

Chapter 13

#18.00 Hrg re motion to continue case administration and appointment of Joahnna Yolo as the representative for deceased debtors and for waiver to complete financial management course due to death of both debtors

FROM: 11-18-20, 1-15-21, 2-26-21

Docket 75

Tentative Ruling:

Party Information

Debtor(s):

Jose Quines Yolo

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Ameurfina Tolentino Yolo

Represented By
Hasmik Jasmine Papian

Movant(s):

Jose Quines Yolo

Represented By
Hasmik Jasmine Papian
Hasmik Jasmine Papian

Ameurfina Tolentino Yolo

Represented By
Hasmik Jasmine Papian
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-14171 Garfield Stephen Flowers

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 7-22-20, 10-28-20, 2-8-21, 4-12-21

Docket 4

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-21-21; CONT'D TO 9-9-21 AT 4:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Garfield Stephen Flowers

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-14450 Christopher L. Lamperts and Cynthia L. Lamperts

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-12-20, 1-11-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-21-21; CONT'D TO 9-9-21 AT 4:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Christopher L. Lamperts

Represented By
M. Wayne Tucker

Joint Debtor(s):

Cynthia L. Lamperts

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-14452 Michelle Wendy Stern

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 8-12-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 1:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Michelle Wendy Stern

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-14470 Alexander Spalla and Michelle Deschamp Spalla

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-12-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Alexander Spalla

Represented By
Andrew Nguyen

Joint Debtor(s):

Michelle Deschamp Spalla

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-14553 Christopher Paul Kern and Nicole Kimberly Kern

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-12-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Christopher Paul Kern

Represented By
Paul Y Lee

Joint Debtor(s):

Nicole Kimberly Kern

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-14574 Danny Ray Navarro and Antonette Rodriguez Navarro

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-12-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Danny Ray Navarro

Represented By
Paul Y Lee

Joint Debtor(s):

Antonette Rodriguez Navarro

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-14607 Asdrubal Diaz

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-19-20, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 1:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Asdrubal Diaz

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-14652 Lawrence Herman Grounds, Jr. and Julie Ann Grounds

Chapter 13

#8.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-19-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 2:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Lawrence Herman Grounds Jr.

Represented By
Dana Travis

Joint Debtor(s):

Julie Ann Grounds

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-14809 Richard Wayne Wilcox and Judith Ann Wilcox

Chapter 13

#9.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 8-19-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 2:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Richard Wayne Wilcox

Represented By
Dana Travis

Joint Debtor(s):

Judith Ann Wilcox

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-14846 Andre Jones, Jr. and Helena Mercedes Jones

Chapter 13

#10.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 8-19-20, 1-11-21, 4-12-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-21-21; CONT'D TO 9-9-21 AT 4:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Andre Jones Jr.

Represented By
Kristin R Lamar

Joint Debtor(s):

Helena Mercedes Jones

Represented By
Kristin R Lamar

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-14927 Michelle M. LuVisi

Chapter 13

#11.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-2-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 1:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Michelle M. LuVisi

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15038 Joel Ronquillo Ramos and Ashley Nicole Ramos

Chapter 13

#12.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-2-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 2:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Joel Ronquillo Ramos

Represented By
Dana Travis

Joint Debtor(s):

Ashley Nicole Ramos

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15039 Pedro Michael Samaro and Yolanda Silva Samaro

Chapter 13

#13.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-2-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 2:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Pedro Michael Samaro

Represented By
Dana Travis

Joint Debtor(s):

Yolanda Silva Samaro

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15072 John Linares, Jr. and Yolanda Maria Linares

Chapter 13

#14.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-2-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 1:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

John Linares Jr.

Represented By
Joselina L Medrano

Joint Debtor(s):

Yolanda Maria Linares

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15109 Tracy Ann Davis

Chapter 13

#15.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-2-20, 1-11-21, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 1:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Tracy Ann Davis

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15286 Stephen David Head and Tamara Janice Head

Chapter 13

#16.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-16-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Stephen David Head

Represented By
Paul Y Lee

Joint Debtor(s):

Tamara Janice Head

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15335 Donald W. Mosley and Angela Mosley

Chapter 13

#17.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-16-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-21-21; CONT'D TO 9-9-21 AT 4:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Donald W. Mosley

Represented By
Michael Smith

Joint Debtor(s):

Angela Mosley

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15346 Kevin E. Mitchell

Chapter 13

#18.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-16-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-21-21; CONT'D TO 9-9-21 AT 4:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Kevin E. Mitchell

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15615 Thanh V Nguyen and Veronica Prado

Chapter 13

#19.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-23-20, 1-11-21, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 11:30 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Thanh V Nguyen

Represented By
Daniel King

Joint Debtor(s):

Veronica Prado

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15623 Marcio A. Kubaski

Chapter 13

#20.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-23-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Marcio A. Kubaski

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15651 Aurea Elisa Bolt

Chapter 13

#21.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-23-20, 1-11-21, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 11:30 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Aurea Elisa Bolt

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15661 Jose Jesus Nungaray

Chapter 13

#22.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-23-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-21-21; CONT'D TO 9-9-21 AT 4:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Jose Jesus Nungaray

Represented By
L. Tegan Rodkey

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15748 Raphael Chavez Mesa, Jr.

Chapter 13

#23.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-7-20, 2-8-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 11:30 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Raphael Chavez Mesa Jr.

Represented By
Edward G Topolski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15875 Rose Ann Bomentre

Chapter 13

#24.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-7-20, 2-8-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-21-21; CONT'D TO 9-9-21 AT 2:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Rose Ann Bomentre

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15921 Joseph S Dews

Chapter 13

#25.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-7-20, 2-8-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Joseph S Dews

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-15925 Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

#26.00 Hrg re status conference regarding confirmation of the chapter 13 plan
10-7-20, 2-8-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Richard Allen Rodgers

Represented By
Paul Y Lee

Joint Debtor(s):

Judith Anne Rodgers

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-16043 Marilyn Lanson Tan

Chapter 13

#27.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-7-20, 2-8-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Marilyn Lanson Tan

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-16053 Jeff Chandler Smith and Ramona Crystal Smith

Chapter 13

#28.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-7-20, 2-8-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 11:30 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Jeff Chandler Smith

Represented By
Jeremiah D Raxter

Joint Debtor(s):

Ramona Crystal Smith

Represented By
Jeremiah D Raxter

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-16109 Carla Ewelan

Chapter 13

#29.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-7-20, 2-8-21, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Carla Ewelan

Represented By
Clifford Bordeaux

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-16140 Jose Alejandro Contreras

Chapter 13

#30.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-21-20, 2-8-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Jose Alejandro Contreras

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-16256 Chris Pagtakhan

Chapter 13

#31.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-28-20, 2-8-21

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Chris Pagtakhan

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-16289 Michael W Elmassian and Teresa Marie Corrente-

Chapter 13

#32.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-28-20, 2-8-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Michael W Elmassian

Represented By
Paul Y Lee

Joint Debtor(s):

Teresa Marie Corrente-Elmassian

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-16316 Esmeralda Quezada Mejia

Chapter 13

#33.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-28-20, 2-8-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 11:30 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Esmeralda Quezada Mejia

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-16813 Christian Adan Montoya and Iris Magana

Chapter 13

#34.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 11-18-20, 3-8-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 11:30 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Christian Adan Montoya

Represented By
Paul Y Lee

Joint Debtor(s):

Iris Magana

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-16875 Christopher Perez

Chapter 13

#35.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 11-18-20, 3-8-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-21-21; CONT'D TO 9-9-21 AT 2:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Christopher Perez

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-16877 Hugh Alexander Duncan

Chapter 13

#36.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 11-18-20, 3-8-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-21-21; CONT'D TO 9-9-21 AT 2:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Hugh Alexander Duncan

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-16914 David Lopez

Chapter 13

#37.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 11-18-20, 3-8-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 11:30 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

David Lopez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-16974 Scott Curtis Pease and Joyce Carol Pease

Chapter 13

#38.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-2-20, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 1:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Scott Curtis Pease

Represented By
Paul Y Lee

Joint Debtor(s):

Joyce Carol Pease

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-17009 Sheila Renee Spence

Chapter 13

#39.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 12-2-20, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-21-21; CONT'D TO 9-9-21 AT 4:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Sheila Renee Spence

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-17027 Patrick James Lyons

Chapter 13

#40.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-2-20, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 11:30 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Patrick James Lyons

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-17159 Ruben E. Moreno, Jr and Stephanie M. Moreno

Chapter 13

#41.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-9-20, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Ruben E. Moreno Jr

Represented By
Christine A Kingston

Joint Debtor(s):

Stephanie M. Moreno

Represented By
Christine A Kingston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-17161 Elaine Pastrano

Chapter 13

#42.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-9-20, 4-21-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 10:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Elaine Pastrano

Represented By
Andy Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-17325 Thomas David Cossalter

Chapter 13

#43.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-16-20, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-21-21; CONT'D TO 9-9-21 AT 4:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Thomas David Cossalter

Represented By
Michael T Reid

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-17350 Daniel Clay McMillin and Agatha Ann McMillin

Chapter 13

#44.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-16-20, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-21-21; CONT'D TO 9-9-21 AT 2:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Daniel Clay McMillin

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Agatha Ann McMillin

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-17369 Becky Lyn Hall

Chapter 13

#45.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-16-20, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 1:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Becky Lyn Hall

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-17438 Angel Luis Pena, Jr. and Carmen Milagros Pena

Chapter 13

#46.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-16-20, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-8-21 AT 2:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Angel Luis Pena Jr.

Represented By
Dana Travis

Joint Debtor(s):

Carmen Milagros Pena

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-17481 Amy Lynn Goldenberg

Chapter 13

#47.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-30-20, 4-12-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-21-21; CONT'D TO 9-9-21 AT 2:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Amy Lynn Goldenberg

Represented By
Sara E Razavi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

1:30 PM

6:20-17677 Yadira Sandra Santa Maria

Chapter 13

#48.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-30-20, 4-12-21

Docket 5

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-20-21; CONT'D TO 9-9-21 AT 1:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Yadira Sandra Santa Maria

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:19-19396 Richard D. Wotherspoon and Sotera R. Wotherspoon

Chapter 13

#49.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 12-4-19, 1-27-20, 3-16-20, 9-21-20, 11-10-20, 2-1-21

Docket 4

Tentative Ruling:

Party Information

Debtor(s):

Richard D. Wotherspoon

Represented By
Sundee M Teeple

Joint Debtor(s):

Sotera R. Wotherspoon

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:19-19396 Richard D. Wotherspoon and Sotera R. Wotherspoon

Chapter 13

#50.00 Hrg re order to show cause regarding dismissal of the case

Docket 72

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard D. Wotherspoon

Represented By
Sundee M Teeple

Joint Debtor(s):

Sotera R. Wotherspoon

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:19-20814 Jerry Lee Saylor and Gloria Jean Saylor

Chapter 13

#51.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 1-15-20, 1-15-20, 4-13-20, 7-27-20, 12-14-20, 2-1-21

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerry Lee Saylor

Represented By
Neil R Hedtke

Joint Debtor(s):

Gloria Jean Saylor

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:19-20814 Jerry Lee Saylor and Gloria Jean Saylor

Chapter 13

#52.00 Hrg re order to show cause regarding dismissal of the case

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerry Lee Saylor

Represented By
Neil R Hedtke

Joint Debtor(s):

Gloria Jean Saylor

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-11195 Daniel Alfred Vera, Jr.

Chapter 13

#53.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-25-20, 6-3-20, 7-29-20, 12-15-20, 2-1-21

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Alfred Vera Jr.

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-11195 Daniel Alfred Vera, Jr.

Chapter 13

#54.00 Hrg re order to show cause regarding dismissal of the case

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Alfred Vera Jr.

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-11742 Victoria Zopfi

Chapter 13

#55.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-8-20, 6-17-20, 7-29-20, 12-15-20, 2-1-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victoria Zopfi

Represented By
Laleh Ensafi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-11742 Victoria Zopfi

Chapter 13

#56.00 Hrg re order to show cause regarding dismissal of the case

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victoria Zopfi

Represented By
Laleh Ensafi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-12821 Sharon A Waddy

Chapter 13

#57.00 Hrg re status conference regarding confirmation of the chapter 13

FROM: 5-13-20, 6-10-20, 12-14-20, 2-1-21

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Sharon A Waddy

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-12821 Sharon A Waddy

Chapter 13

#58.00 Hrg re order to show cause regarding dismissal of the case

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharon A Waddy

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-13164 Shontae Hill

Chapter 13

#59.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 6-10-20, 6-24-20, 12-14-20, 1-4-21, 2-1-21

Docket 0

Tentative Ruling:

Party Information

Debtor(s):

Shontae Hill

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-13164 Shontae Hill

Chapter 13

#60.00 Hrg re order to show cause regarding dismissal of the case

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shontae Hill

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-13503 Gena Rae Munoz

Chapter 13

#61.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 7-1-20, 7-15-20, 2-14-20, 2-1-21

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Gena Rae Munoz

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-13503 Gena Rae Munoz

Chapter 13

#62.00 Hrg re order to show cause regarding dismissal of the case

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gena Rae Munoz

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-13574 Heather Lindsey Rodriguez

Chapter 13

#63.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 7-1-20, 7-15-20, 12-14-20, 2-1-21

Docket 2

Tentative Ruling:

Party Information

Debtor(s):

Heather Lindsey Rodriguez

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-13574 Heather Lindsey Rodriguez

Chapter 13

#64.00 Hrg re order to show cause regarding dismissal of the case

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Heather Lindsey Rodriguez

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-14135 William Thomas Behrend, Jr. and Tina Marie Behrend

Chapter 13

#65.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 7-22-20, 8-5-20,12-15-20, 2-1-21

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

William Thomas Behrend Jr.

Represented By
Christopher Hewitt

Joint Debtor(s):

Tina Marie Behrend

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, May 17, 2021

Hearing Room 304

2:00 PM

6:20-14135 William Thomas Behrend, Jr. and Tina Marie Behrend

Chapter 13

#66.00 Hrg re order to show cause regarding dismissal of the case

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Thomas Behrend Jr.

Represented By
Christopher Hewitt

Joint Debtor(s):

Tina Marie Behrend

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

6:12-26406 Maria Barajas

Chapter 7

#1.00 Hrg re motion to avoid lien with Department Store National Bank
[Property: 29071 Willows Landing Dr., Sun City, CA 92585]

Docket 24

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Barajas

Represented By
Eric C Morris
Melissa A Raskey

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

6:16-13497 Dana Rae Burgess

Chapter 7

#2.00 Hrg re motion for order approving compromise of controversy

Docket 165

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-17-21; CONT'D TO 6-15-21 AT 1:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Dana Rae Burgess

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Represented By
Reem J Bello
William N Lobel
Michael R Adele
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

6:16-20735 Barbara Jean Sleigh

Chapter 7

#3.00 Hrg re trustee's final report and applications for compensation

Docket 82

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

The Court thanks the trustee for administering a case with only a small amount of non-exempt funds. Although the recovery to creditors is small, creditors would have received nothing but for the efforts of the trustee.

Pursuant to the trustee's final report, the following administrative claim will be allowed:

(1) Trustee: fees of \$634.75 and expenses of \$153.46.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Barbara Jean Sleigh

Represented By
Robert L Firth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

CONT... Barbara Jean Sleigh

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#4.00 Hrg re chapter motion objecting to claims

Claim number 2 filed by Westover Law Group
Claim number 4 filed by Henry W. Shelton, Gary P. & Rebecca C. Buell, Charles R. Hermansen Trustee, James M.& Betty J. Anderson Trustee
Claim number 5 LA Cresta Property Owners Association
Claim number 6 LA Cresta Property Owners Association
Claim number 7 LA Cresta Property Owners Association
Claim number 8 LA Cresta Property Owners Association
Claim number 14 LA Cresta Property Owners Association

Docket 300

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the creditors, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

CONT... Aguina Aguina

Chapter 7

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

6:18-10412 Lorena Liliana Molina-Lopez

Chapter 7

#5.00 Hrg re trustee's final report and applications for compensation

Docket 92

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

Pursuant to the trustee's final report, the following administrative claims will be allowed:

- (1) Trustee: fees of \$5,266.70 and expenses of \$495.81;
- (2) Malcolm & Cisneros: fees of \$20,000 and expenses of \$296.21; and
- (3) Donald T. Fife: fees of \$1,000.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Lorena Liliana Molina-Lopez

Represented By
Gary S Saunders
Baruch C Cohen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

CONT... Lorena Liliana Molina-Lopez

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
William Malcolm
Christina J Khil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

6:18-16326 Alta Home Care, Inc.

Chapter 7

#6.00 Hrg re trustee's final report and applications for compensation

Docket 119

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alta Home Care, Inc.

Represented By
Justin E Rawlins

Trustee(s):

Arturo Cisneros (TR)

Represented By
Leonard M Shulman
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

6:19-12425 Donovan Ray Sebastian

Chapter 7

#7.00 Hrg re trustee's final report and applications for compensation

Docket 26

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

The Court thanks the trustee for administering a case with only a small amount of non-exempt funds. Although the recovery to creditors is small, creditors would have received nothing but for the efforts of the trustee. The trustee minimized administrative expenses and, in doing so, maximized the payments to creditors. Well done!

Pursuant to the trustee's final report, the following administrative claim will be allowed:

- (1) Trustee: fees of \$1,450 and expenses of \$127.31.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

CONT... Donovan Ray Sebastian

Chapter 7

Debtor(s):

Donovan Ray Sebastian

Represented By
Daniel King

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

6:19-17526 William David Robin and Janet Eileen Robin

Chapter 7

#8.00 Hrg re trustee's final report and applications for compensation

Docket 80

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

The Court thanks the trustee and his professionals for their efforts in this case which produced sufficient assets to pay all claims in full. That is a rare and welcome outcome. Well done!

Pursuant to the trustee's final report, the following administrative claims will be allowed:

- (1) Trustee: fees of \$12,950.76;
- (2) Marshack Hays LLP: fees of \$18,733 and expenses of \$295.77; and
- (3) Grobstein Teeple LLP: fees of \$2,971 and expenses of \$39.20.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

CONT... William David Robin and Janet Eileen Robin

Chapter 7

Debtor(s):

William David Robin

Represented By
Kristin R Lamar

Joint Debtor(s):

Janet Eileen Robin

Represented By
Kristin R Lamar

Trustee(s):

Howard B Grobstein (TR)

Represented By
David Wood
Richard A Marshack

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

6:20-13005 TTBGM, Inc

Chapter 7

#9.00 Hrg re motion for an order disallowing claims

Claim number 14 filed by Steve Cornaglia
Claim number 15 filed by Patrick & Pamela Courtney
Claim number 16 filed by Richard Besone

FROM: 5-4-21

Docket 166

***** VACATED *** REASON: ORDER CONT ENTERED 5-7-21;
CONT'D TO 6-15-21 AT 1:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

TTBGM, Inc

Represented By
Thomas C Corcovelos

Trustee(s):

Arturo Cisneros (TR)

Represented By
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

6:20-16434 Rebecca Serrato

Chapter 7

#10.00 Hrg re application for order authorizing employment of Downtown L.A. Law Group as Special Litigation

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rebecca Serrato

Represented By
Sundee M Teeple

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:00 PM

6:20-17506 Gary Outzen

Chapter 7

#11.00 Hrg re motion to quash subpoena and for a protective order for the title 2004 examination of Linda E. Bechtold and compelling the production of documents

Docket 96

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Outzen

Represented By
Todd L Turoci

Trustee(s):

Lynda T. Bui (TR)

Represented By
Melissa Davis Lowe

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, May 18, 2021

Hearing Room 304

1:30 PM

6:16-16262 Michelle Arenas

Chapter 7

#12.00 Hrg re first interim application for award of compensation and reimbursement of expenses of Danning, Gill, Israel & Krasnoff, LLP as general counsel for chapter 7 trustee

FROM: 12-3-19, 11-17-20

Docket 80

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-17-21; CONT'D TO 12-14-21 AT 1:30 P.M.

Tentative Ruling:

Party Information

Debtor(s):

Michelle Arenas

Pro Se

Trustee(s):

John P Pringle (TR)

Represented By
Aaron E de Leest
Brad Krasnoff
Sonia Singh

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:30 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

#13.00 Hrg re first and final application for allowance of final fees by Fitzgerald & Mule LLP

Docket 472

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw
Cionca IP Law P C
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

1:30 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

#14.00 Hrg re application to employ FitzGerald & Mule LLP as special labor and employment counsel

FROM: 2-9-21

Docket 126

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw
Cionca IP Law P C
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

2:00 PM

6:21-11437 Jose Gaspar Trujillo

Chapter 13

#15.00 Hrg re motion for order compelling attorney to file disclosure of compensation

Docket 19

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL FILED
5-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Gaspar Trujillo

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

2:00 PM

6:21-11639 Loil Michael Petersen and Barbara Lianne Armstrong-

Chapter 13

#16.00 Hrg re motion for order imposing refiling bar

Docket 15

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the debtors and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion pursuant to §§ 707(b)(3)(A), 349 and 105(a). The debtors are prohibited from filing another bankruptcy case for two years.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

2:00 PM

CONT... Loil Michael Petersen and Barbara Lianne Armstrong-

Chapter 13

Debtor(s):

Loil Michael Petersen Pro Se

Joint Debtor(s):

Barbara Lianne Armstrong-Petersen Pro Se

Trustee(s):

Rod (WJ) Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

2:30 PM

6:11-28399 Gina Marie Stafford

Chapter 7

#17.00 Hrg re motion to avoid lien with Citbank (South Dakota), N.A.

[Property: 6576 Vianza Pl, Rancho Cucamonga, CA 91701]

FROM: 4-6-21

Docket 0

***** VACATED *** REASON: ORDER GRANTING MOTION ENTERED
4-30-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gina Marie Stafford

Represented By
Matthew Donahue
Keith Q Nguyen

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

2:30 PM

6:20-15791 Rocio Solache-Gil

Chapter 7

#18.00 Hrg re motion to avoid lien with Judgment Recovery Assistance, LLC

[Property: 5800 Hammer Avenue, Spc 141, Mira Loma, CA 91752]

FROM: 4-6-21

Docket 0

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, creditors and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Rocio Solache-Gil

Represented By
Jaime A Cuevas Jr.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, May 18, 2021

Hearing Room 304

2:30 PM

CONT... Rocio Solache-Gil

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

1:30 PM

6:21-11845 Francisco Medrano and Claudia Mercedes Medrano

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 9-27-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Medrano

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Claudia Mercedes Medrano

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

1:30 PM

6:21-11859 Richard Vengco Bartolome and Maria Angelica Bartolome

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 9-27-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Vengco Bartolome

Represented By
Edward T Weber

Joint Debtor(s):

Maria Angelica Bartolome

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

1:30 PM

6:21-11972 Carolyn Moran Herrera

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 9-27-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carolyn Moran Herrera

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

1:30 PM

6:21-11985 Larry Travis

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 9-27-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Larry Travis

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

1:30 PM

6:21-12076 Renee Lynda Moritz

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 9-27-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Renee Lynda Moritz

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:00 PM

6:16-15648 Robert Girard Nolan

Chapter 13

#6.00 Hrg re trustee's motion to dismiss case regarding unreasonable delay

Docket 46

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-15-21; ADVANCED FROM 5-19-21 TO 5-5-21 AT 2:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Girard Nolan

Represented By
Yelena Gurevich

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, May 19, 2021

Hearing Room 304

2:00 PM

6:19-17979 Clifford Davis, Sr

Chapter 13

#6.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 49

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-11-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clifford Davis

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:00 PM

6:21-11437 Jose Gaspar Trujillo

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 4-6-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Gaspar Trujillo

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:00 PM

6:21-11460 Dolores Marina Mendez

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 9-27-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dolores Marina Mendez

Represented By
Trang P Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:00 PM

6:21-11486 Anthony Gerard Figurski

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 4-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony Gerard Figurski II	Pro Se
----------------------------	--------

Trustee(s):

Rod (WJ) Danielson (TR)	Pro Se
-------------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:00 PM

6:21-11520 Dawn Renee Tanner

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

Docket 16

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 9-27-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dawn Renee Tanner

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:00 PM

6:21-11567 Shihal Howard

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 9-27-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shihal Howard

Represented By
Joshua L Sternberg

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:00 PM

6:21-11639 Loil Michael Petersen and Barbara Lianne Armstrong-

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 4-14-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Loil Michael Petersen	Pro Se
-----------------------	--------

Joint Debtor(s):

Barbara Lianne Armstrong-Petersen	Pro Se
-----------------------------------	--------

Trustee(s):

Rod (WJ) Danielson (TR)	Pro Se
-------------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:00 PM

6:21-11646 Kimberly M Voskeritchian

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 9-27-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly M Voskeritchian

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:00 PM

6:21-11741 Lynnetta J Wright-Diaz

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 9-27-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynnetta J Wright-Diaz

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:00 PM

6:21-11746 Allan Wagner

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-6-21;
CONT'D TO 9-27-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allan Wagner

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:15 PM

6:20-15925 Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

#16.00 Hrg re objection to claim of County of San Bernrdino claim number 8 and motion for order disallowing claim

FROM: 11-18-20

Docket 28

Tentative Ruling:

Party Information

Debtor(s):

Richard Allen Rodgers

Represented By
Paul Y Lee

Joint Debtor(s):

Judith Anne Rodgers

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, May 19, 2021

Hearing Room 304

2:15 PM

6:15-20556 Antonio R Ulit, Jr.

Chapter 13

#16.01 Hrg re trustee's motion to dismiss regarding unreasonable delay

FROM: 5-5-21

Docket 79

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 5-4-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antonio R Ulit Jr.

Represented By
Gary J Holt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:15 PM

6:19-20115 Frederick Altamirano and Rebecca Ann Altamirano

Chapter 13

#16.02 Hrg re trustee's motion to dismiss case regarding delinquency

ADVANCED FROM 6-2-21

Docket 76

***** VACATED *** REASON: NTC OF DISMISSAL FILED 5-11-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frederick Altamirano

Represented By
Todd L Turoci

Joint Debtor(s):

Rebecca Ann Altamirano

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:30 PM

6:20-15346 Kevin E. Mitchell

Chapter 13

#17.00 Motion for relief stay

STANDER CONSUMER USA VS DEBTOR

Property: 2015 Kia Forte
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 52

***** VACATED *** REASON: ORDER ENTERED 5-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin E. Mitchell

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:30 PM

6:21-11746 Allan Wagner

Chapter 13

#18.00 Motion for relief from stay

JOHN A. DELISI VS DEBTOR

Property: E-Trade Financial Corporation/E-Trade Securities
[Personal Prop] Ben-Thomas Hamilton, attorney/movant

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allan Wagner

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, May 19, 2021

Hearing Room 304

2:30 PM

6:21-12076 Renee Lynda Moritz

Chapter 13

#19.00 Motion for relief from stay

R & D PROPERTIES VS DEBTOR

Property: 12340 Telephone Ave, Chino, CA 91710
[Real Prop] Thomas B. Ure, attorney/movant

Docket 24

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Renee Lynda Moritz

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 20, 2021

Hearing Room 304

10:00 AM

6:21-11193 Henry Olmos and Melissa-Ruth Allison Selvidge

Chapter 7

#1.00 Motion for relief from stay

CARFINANCE CAPITAL VS DEBTOR

Property: 2013 Kia Sorento
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 12

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-10-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henry Olmos

Represented By
L. Tegan Rodkey

Joint Debtor(s):

Melissa-Ruth Allison Selvidge

Represented By
L. Tegan Rodkey

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 20, 2021

Hearing Room 304

10:00 AM

6:21-11488 Daniel Alexander Ramos Constanza

Chapter 7

#2.00 Motion for relief from stay

NISSAN MOTOR ACCEPTANCE VS DEBTOR

Property: 2017 Nissan Pathfinder
[Personal Prop] Austin P. Nagel, attorney/movant

Docket 7

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-10-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Alexander Ramos Constanza	Represented By Kevin Tang
----------------------------------	------------------------------

Movant(s):

Nissan Motor Acceptance	Represented By Austin P Nagel
-------------------------	----------------------------------

Trustee(s):

Todd A. Frealy (TR)	Pro Se
---------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 20, 2021

Hearing Room 304

10:00 AM

6:21-11580 Tiarra Rae Laws

Chapter 7

#3.00 Motion for relief from stay

SANTANDER CONSUMER USA VS DEBTOR

Property: 2014 Dodge Grand Caravan
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 8

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-10-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tiarra Rae Laws

Represented By
Rabin J Pournazarian

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 20, 2021

Hearing Room 304

10:00 AM

6:21-11908 Anel Felix Lopez

Chapter 7

#4.00 Motion for relief from stay

AMERICREDIT FINANCIAL SERVICES VS DEBTOR

Property: 2019 Chevrolet Trax
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 8

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-10-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anel Felix Lopez

Represented By
Marlin Branstetter

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Sheryl K Ith

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 20, 2021

Hearing Room 304

1:30 PM

6:15-14612 Reinier Santos Dela Cruz

Chapter 13

Adv#: 6:20-01168 Dela Cruz et al v. Wilmington Trust, National Association, as success

#5.00 Status conference re: Complaint to avoid junior lien on principal residence

[Property: 574 Highland Court, Upland, CA 91786]

FROM: S/C 1-14-21, 4-22-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-13-21**

Tentative Ruling:

Party Information

Debtor(s):

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Defendant(s):

Wilmington Trust, National

Pro Se

Joint Debtor(s):

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Plaintiff(s):

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, May 20, 2021

Hearing Room 304

1:30 PM

6:15-14612 Reinier Santos Dela Cruz

Chapter 13

Adv#: 6:20-01168 Dela Cruz et al v. Wilmington Trust, National Association, as success

#6.00 Hrg re motion for default judgment

Docket 21

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Defendant(s):

Wilmington Trust, National

Pro Se

Joint Debtor(s):

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Plaintiff(s):

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 1, 2021

Hearing Room 304

1:00 PM

6:16-13497 Dana Rae Burgess

Chapter 7

#1.00 Hrg re motion of chapter 7 trustee for order authorizing the use of property of the estate outside the ordinary course of business (1) For final distribution of claims

Docket 177

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-17-21; CONT'D TO 6-15-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Rae Burgess

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Represented By
Reem J Bello
William N Lobel
Michael R Adele
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 1, 2021

Hearing Room 304

1:00 PM

6:19-14960 John Michael Boyce and Tamra Sue Boyce

Chapter 7

#2.00 Hrg re trustee's final report and applications for compensation

Docket 104

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-24-21; CONT'D TO 6-15-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Michael Boyce	Pro Se
--------------------	--------

Joint Debtor(s):

Tamra Sue Boyce	Pro Se
-----------------	--------

Trustee(s):

Larry D Simons (TR)	Represented By David Wood Laila Masud
---------------------	---

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 1, 2021

Hearing Room 304

1:00 PM

6:20-17503 Pro Installs Appliance Installations, Inc.

Chapter 11

#3.00 Hrg re motion to withdraw as debtor's bankruptcy counsel

Docket 97

***** VACATED *** REASON: ORDER GRANTING MOTION ENTERED
5-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pro Installs Appliance Installations,

Represented By
Michael Jay Berger

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 1, 2021

Hearing Room 304

1:00 PM

6:21-10743 Mary Catherine Jones and Willie Jones, Jr.

Chapter 7

#4.00 Hrg re trustee's motion for order approving sale of real property

[Property] 1453 Fernwood Dr., Redlands, CA 92374-5454]

Docket 20

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-21-21; CONT'D TO 6-15-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Catherine Jones

Represented By
Aaron Lloyd

Joint Debtor(s):

Willie Jones Jr.

Represented By
Aaron Lloyd

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 1, 2021

Hearing Room 304

1:00 PM

6:21-11163 Rhonda Lynn Fletcher

Chapter 7

#5.00 Hrg re motion for redemption

Docket 14

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-24-21; CONT'D TO 6-15-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rhonda Lynn Fletcher

Represented By
Sundee M Teeple

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 1, 2021

Hearing Room 304

1:00 PM

6:21-10582 Hilario De La Cruz

Chapter 7

#6.00 Hrg re ex parte motion for extension of time to file motion to avoid lien

Docket 13

***** VACATED *** REASON: ORDER DENYING MOTION ENTERED
5-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hilario De La Cruz

Represented By
Keith Q Nguyen

Trustee(s):

Charles W Daff (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, June 2, 2021

Hearing Room 304

1:30 PM

6:21-12132 Ricky Coburn

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ricky Coburn

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

1:30 PM

6:21-12153 Ella Mae Boykin

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 5-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ella Mae Boykin

Represented By
Robert J Spitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

1:30 PM

6:21-12293 Kathleen Virginia Clark

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathleen Virginia Clark

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

1:30 PM

6:21-12296 Sonya Yvonne Wright

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sonya Yvonne Wright

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

1:30 PM

6:21-12315 David Scott Mehrrens

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Scott Mehrrens

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

1:30 PM

6:21-12379 Donald Raymond Shippy

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Raymond Shippy

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

1:30 PM

6:21-12411 Luis Jesus Estrada

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Jesus Estrada

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:17-17680 Michelle Buoniconti

Chapter 13

#8.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 75

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 5-19-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Buoniconti

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:17-19073 Ramiro Jimenez

Chapter 13

#9.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 117

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramiro Jimenez

Represented By
L. Tegan Rodkey

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:18-11308 Willetta Harmon Williams

Chapter 13

#10.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 75

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-20-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Willetta Harmon Williams

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:18-15085 Cicely Ann Biggers

Chapter 13

#11.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 120

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-20-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cicely Ann Biggers

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:19-16221 Joel R. Lozano and Yolanda Nava Lozano

Chapter 13

#12.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 38

*** VACATED *** REASON: CASE DISMISSED 5-20-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joel R. Lozano

Represented By
Todd L Turoci

Joint Debtor(s):

Yolanda Nava Lozano

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:19-20115 Frederick Altamirano and Rebecca Ann Altamirano

Chapter 13

#13.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 76

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-11-21; HEARING ADVANCED TO 5-19-21 AT 2:15 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frederick Altamirano

Represented By
Todd L Turoci

Joint Debtor(s):

Rebecca Ann Altamirano

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:20-15925 Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

#14.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 54

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Allen Rodgers

Represented By
Paul Y Lee

Joint Debtor(s):

Judith Anne Rodgers

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:21-11828 J Anthony Bakaleinikoff, II

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 4-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

J Anthony Bakaleinikoff II	Pro Se
----------------------------	--------

Trustee(s):

Rod Danielson (TR)	Pro Se
--------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:21-11845 Francisco Medrano and Claudia Mercedes Medrano

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 9-27-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Medrano

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Claudia Mercedes Medrano

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:21-11859 Richard Bartolome and Maria Angelica Bartolome

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 9-27-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Bartolome

Represented By
Edward T Weber

Joint Debtor(s):

Maria Angelica Bartolome

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:21-11891 Louis R Fernandez, Jr

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 4-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louis R Fernandez Jr

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:21-11961 Maximino Fragoso

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 4-28-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maximino Fragoso

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:21-11972 Carolyn Moran Herrera

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 9-27-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carolyn Moran Herrera

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:21-11985 Larry Travis

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 9-27-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Larry Travis

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, June 2, 2021

Hearing Room 304

2:00 PM

6:21-12076 Renee Lynda Moritz

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 4-19-21; CONT'D TO 9-27-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Renee Lynda Moritz

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 2, 2021

Hearing Room 304

2:30 PM

6:16-18384 Beverly Mary Langdon

Chapter 13

#23.00 Motion for relief from stay

REVERSE MORTGAGE FUNDING VS DEBTOR

Property: 31242 Orange Avenue, Nuevo, CA 92567
[Real Prop] Eric Enciso, attorney/movant

Docket 62

*** VACATED *** REASON: ORDER DENYING MOTION ENTERED
6-1-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Beverly Mary Langdon

Represented By
Summer M Shaw

Movant(s):

Reverse Mortgage Funding LLC

Represented By
Sean C Ferry
Eric P Enciso

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

8:30 AM

6:21-10859 Jamaal Anthony Lamb

Chapter 7

#1.00 Hrg re reaffirmation agreement filed 4-30-21 between Debtor and Capital One Finance in the amount of \$20,103.21

RE: 2018 Dodge Truck Ram 1500 Pickup Crew Cab Tradesman

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jamaal Anthony Lamb

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:00 AM

6:20-17896 Power Up Enterprises, Incorporated

Chapter 7

#2.00 Motion for relief from stay

ALLY BANK VS DEBTOR

Property: 2017 Ford F550
[Personal Prop] Josephine E. Salmon, attorney/movant

Docket 11

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-24-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Power Up Enterprises, Incorporated

Represented By
Harris L Cohen

Movant(s):

Ally Bank

Represented By
Josephine E Salmon

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:00 AM

6:21-10830 Katherine Lisseth Moran Alfaro

Chapter 7

#3.00 Motion for relief from stay

U.S. BANK NATIONAL VS DEBTOR

Property: 2019 Chevrolet Truck Equinox 2WD
[Personal Prop] Robert P. Zahradka, attorney/movant

Docket 9

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-24-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Katherine Lisseth Moran Alfaro

Represented By
Francis Guilardi

Movant(s):

U.S. Bank National Association

Represented By
Robert P Zahradka

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:00 AM

6:21-11188 STEVEN ANDREW MURRAY and KAREN MYRLEEN

Chapter 7

#4.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST VS DEBTORS

Property: 9151 Hamilton Street, Rancho Cucamonga, CA 91701
[Real Prop] Eric Enciso, attorney/movant

Docket 17

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-24-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

STEVEN ANDREW MURRAY

Represented By
Terrence Fantauzzi

Joint Debtor(s):

KAREN MYRLEEN LEWIS-

Represented By
Terrence Fantauzzi

Movant(s):

DEUTSCHEBANK NATIONAL

Represented By
Sean C Ferry
Eric P Enciso

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:00 AM

6:21-11194 Amy C. Rebelo

Chapter 7

#5.00 Motion for relief from stay

ALLY BANK VS DEBTOR

Property: 2016 Dodge Journey SE Utility 4D
[Personal Prop] Marjorie M. Johnson, attorney/movant

Docket 14

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-24-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amy C. Rebelo

Represented By
Renee Nasiri

Movant(s):

Ally Bank

Represented By
Marjorie M Johnson

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:00 AM

6:21-12091 Taran D. J. Hines

Chapter 7

#6.00 Motion for relief from stay

EXETER FINANCE VS DEBTOR

Property: 2019 Toyota Yaris
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 10

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-21-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Taran D. J. Hines

Represented By
James D. Hornbuckle

Movant(s):

Exeter Finance LLC

Represented By
Sheryl K Ith

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:00 AM

6:21-12174 Raenell D. Clyburn

Chapter 7

#7.00 Motion for relief from stay

HYUNDAI MOTOR FINANCE VS DEBTOR

Property: 2019 HYUNDAI Sonata
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 8

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-21-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raenell D. Clyburn

Represented By
Joselina L Medrano

Movant(s):

Hyundai Motor Finance Company

Represented By
Sheryl K Ith

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:30 AM

6:10-16163 Lawrence Eugene Forester and Vicki Lovell Forester

Chapter 13

#8.00 Hrg re objection to claim number 10 filed by Citibank N.A.

FROM: 5-6-20, 7-24-20, 10-23-20, 1-8-21, 1-15-21, 2-26-21, 5-13-21

Docket 110

***** VACATED *** REASON: ORDER CONT ENTERED 5-3-21;
CONT'D TO 9-2-21 AT 11:00 A.M.**

Tentative Ruling:

Party Information

Debtor(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Joint Debtor(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:30 AM

6:10-16163 Lawrence Eugene Forester

Chapter 13

Adv#: 6:21-01032 Forester et al v. CITIBANK N.A.

#9.00 Status conference re: Complaint to avoid lien of Citibank, N.A on principal resident, disallow all claims, pay creditor nothing and discharge all obligation to Citibank, N.A.

Docket 1

***** VACATED *** REASON: ORDER CONT ENTERED 5-3-21;
CONT'D TO 9-2-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Defendant(s):

CITIBANK N.A.

Pro Se

Joint Debtor(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Plaintiff(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:30 AM

6:10-16163 Lawrence Eugene Forester and Vicki Lovell Forester

Chapter 13

#10.00 Hrg re motion to avoid junior lien on principal residence or in the alternative application for entry of order nunc pro tunc on motion to avoid junior lien on principal residence upon Citibank N.A.

[Property: 4525 Center Ave., Norco, CA 92860]

FROM: 3-4-20, 4-22-20, 7-24-20, 10-23-20, 1-8-21, 1-15-21, 2-26-21, 5-13-21

Docket 105

***** VACATED *** REASON: ORDER CONT ENTERED 5-3-21;
CONT'D TO 9-2-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Joint Debtor(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:30 AM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:21-01038 Bui et al v. TVT 2.0, LLC, a Utah Limited Liability Company et

- #11.00** Status conference re: Compliant for (1) Declaratory relief; 2. Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; (3) Avoidance of lien and equitable subordination pursuant to 11 U.S.C. § 510(c); (4) Avoidance and preservation of claims pursuant to 11 U.S.C. §§ 502, 506, 544, and 510(c); (5) Avoidance of fraudulent transfer pursuant to 11 U.S.C. § 548; (6) Avoidance of fraudulent transfer pursuant to 11 U.S.C. §§ 544 and 548; (7) Usury and unjust enrichment /disgorgement; (8) Injunction; (9) Determination of liens pursuant to 11 U.S.C. §§ 502, 506 and 551; (10) Racketeering (18 U.S.C. §1962); (11) Unconscionability; (12) Violation of N.Y GEN. OB., banking and penal law; (13) Violation of California business and professions code section 17200; (14) Fraud; (15) Negligence pre se violation of California finance lending law (16) Conversion; (17) Responsible corporate officer; (18) Tortious violation of statutes (19) Conspiracy; (20) Aiding and abetting

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

TVT 2.0, LLC, a Utah Limited

Pro Se

David Rubin

Pro Se

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:30 AM

CONT... Vario Corp.

Chapter 7

Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By
Elmer D Martin III
Curtis C. Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:30 AM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:21-01037 Bui et al v. SPG Advance LLC, a New York Limited Liability Comp

#12.00 Status conference re: Complaint for: (1) Declaratory relief; (2) Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; (3) Avoidance of lien and equitable subordination pursuant to 11 U.S.C. § 510(c); (4) Avoidance and preservation of claims pursuant to 11 U.S.C. §§ 502, 506, 544, AND 510(c); (5) Avoidance of fraudulent transfer pursuant to 11 U.S.C. § 548; (6) Avoidance of fraudulent transfer pursuant to 11 U.S.C. §§ 544 and 548; (7) Usury and unjust enrichment /disgorgement; (8) Injunction; (9) Determination of liens pursuant to 11 U.S.C. §§ 502, 506 and 551; (10) Racketeering (18 U.S.C. §1962); (11) Unconscionability; (12) Violation of N.Y GEN. OB., banking and penal law; (13) Violation of California business and professions code section 17200; (14) Fraud; (15) Negligence per se se-violation of California finance lending law (16) Conversion; (17) Responsible corporate officer; (18) Tortious violation of statutes (19) Conspiracy; (20) Aiding and abetting

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

SPG Advance LLC, a New York

Pro Se

Lazer Preizler

Pro Se

Burech Weinstock

Pro Se

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:30 AM

CONT... Vario Corp.

Chapter 7

Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By
Elmer D Martin III
Curtis C. Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:30 AM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:21-01036 Bui et al v. ML Factors Funding Limited Liability Company, a Ne

#13.00 Status conference re: Complaint for: (1) Declaratory relief; (2) Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; (3) Avoidance of lien and equitable subordination pursuant to 11 U.S.C. § 510(c); (4) Avoidance and preservation of claims pursuant to 11 U.S.C. §§ 502, 506, 544, AND 510(c); (5) Avoidance of fraudulent transfer pursuant to 11 U.S.C. § 548; (6) Avoidance of fraudulent transfers pursuant to 11 U.S.C. §§ 544 and 548; (7) Usury and unjust enrichment /disgorgement; (8) Injunction; (9) Determination of liens pursuant to 11 U.S.C. §§ 502, 506 and 551; (10) Racketeering (18 U.S.C. §1962); (11) Unconscionability; (12) Violation of N.Y GEN. OB., banking and penal law; (13) Violation of California business and professions code section 17200; (14) Fraud; (15) Negligence per se se-violation of California finance lending law (16) Conversion; (17) Responsible corporate officer; (18) Tortious violation of statutes (19) Conspiracy; (20) Aiding and abetting

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

ML Factors Funding Limited

Pro Se

Samuel Selmar

Pro Se

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:30 AM

CONT... Vario Corp.

Chapter 7

Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By
Elmer D Martin III
Curtis C. Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:30 AM

6:19-12423 Raymond Howard

Chapter 7

Adv#: 6:21-01033 Whitmore, Chapter 7 Trustee v. Robinson

#14.00 Status conference re: Complaint for (1) To avoid preferential transfers under bankruptcy code section 547 and (2) Recover avoided transfers under bankruptcy code section 550

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Howard	Pro Se
----------------	--------

Defendant(s):

Phyl Robinson	Pro Se
---------------	--------

Plaintiff(s):

Robert S. Whitmore, Chapter 7	Represented By Hydee J Riggs
-------------------------------	---------------------------------

Trustee(s):

Robert Whitmore (TR)	Represented By Hydee J Riggs
----------------------	---------------------------------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:30 AM

6:20-16447 Gregory K Gilbert

Chapter 7

Adv#: 6:21-01026 United States Trustee for the Central District of v. Gilbert

#15.00 Status conference to deny debtor's discharge

Docket 1

***** VACATED *** REASON: JUDGMENT DENYING DISCHARGE
ENTERED 3-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory K Gilbert

Represented By
Rhonda Walker

Defendant(s):

Gregory K Gilbert

Pro Se

Plaintiff(s):

United States Trustee for the Central

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

10:30 AM

6:20-17744 Robert Alexander Miller

Chapter 7

Adv#: 6:21-01039 Frealy v. Miller

#16.00 Status conference re: Complaint for (1) Avoidance of fraudulent transfer [11 U.S.C § 544(b) and Cal. Civ Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of fraudulent transfer [11 U.S.C. § 548 (a)(1)(A)]; (3) Avoidance of fraudulent transfer [11 U.S. C. § 548 (a) (B)(i) and (ii)(I)]; (4) Turnover and accounting of estate's property [11 U.S.C. § 542; (5) Recovery of avoided transfer [11 U.S.C. § 550 (a)]; and (6) Automatic preservation of avoided transfer [11 U.S.C. § 551]

Docket 1

***** VACATED *** REASON: ORDER CONT ENTERED 4-21-21;
CONT'D TO 7-29-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Alexander Miller

Represented By
Ethan Kiwhan Chin

Defendant(s):

Ronda S. Miller

Pro Se

Plaintiff(s):

Todd A. Frealy

Represented By
Michelle A Marchisotto

Trustee(s):

Todd A. Frealy (TR)

Represented By
Michelle A Marchisotto

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

1:30 PM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:20-01181 Bui et al v. KINGS CASH GROUP, LLC et al

#17.00 Hrg re motion to approve stipulation regarding amended complaint

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

KINGS CASH GROUP, LLC

Represented By
Timothy W Evanston
Lei Lei Wang Ekvall
Shanna M Kaminski

KALAMATA CAPITAL GROUP

Represented By
Misty A Perry Isaacson
Patricia B Jefferson

Albert Gahfi

Represented By
Timothy W Evanston
Lei Lei Wang Ekvall
Shanna M Kaminski

DOES 1-2

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

1:30 PM

CONT... Vario Corp.

Chapter 7

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea
Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By
Elmer D Martin III
Curtis C. Jung
Clifford P Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

1:30 PM

6:18-20286 Philmar Care, LLC

Chapter 7

Adv#: 6:20-01189 Howard M. Ehrenberg, Solely in his capacity as cha v. Zalmanoff

#18.00 Hrg re motion for default judgment

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philmar Care, LLC

Represented By
Ashley M McDow

Defendant(s):

Shraga Zalmanoff

Pro Se

Plaintiff(s):

Howard M. Ehrenberg, Solely in his

Represented By
Daniel A Lev
Asa S Hami
Steven Werth

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Kim O Dincel
Claire K Wu
Asa S Hami

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

1:30 PM

6:20-10170 Juvenal Mora

Chapter 7

Adv#: 6:20-01173 Cisneros (TR) v. Gordon et al

#19.00 Hrg re motion for order expending discovery cut-off date

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juvenal Mora

Represented By
James D. Hornbuckle

Defendant(s):

Brandon Gordon

Represented By
James D. Hornbuckle

Monica Gordon

Represented By
James D. Hornbuckle

Maria Acosta

Represented By
James D. Hornbuckle

Michael Mora

Represented By
James D. Hornbuckle

David Beas

Represented By
James D. Hornbuckle

Joint Debtor(s):

Rosario M. Mora

Represented By
James D. Hornbuckle

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

1:30 PM

CONT... Juvenal Mora

Chapter 7

Plaintiff(s):

A. Cisneros (TR)

Represented By
Claudia Coleman
Tinho Mang
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
D Edward Hays
Tinho Mang
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

2:00 PM

6:20-11537 Asif Aziz

Chapter 7

Adv#: 6:20-01108 NextGear Capital v. Aziz

#20.00 Pre-Trial conference: re complaint to determine dischargeability of debt

FROM: S/C 9-3-20, P/T 5-13-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Asif Aziz

Represented By
Dominic Afzali

Defendant(s):

Asif Aziz

Represented By
Dominic Afzali
Matthew Abbasi

Plaintiff(s):

NextGear Capital

Represented By
Tom Roddy Normandin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 3, 2021

Hearing Room 304

2:00 PM

6:20-11537 Asif Aziz

Chapter 7

Adv#: 6:20-01108 NextGear Capital v. Aziz

#21.00 Hrg re order to show cause regarding why the answer of the defendant should not be stricken and judgment entered in favor of the plaintiff

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Asif Aziz

Represented By
Dominic Afzali

Defendant(s):

Asif Aziz

Represented By
Dominic Afzali
Matthew Abbasi

Plaintiff(s):

NextGear Capital

Represented By
Tom Roddy Normandin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 9, 2021

Hearing Room 304

2:00 PM

6:20-11537 Asif Aziz

Chapter 7

Adv#: 6:20-01108 NextGear Capital v. Aziz

#1.00 Pre-Trial conference: re complaint to determine dischargeability of debt

FROM: S/C 9-3-20, P/T 5-13-20, 6-3-21

Docket 1

Party Information

Debtor(s):

Asif Aziz

Represented By
Dominic Afzali

Defendant(s):

Asif Aziz

Represented By
Dominic Afzali
Matthew Abbasi

Plaintiff(s):

NextGear Capital

Represented By
Tom Roddy Normandin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 9, 2021

Hearing Room 304

2:00 PM

6:20-11537 Asif Aziz

Chapter 7

Adv#: 6:20-01108 NextGear Capital v. Aziz

#2.00 Hrg re order to show cause regarding why the answer of the defendant should not be stricken and judgment entered in favor of the plaintiff

FROM: 6-3-21

Docket 1

Party Information

Debtor(s):

Asif Aziz

Represented By
Dominic Afzali

Defendant(s):

Asif Aziz

Represented By
Dominic Afzali
Matthew Abbasi

Plaintiff(s):

NextGear Capital

Represented By
Tom Roddy Normandin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:00 PM

6:18-19327 Malcolm Owens

Chapter 7

#1.00 Hrg re trustee's final report and applications for compensation

Docket 80

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

Pursuant to the trustee's final report, the following administrative claims will be allowed:

- (1) Trustee: fees of \$11,134.90 and expenses of \$166.01; and
- (2) Lewis Brisbois Bisgaard & Smith LLP: fees of \$20,074.50 and expenses of \$424.35.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Malcolm Owens

Represented By
Christopher Hewitt

Trustee(s):

Karl T Anderson (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:00 PM

CONT...

Malcolm Owens

Lovee D Sarenas
Maria L Garcia
Amy L Goldman

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:00 PM

6:20-12067 Raul Carrillo and Acela Carrillo

Chapter 7

#2.00 Hrg re trustee's motion to approve supplement to settlement agreement with GGRP, INC

Docket 102

Tentative Ruling:

In preparing for this hearing, it would assist the Court if the parties were prepared to address the following issues. In paragraph 13 of his declaration, the trustee states "I am concerned that the Amended Agreement does not specifically address the resolution of the claims alleged in the Lawsuit." The Court assumes the term "Lawsuit" in the declaration refers to the litigation initiated by GGRP in June of 2018 in the San Bernardino Superior Court, Case No. CIVDS1814666.

Assuming as much, the statement by the trustee is perplexing. Paragraph 3.1(f) of the amended settlement agreement specifically states that claims of the debtor "shall be deemed released and the State Court Action dismissed with prejudice." Although the phrase "State Court Action" is an undefined term, it appears to be a synonym for Lawsuit.

Similarly, paragraph 3.4 of the amended settlement agreement states that the "Forged Deed shall be deemed rescinded and the Trustee shall have the authority . . . to remove the Forged Deed from the chain of title to the Property."

So how could the trustee be confused about how the amended agreement impacted the Lawsuit/State Court Action?

In addition, paragraph 3.1(b) and (d) of the amended agreement clearly state that "the transfer represented by the Foreclosure Sale and Deed after Sale shall be avoided, recovered, and preserved by the Trustee for the benefit of the Estate;" and "title to the Property shall be vested in the name of 'Larry D. Simons, Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:00 PM

CONT... Raul Carrillo and Acela Carrillo

Chapter 7

Trustee for the Bankruptcy Estate of Raul Carrillo and Acela Carrillo".

So why is the new amendment and new motion necessary?

Or stated differently, doesn't the new amendment contradict the provisions in paragraphs 3.1(b), 3.1(d) and 3.4? Doesn't the amendment substantially alter the agreement previously approved by the Court?

How could the Court reconcile the latest proposed amendment with the existing terms of the previously approved agreement?

Party Information

Debtor(s):

Raul Carrillo

Represented By
W. Derek May

Joint Debtor(s):

Acela Carrillo

Represented By
W. Derek May

Trustee(s):

Larry D Simons (TR)

Represented By
Tinho Mang
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:00 PM

6:20-13005 TTBGM, Inc

Chapter 7

#3.00 Hrg re motion for an order disallowing claims

Claim number 14 filed by Steve Cornaglia
Claim number 15 filed by Patrick & Pamela Courtney
Claim number 16 filed by Richard Besone

FROM: 5-4-21, 5-18-21

Docket 166

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

TTBGM, Inc

Represented By
Thomas C Corcovelos

Trustee(s):

Arturo Cisneros (TR)

Represented By
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:00 PM

6:21-10576 FORTUNAUTO 13, LLC

Chapter 7

#4.00 Hrg re motion to approve compromise of controversy between chapter 7 trustee and Stanley Perkins

Docket 65

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

FORTUNAUTO 13, LLC

Represented By
Robert B Rosenstein

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:00 PM

6:21-10576 FORTUNAUTO 13, LLC

Chapter 7

#5.00 Hrg re motion for authority t withdraw as counsel of record for debtor

Docket 78

Tentative Ruling:

The tentative ruling of the Court is to deny the motion without prejudice because the debtor was not served pursuant to LBR 2091-1(c)(1).

Party Information

Debtor(s):

FORTUNAUTO 13, LLC

Represented By
Robert B Rosenstein

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:00 PM

6:21-10919 Armando Sanchez Ochoa and Beatriz Ramirez De Sanchez

Chapter 7

#6.00 Hrg re motion to administer case due to death of debtor

Docket 13

Tentative Ruling:

No appearances are required. The Court will issue a written ruling shortly. No oral argument is necessary. All appearances are excused.

Party Information

Debtor(s):

Armando Sanchez Ochoa

Represented By
Daniel King

Joint Debtor(s):

Beatriz Ramirez De Sanchez

Represented By
Daniel King

Movant(s):

Armando Sanchez Ochoa

Represented By
Daniel King

Beatriz Ramirez De Sanchez

Represented By
Daniel King

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:00 PM

6:21-11586 James Allen Gross

Chapter 7

#7.00 Hrg re motion to appoint Rodney Drew, CLPF as next friend

Docket 8

Tentative Ruling:

No appearances are required. The Court will issue a written ruling shortly. No oral argument is necessary. All appearances are excused.

Party Information

Debtor(s):

James Allen Gross

Represented By
H. Christopher Heritage

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:30 PM

6:16-13497 Dana Rae Burgess

Chapter 7

#8.00 Hrg re motion for order approving compromise of controversy

FROM: 5-18-21

Docket 165

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of creditors and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:30 PM

CONT... Dana Rae Burgess

Chapter 7

Party Information

Debtor(s):

Dana Rae Burgess

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Represented By
Reem J Bello
William N Lobel
Michael R Adele
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:30 PM

6:16-13497 Dana Rae Burgess

Chapter 7

#9.00 Hrg re motion of chapter 7 trustee for order authorizing the use of property of the estate outside the ordinary course of business (1) For final distribution of claims

FROM: 6-1-21

Docket 177

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of creditors and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Dana Rae Burgess

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:30 PM

CONT... Dana Rae Burgess

Chapter 7

Trustee(s):

Howard B Grobstein (TR)

Represented By
Reem J Bello
William N Lobel
Michael R Adele
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:30 PM

6:19-14960 John Michael Boyce and Tamra Sue Boyce

Chapter 7

#10.00 Hrg re trustee's final report and applications for compensation

FROM: 6-1-21

Docket 104

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

The Court thanks the trustee and his professionals for their efforts in this case. Their work has produced sufficient funds to pay all creditors in full. Well done!

Pursuant to the trustee's final report, the following administrative claims will be allowed:

- (1) Trustee: total fees of \$12,625 of which \$1,482.02 remains to be paid and total expenses of \$87.50 of which \$87.50 remains to be paid.
- (2) Marshack Hays LLP: total fees of \$49,371.80 of which \$8,398.80 remains to be paid and total expenses of \$2,396.70 of which \$343.93 remains to be paid.
- (3) SLBiggs: fees of \$4,022 and expenses of \$151.90.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

John Michael Boyce

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:30 PM

CONT... John Michael Boyce and Tamra Sue Boyce

Chapter 7

Joint Debtor(s):

Tamra Sue Boyce

Pro Se

Trustee(s):

Larry D Simons (TR)

Represented By
David Wood
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:30 PM

6:21-10743 Mary Catherine Jones and Willie Jones, Jr.

Chapter 7

#11.00 Hrg re trustee's motion for order approving sale of real property

[Property] 1453 Fernwood Dr., Redlands, CA 92374-5454]

FROM: 6-1-21

Docket 20

Tentative Ruling:

The Court thanks the trustee for his efforts in securing a short sale in this case. Short sales can provide a benefit for creditors. However, in some cases, trustees contemplate that all (or most of) the net proceeds shall be paid entirely to administrative creditors. In such cases, creditors would not benefit from a short sale.

Therefore, prior to the hearing, the trustee should review a sale order entered by the Court in similar circumstances (involving a short sale) in the case of *In re Heath Carr*, 17-14622 on November 12, 2020 [docket #111]. In particular, the trustee should review paragraph 10 of that sale order. Is the trustee comfortable including in the sale order in this case the following language:

Not less than 40% of the net proceeds of sale (after payment of all closing costs, escrow fees, broker's commission, valid secured liens, exemptions, if any, and other customary sale expenses) shall be used to pay non-administrative creditors in this case. Up to 60% of the net proceeds of sale ("Admin. Portion") may be used to pay the Trustee's fee for selling the Property and all attorney's fees and other professional expenses associated with the recovery, administration and sale of the Property. To the extent that the Admin. Portion is insufficient to pay all of the Trustee's fees arising from the sale of the Property or other administrative costs (such as attorney's fees and costs arising from the recovery, administration and sale of the Property), such Trustee fees, attorneys' fees and professional expenses are deemed waived and shall not be paid from any other property of the estate.

Party Information

Debtor(s):

Mary Catherine Jones

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:30 PM

CONT...

Mary Catherine Jones and Willie Jones, Jr.

Chapter 7

Aaron Lloyd

Joint Debtor(s):

Willie Jones Jr.

Represented By
Aaron Lloyd

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

1:30 PM

6:21-11163 Rhonda Lynn Fletcher

Chapter 7

#12.00 Hrg re motion for redemption

FROM: 6-1-21

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rhonda Lynn Fletcher

Represented By
Sundee M Teeple

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

2:00 PM

6:18-20185 Carlton P Collins-Cepeda and Charmaine Collins-Cepeda

Chapter 11

#13.00 Hrg re motion closing case on interim basis

FROM: 3-23-21

Docket 107

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-14-21; CONT'D TO 8-3-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlton P Collins-Cepeda

Represented By
Todd L Turoci

Joint Debtor(s):

Charmaine Collins-Cepeda

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

2:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#14.00 Hrg re order setting chapter 11 status conference

FROM: 3-9-21, 3-25-21, 5-4-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

2:00 PM

6:20-17503 Pro Installs Appliance Installations, Inc.

Chapter 11

#15.00 Hrg re united states trustee's motion to dismiss case for lack of bankruptcy counsel or, alternatively

Docket 105

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pro Installs Appliance Installations, Pro Se

Trustee(s):

Arturo Cisneros (TR) Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

2:00 PM

6:21-12474 Ana R Tucker

Chapter 7

#16.00 Hrg re motion to dismiss chapter 7 case with a refiling bar

Docket 9

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Ana R Tucker

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

2:00 PM

CONT... Ana R Tucker

Chapter 7

Movant(s):

United States Trustee (RS)

Represented By
Ali Matin

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

2:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#17.00 Hrg re motion requesting the court fix dates in a subchapter V case in which there is no disclosure statement

FROM: 5-12-20, 6-23-20, 8-4-20, 10-6-20, 1-12-21, 4-20-21

Docket 82

Tentative Ruling:

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

2:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#18.00 Hrg re motion to approve debtor's disclosure statement

FROM: 8-4-20, 10-6-20, 1-12-21, 4-20-21

Docket 144

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

2:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

#19.00 Hrg re application for payment of interim fees and or expenses
FROM: 8-4-20, 10-6-20, 1-12-21, 4-20-21

Docket 166

Tentative Ruling:

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

3:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#20.00 Hrg re motion for order approving settlement and compromise of disputes by and among Chapter 7 Trustee and Chain-Dab King and Related Parties

FROM: 3-9-21, 3-23-21

Docket 281

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 7-6-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

3:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#21.00 Hrg re motion to compel abandonment of property of the estate

FROM: 3-9-21, 3-23-21

Docket 276

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 7-6-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

3:00 PM

6:17-17472 **Aguina Aguina**

Chapter 7

#22.00 Hrg re chapter 7 trustee's motion for order authorizing the trustee to make interim distributions to holders of allowed claims

Docket 306

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the the debtor, creditors and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

3:00 PM

CONT... Aguina Aguina

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

3:30 PM

6:18-15514 Roger Frank Wilson and Ernest Dean Spielman

Chapter 7

#23.00 Hrg re motion of cash disbursements by the trustee

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roger Frank Wilson

Represented By
Gary J Holt

Joint Debtor(s):

Ernest Dean Spielman

Represented By
Gary J Holt

Trustee(s):

Karl T Anderson (TR)

Represented By
Peter M Schwaetz
R Gibson Pagter Jr.
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 15, 2021

Hearing Room 304

3:30 PM

6:21-10574 Mary Ann Sultan and Howard Allen Sultan

Chapter 7

#24.00 Hrg re motion by chapter 7 trustee to approve compromise of controversy

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Ann Sultan

Represented By
Aaron Lloyd

Joint Debtor(s):

Howard Allen Sultan

Represented By
Aaron Lloyd

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

11:00 AM

6:20-11537 Asif Aziz

Chapter 7

Adv#: 6:20-01108 NextGear Capital v. Aziz

#1.00 Pre-Trial conference: re complaint to determine dischargeability of debt

FROM: S/C 9-3-20, P/T 5-13-20, 6-3-21, 6-9-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Asif Aziz

Represented By
Dominic Afzali

Defendant(s):

Asif Aziz

Represented By
Dominic Afzali
Matthew Abbasi

Plaintiff(s):

NextGear Capital

Represented By
Tom Roddy Normandin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

11:00 AM

6:20-11537 Asif Aziz

Chapter 7

Adv#: 6:20-01108 NextGear Capital v. Aziz

#1.01 Hrg re order to show cause regarding why the answer of the defendant should not be stricken and judgment entered in favor of the plaintiff

FROM: 6-3-21, 6-9-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Asif Aziz

Represented By
Dominic Afzali

Defendant(s):

Asif Aziz

Represented By
Dominic Afzali
Matthew Abbasi

Plaintiff(s):

NextGear Capital

Represented By
Tom Roddy Normandin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

1:30 PM

6:21-12468 Terry Ann Johnson

Chapter 13

#1.02 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Terry Ann Johnson

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

1:30 PM

6:21-12504 Travis Leonardi

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Travis Leonardi

Represented By
Trang Phuong Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

1:30 PM

6:21-12510 Lindita Pirgu

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lindita Pirgu

Represented By
C Scott Rudibaugh

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

1:30 PM

6:21-12539 Carlos G Limon and Maria R Limon

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos G Limon

Represented By
Richard L. Sturdevant

Joint Debtor(s):

Maria R Limon

Represented By
Richard L. Sturdevant

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

1:30 PM

6:21-12549 David Arthur Montague

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Arthur Montague

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

1:30 PM

6:21-12555 Mark Alan Roybal

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Alan Roybal

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

1:30 PM

6:21-12577 Levi L. Hampton and Gail D Hampton

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Levi L. Hampton

Represented By
Julie J Villalobos

Joint Debtor(s):

Gail D Hampton

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:17-11643 Michael Alvarez and Roxanne E Alvarez

Chapter 13

#8.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 143

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 5-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Alvarez

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Joint Debtor(s):

Roxanne E Alvarez

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:18-15037 Hector M Salazar

Chapter 13

#9.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 61

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hector M Salazar

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:19-10127 William Coleman and Afua P Owusu-Banahene

Chapter 13

#10.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 89

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Coleman

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Afua P Owusu-Banahene

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:19-21177 Derik A. Dill

Chapter 13

#11.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 72

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 5-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Derik A. Dill

Represented By
Christine A Kingston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:20-12856 William Albert Hoffman

Chapter 13

#11.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 64

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Albert Hoffman

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:18-14391 Mark A. Serrato

Chapter 13

#12.00 Hrg re motion to vacate and set aside order dismissing debtor's chapter 13 case and reinstate the debtor's chapter 12 bankruptcy case nunc pro tunc

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark A. Serrato

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:19-17979 Clifford Davis, Sr

Chapter 13

#13.00 Hrg re motion for objection to court claim number five (5-3) filed by Exeter Finance, LLC

Docket 59

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clifford Davis

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:21-12132 Ricky Coburn

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ricky Coburn

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:21-12153 Ella Mae Boykin

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 5-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ella Mae Boykin

Represented By
Robert J Spitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:21-12293 Kathleen Virginia Clark

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathleen Virginia Clark

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:21-12296 Sonya Yvonne Wright

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sonya Yvonne Wright

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:21-12315 David Scott Mehrrens

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Scott Mehrrens

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:21-12379 Donald Raymond Shippy

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Raymond Shippy

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:00 PM

6:21-12411 Luis Jesus Estrada

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Jesus Estrada

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:30 PM

6:19-19745 Rochelle M Cox

Chapter 13

#21.00 Motion for relief from stay

HOME POINT FINANCIAL VS DEBTOR

Property: 5575 Bridle Court, Fontana, CA 92336
[Real Prop] Eric P. Enciso, attorney/movant

Docket 46

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rochelle M Cox

Represented By
Christopher J Langley
Michael Smith

Movant(s):

Home Point Financial

Represented By
Robert P Zahradka
Sean C Ferry
Eric P Enciso

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

2:30 PM

6:21-11641 Jared Michael Streeter

Chapter 13

#22.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-3-21;
CONT'D TO 10-25-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jared Michael Streeter

Represented By
Richard G Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 16, 2021

Hearing Room 304

3:00 PM

6:17-15746 Romeo Abelita Apelo

Chapter 13

#23.00 Hrg re status conference

FROM: 7-22-20, 9-23-20, 10-7-20, 12-9-20, 1-13-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Romeo Abelita Apelo

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

10:00 AM

6:20-14160 Gilbert C Ramirez, Jr. and Patricia M Ramirez

Chapter 7

#1.00 Motion for relief from stay

SANTANDER CONSUMER USA VS DEBTORS

Property: 2015 Jeep Grand Cherokee
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 131

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert C Ramirez Jr.

Represented By
Summer M Shaw

Joint Debtor(s):

Patricia M Ramirez

Represented By
Summer M Shaw

Movant(s):

Santander Consumer USA Inc. dba

Represented By
Sheryl K Ith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo Cisneros
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

10:00 AM

6:21-10832 Raymond Paul Horspool, Jr.

Chapter 7

#2.00 Motion for relief from stay

AMERICREDIT FINANCIAL VS DEBTOR

Property: 2019 Chevrolet Suburban
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 31

*** VACATED *** REASON: ORDER REGARDING AUTOMATIC
STAY ENTERED 6-4-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Paul Horspool Jr.

Represented By
Todd L Turoci

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Sheryl K Ith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

10:00 AM

6:21-11955 Brandon Smith and Dalia Smith

Chapter 7

#3.00 Motion for relief from stay

TOYOTA MOTOR CREDIT VS DEBTORS

Property: 2020 Toyota Corolla
[Personal Prop] Kirsten Martinez, attorney/movant

Docket 7

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-4-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brandon Smith

Represented By
Todd L Turoci

Joint Debtor(s):

Dalia Smith

Represented By
Todd L Turoci

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

10:00 AM

6:21-12483 Pedro Pantoja, Jr.

Chapter 7

#4.00 Motion for relief from stay

TOYOTA MOTOR CREDIT VS DEBTOR

Property: 2020 Toyota Camry
[Personal Prop] Austin P. Nagel, attorney/movant

Docket 7

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pedro Pantoja Jr.

Represented By
Todd L Turoci

Movant(s):

Toyota Motor Credit Corporation,

Represented By
Austin P Nagel

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

10:00 AM

6:21-12638 Jacob Benjermin Barraza

Chapter 7

#5.00 Motion for relief from stay

AMERICREDIT FINANCIAL VS DEBTOR

Property: 2019 Chevrolet Corvette
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 9

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-4-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacob Benjermin Barraza

Represented By
Brian J Soo-Hoo

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Sheryl K Ith

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

11:00 AM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01197 Daff v. Citibank, N.A. et al

#6.00 Status conference re: Complaint (1) Avoidance of transfers Pursuant to 11 U.S.C. Section 544(b) and CAL.CIV. Code Section 3439.04(a)(2), 3439.05; (2) Avoidance of transfers Pursuant to 11 U.S.C Section 548(a)(1)(B);(3) Recovery of avoided transfers Pursuant to 11 U.S.C. Section 550; and (4) Disallowance of claims Pursuant to 11 U.S.C Section 502

FROM: S/C 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Citibank, N.A.

Pro Se

Mark Kinnison

Pro Se

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

11:00 AM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01195 Daff v. Barclays US et al

#7.00 Status conference re: Complaint (1) Avoidance of transfers Pursuant to 11 U.S.C Section 544(b) and CAL. CIV. Code Section 3439.04(a)(2), 3439.05; (2) Avoidance of transfers Pursuant to 11 U.S.C Section 548(a)(1)(B); (3) Recovery of avoided transfers Pursuant to 11 U.S.C Section 550; and (4) Disallowance of claims Pursuant to 11 U.S.C Section 502

FROM: S/C 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Barclays US

Pro Se

Barclays Bank Delaware

Pro Se

Mark Kinnison

Pro Se

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

11:00 AM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01196 Daff v. Chase Bank U.S.A., N.A. et al

#8.00 Status conference re: Complaint (1) Avoidance of transfers Pursuant to 11 U.S.C. Section 544(b) and CAL. CIV. Code Section 3439.04(a)(2), 3439.05; (2) Avoidance of transfers Pursuant to 11 U.S.C Section 548(a)(1)(B); (3) Recovery of avoided transfers Pursuant to 11 U.S.C. Section 550; and (4) Disallowance of claims Pursuant to 11 U.S.C. Section 502

FROM: S/C 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Chase Bank U.S.A., N.A.

Pro Se

Mark Kinnison

Pro Se

Paula Roberts

Pro Se

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

11:00 AM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01194 Daff v. American Express National Bank et al

#9.00 Status conference re: Complaint for (1) Avoidance of transfers Pursuant to 11 U.S.C. Section 544(b) and CAL. CIV. Code Section 3439.04(a) (2), 3439.05; (2) Avoidance of transfers Pursuant to 11 U.S.C. Section 5489a)(1)(B); (3) Recovery of avoided transfers Pursuant to 11 U.S.C. Section 550; and (4) Disallowance of claims Pursuant to 11 U.S.C Section 502

FROM: S/C 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

American Express National Bank

Pro Se

Michael Rodriguez

Pro Se

Paula Roberts

Pro Se

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

11:00 AM

6:18-20473 CWP Cabinets

Chapter 7

Adv#: 6:20-01200 Daff v. Adelanto Millworks, LLC et al

#10.00 Status conference re: Complaint (1) Avoidance of transfers Pursuant to 11 U.S.C. Section 544(b) and CAL. CIV. Code Section 3439.04(a)(2), 3439.05; (2) Avoidance of transfers Pursuant to 11 U.S.C. Section 548(a)(1)(B); (3) Avoidance of preferential transfers Pursuant to 11 U.S.C. Section 547; (4) Recovery of avoided transfers Pursuant to 11 U.S.C. Section 550; (5) Disallowance of claims Pursuant to 11 U.S.C. Section 502; (6) Declaratory judgment: Alter Ego; and (7) Usury and unjust enrichment/disgorgement

FROM: S/C 3-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CWP Cabinets

Represented By
J Scott Williams

Defendant(s):

Adelanto Millworks, LLC

Pro Se

Mark Kinnison

Pro Se

Plaintiff(s):

Charles W Daff

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Charles W Daff (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

11:00 AM

CONT...

CWP Cabinets

Robert P Goe

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:20-01167 Bui et al v. ML Factors Funding LLC et al

#11.00 Status conference re: Complaint for (1) Declaratory relief; (2) Avoidance of preferential transfers; (3) Avoidance of lien and equitable subordination; (4) Avoidance and preservation of claims; (5) Avoidance of fraudulent

FROM: S/C 1-7-21, 2-11-21, 2-25-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-16-21; CONT'D TO 2-10-22 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

Lazer Preizler

Pro Se

Baruch Weinstock

Pro Se

Samuel Selmar

Pro Se

Asher Fensterheim

Pro Se

ML Factors Funding LLC

Pro Se

SPG Advance LLC, a New York

Pro Se

TVT 2.0, LLC, a Utah Limited

Pro Se

BP Funding, LLC, a New York LLC

Pro Se

David Rubin

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

CONT... Vario Corp.

Chapter 7

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea
Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By
Elmer D Martin III
Curtis C Jung
Clifford P Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

6:20-10170 Juvenal Mora

Chapter 7

Adv#: 6:20-01173 Cisneros (TR) v. Gordon et al

#12.00 Pre-trial conference re: Avoidance, Recovery, and Preservation of: (1) Intentional fraudulent transfer; (2) Constructive fraudulent transfer; (3) Intentional fraudulent transfer; and (4) Constructive fraudulent transfer

FROM: S/C 1-14-21

Docket 1

Tentative Ruling:

The Court thanks counsel for the parties for filing the stipulation on June 9, 2021 [docket #31]. The Court needs the assistance of counsel for the parties to evaluate the matter further. The Court is not entirely certain how to interpret the stipulation and reconcile it with other data.

While not entirely clear, the stipulation could be interpreted as indicating that counsel presently has the ability to practice law but would prefer not to focus on this adversary proceeding. Another potential interpretation of the stipulation is that counsel needs to suspend his practice and entirely avoid practicing law for some period of time. Further elaboration would be helpful.

The stipulation does indicate (among other things) that, on April 7, 2021, counsel for the defendants requested an initial 45-day extension of the deadline to respond to discovery. After that day, it appears that the requesting attorney filed at least 37 bankruptcy cases in various divisions of the bankruptcy court for various debtors (2:21-bk-12995-NB, 2:21-bk-13103-BB, 2:21-bk-13105-BR, 2:21-bk-13107-BB, 2:21-bk-13144-SK, 6:21-bk-12050-SY, 6:21-bk-12051-SY, 6:21-bk-12052-WJ, 6:21-bk-12053-MH, 6:21-bk-12054-WJ, 6:21-bk-12091-WJ, 6:21-bk-12092-WJ, 6:21-bk-12093-SC, 6:21-bk-12094-SY, 8:21-bk-10989-MW, 6:21-bk-12225-SY, 6:21-bk-12226-MH, 6:21-bk-12290-MH, 6:21-bk-12291-WJ, 6:21-bk-12292-MH, 2:21-bk-13680-BR, 2:21-bk-13695-ER, 6:21-bk-12636-SY, 6:21-bk-12772-SY, 6:21-bk-12824-MH, 6:21-bk-12825-MH, 6:21-bk-12826-SY, 6:21-bk-12827-SC, 6:21-bk-12828-SY, 6:21-bk-12879-SC, 6:21-bk-12880-SC, 8:21-bk-11424-MW,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

CONT...

Juvenal Mora

Chapter 7

8:21-bk-11434-ES, 2:21-bk-14760-BR, 2:21-bk-14761-BR, 2:21-bk-14762-ER and 2:21-bk-14764-BB). These 37 cases have been filed during the approximate 60-day period since April 7th to the present. During that period of time, approximately 45 business days have passed, which suggests that counsel has apparently filed one new bankruptcy case with this court (on average) nearly every business day since April 7th. The Court is uncertain how to reconcile this data with the stipulation.

Therefore, it would assist the Court if counsel is prepared to discuss these issues at the hearing. It would also assist the Court if the parties could indicate when counsel for the defendants provided the initial disclosures required in paragraph 3(m) of the order of the Court entered on January 15, 2021.

The parties are reminded that counsel must appear in person at trials and pre-trial conferences.

Party Information

Debtor(s):

Juvenal Mora

Represented By
James D. Hornbuckle

Defendant(s):

Brandon Gordon

Pro Se

Monica Gordon

Pro Se

Maria Acosta

Pro Se

Michael Mora

Pro Se

David Beas

Pro Se

Joint Debtor(s):

Rosario M. Mora

Represented By
James D. Hornbuckle

Plaintiff(s):

A. Cisneros (TR)

Represented By
Claudia Coleman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

CONT...

Juvenal Mora

Chapter 7

Tinho Mang
D Edward Hays

Trustee(s):

Arturo Cisneros (TR)

Represented By
D Edward Hays
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

6:20-10170 Juvenal Mora

Chapter 7

Adv#: 6:20-01173 Cisneros (TR) v. Gordon et al

#13.00 Hrg re motion for order expending discovery cut-off date

FROM: 6-3-21

Docket 23

Tentative Ruling:

The Court thanks counsel for the parties for filing the stipulation on June 9, 2021 [docket #31]. The Court needs the assistance of counsel for the parties to evaluate the matter further. The Court is not entirely certain how to interpret the stipulation and reconcile it with other data.

While not entirely clear, the stipulation could be interpreted as indicating that counsel presently has the ability to practice law but would prefer not to focus on this adversary proceeding. Another potential interpretation of the stipulation is that counsel needs to suspend his practice and entirely avoid practicing law for some period of time. Further elaboration would be helpful.

The stipulation does indicate (among other things) that, on April 7, 2021, counsel for the defendants requested an initial 45-day extension of the deadline to respond to discovery. After that day, it appears that the requesting attorney filed at least 37 bankruptcy cases in various divisions of the bankruptcy court for various debtors (2:21-bk-12995-NB, 2:21-bk-13103-BB, 2:21-bk-13105-BR, 2:21-bk-13107-BB, 2:21-bk-13144-SK, 6:21-bk-12050-SY, 6:21-bk-12051-SY, 6:21-bk-12052-WJ, 6:21-bk-12053-MH, 6:21-bk-12054-WJ, 6:21-bk-12091-WJ, 6:21-bk-12092-WJ, 6:21-bk-12093-SC, 6:21-bk-12094-SY, 8:21-bk-10989-MW, 6:21-bk-12225-SY, 6:21-bk-12226-MH, 6:21-bk-12290-MH, 6:21-bk-12291-WJ, 6:21-bk-12292-MH, 2:21-bk-13680-BR, 2:21-bk-13695-ER, 6:21-bk-12636-SY, 6:21-bk-12772-SY, 6:21-bk-12824-MH, 6:21-bk-12825-MH, 6:21-bk-12826-SY, 6:21-bk-12827-SC, 6:21-bk-12828-SY, 6:21-bk-12879-SC, 6:21-bk-12880-SC, 8:21-bk-11424-MW, 8:21-bk-11434-ES, 2:21-bk-14760-BR, 2:21-bk-14761-BR, 2:21-bk-14762-ER and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

CONT...

Juvenal Mora

Chapter 7

2:21-bk-14764-BB). These 37 cases have been filed during the approximate 60-day period since April 7th to the present. During that period of time, approximately 45 business days have passed, which suggests that counsel has apparently filed one new bankruptcy case with this court (on average) nearly every business day since April 7th. The Court is uncertain how to reconcile this data with the stipulation.

Therefore, it would assist the Court if counsel is prepared to discuss these issues at the hearing. It would also assist the Court if the parties could indicate when counsel for the defendants provided the initial disclosures required in paragraph 3(m) of the order of the Court entered on January 15, 2021.

The parties are reminded that counsel must appear in person at trials and pre-trial conferences.

Party Information

Debtor(s):

Juvenal Mora

Represented By
James D. Hornbuckle

Defendant(s):

Brandon Gordon

Represented By
James D. Hornbuckle

Monica Gordon

Represented By
James D. Hornbuckle

Maria Acosta

Represented By
James D. Hornbuckle

Michael Mora

Represented By
James D. Hornbuckle

David Beas

Represented By
James D. Hornbuckle

Joint Debtor(s):

Rosario M. Mora

Represented By
James D. Hornbuckle

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

CONT... Juvenal Mora

Chapter 7

Plaintiff(s):

A. Cisneros (TR)

Represented By
Claudia Coleman
Tinho Mang
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
D Edward Hays
Tinho Mang
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

Adv#: 6:20-01039 Dani Transport Services, Inc. v. Complete Business Solutions Group aka

#14.00 Pre-Trial conference re: Complaint to avoid and recover preferential and post - petition transfers

FROM: S/C 7-2-20, P/T 2-11-21, 2-25-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Defendant(s):

Complete Business Solutions Group

Pro Se

Plaintiff(s):

Dani Transport Services, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

6:20-11457 David Allen Cramer

Chapter 7

Adv#: 6:20-01172 Lake v. Cramer

#15.00 Pre-trial conference re: Complaint for revocation of debtor's discharge

FROM: S/C 1-14-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Allen Cramer

Represented By
Michael A Cisneros

Defendant(s):

David Allen Cramer

Pro Se

Plaintiff(s):

Peter Lake

Represented By
Thomas J Polis

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

6:20-13765 Robert Farrell

Chapter 7

Adv#: 6:20-01145 Farrell v. United States Department Of Education

#16.00 Pre-Trial conference re: Complaint to determine dischargeability

FROM: S/C 12-3-20

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 6-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Farrell

Represented By
J. Luke Hendrix

Defendant(s):

United States Department Of

Represented By
Elan S Levey

Plaintiff(s):

Robert Farrell

Represented By
J. Luke Hendrix

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

6:20-13919 Donald Ray Paulson

Chapter 7

Adv#: 6:20-01156 Anderson v. Paulson

#17.00 Status conference re: Complaint to deny discharge

FROM: S/C 12-3-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Ray Paulson

Represented By
Ronald W Ask

Defendant(s):

Donald Ray Paulson

Represented By
Ronald W Ask

Plaintiff(s):

Karl T. Anderson

Represented By
Tinho Mang

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

6:20-14758 Ridge Park Point, LLC

Chapter 7

Adv#: 6:20-01164 A. Cisneros, Chapter 7 Trustee v. Garland

#18.00 Pre-Trial conference re: Complaint (1) Breach of contract; (2) Turnover

FROM: S/C 1-7-21

Docket 1

***** VACATED *** REASON: ORDER CONT ENTERED 6-9-21;
CONT'D TO 9-30-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Defendant(s):

Ryan Garland

Pro Se

Plaintiff(s):

A. Cisneros, Chapter 7 Trustee

Represented By
Nathan F Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

6:20-14758 Ridge Park Point, LLC

Chapter 7

Adv#: 6:20-01165 A. Cisneros, Chapter 7 Trustee v. Paradyme Funding, Inc., a California

#19.00 Pre-Trial conference re: Complaint (1) Breach of contract; (2) Turnover

FROM: S/C 1-7-21

Docket 1

***** VACATED *** REASON: ORDER CONT ENTERED 6-9-21;
CONT'D TO 9-30-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Defendant(s):

Paradyme Funding, Inc., a California

Pro Se

Plaintiff(s):

A. Cisneros, Chapter 7 Trustee

Represented By
Nathan F Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

6:20-14390 Long Hung Ha

Chapter 7

Adv#: 6:21-01047 Liu et al v. Ha

#20.00 Hrg re motion to dismiss adversary proceeding

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Long Hung Ha

Represented By
Leslie A Cohen

Defendant(s):

Long Hung Ha

Represented By
Leslie A Cohen

Plaintiff(s):

Sanping Liu

Represented By
Felix T Woo

Kesheng Liu

Represented By
Felix T Woo

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:30 PM

6:21-11015 Michelle F. Allan

Chapter 13

Adv#: 6:21-01040 Allan v. Mortgage Electronic Registration System, Inc et al

#21.00 Hrg re motion to dismiss adversary complaint

Docket 5

*** VACATED *** REASON: ADVERSARY DISMISSED 6-16-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle F. Allan

Represented By
Paul Y Lee

Defendant(s):

Mortgage Electronic Registration

Pro Se

Wilmington Savings Fund Society,

Represented By
Erin M McCartney

Plaintiff(s):

Michelle Allan

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

1:45 PM

6:18-17805 ANTHONY JEROME MCDUFFIE

Chapter 7

Adv#: 6:19-01154 MCDUFFIE v. Moreno Valley Ranch Community Association

#22.00 Pre-trial conference re: Complaint against defendants for compensatory damages, attorney fees & costs for willful violation of the automatic stay and the discharge injunction

FROM: S/C 2-6-20, P/T 7-23-20, 11-19-20, 2-25-21

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 6-16-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ANTHONY JEROME MCDUFFIE

Represented By
David A Akintimoye

Defendant(s):

Moreno Valley Ranch Community

Pro Se

Joint Debtor(s):

PRECIOUS ANN LEE

Represented By
David A Akintimoye

Plaintiff(s):

ANTHONY JEROME MCDUFFIE

Represented By
David A Akintimoye

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

2:00 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:18-01246 Karl T. Anderson CPA, Inc. v. State of Illinois Department of Revenue

#23.00 Pre-Trial conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfers; (3) Disallowance of claims held by defendants

FROM: S/C 4-11-19, P/T 12-5-19, 6-25-20, 9-17-20

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 6-10-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

State of Illinois Department of

Pro Se

Plaintiff(s):

Karl T. Anderson CPA, Inc.

Represented By
Judith E Marshack

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

2:00 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:18-01249 Karl T. Anderson CPA, Inc. v. Director, Division of Taxation of the State of

#24.00 Pre-Trial conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfers; (3) Disallowance of claims held by defendants

FROM: S/C 4-11-19, 4-18-19, 5-2-19, 5-30-19, 6-13-19, 7-15-19, 7-30-19, 6-25-20, P/T 9-17-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

Director, Division of Taxation of the

Pro Se

Plaintiff(s):

Karl T. Anderson CPA, Inc.

Represented By
Judith E Marshack

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

2:00 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:18-01245 Karl T. Anderson CPA, Inc. v. Georgia Department of Revenue and Lynnette

#25.00 Pre-Trial conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfers; (3) Disallowance of claims held by defendants

FROM: S/C 4-11-19, 4-18-19, 5-2-19, 5-30-19, 6-24-25, P/T 9-17-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

Georgia Department of Revenue and

Pro Se

Plaintiff(s):

Karl T. Anderson CPA, Inc.

Represented By
Judith E Marshack

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

2:00 PM

6:19-17739 Tranaya Watson LLC

Chapter 7

Adv#: 6:19-01159 Bui v. TPH OC, LLC et al

#26.00 Pre-Trial conference re: Complaint for (1) Avoidance of constructive fraudulent and recovery of same; (2) Breach of contract; (3) Breach of the implied covenant of good faith and fair dealing; (4) Preservation of avoided transfers

FROM: S/C 2-6-20, P/T 9-24-20, 11-19-20

Docket 1

***** VACATED *** REASON: ORDER CONTINUING ENTERED 6-8-21;
CONT'D TO 1-13-22 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tranaya Watson LLC

Represented By
Omero Banuelos

Defendant(s):

TPH OC, LLC

Pro Se

BPRD Trading LLC

Pro Se

Plaintiff(s):

Lynda T. Bui

Represented By
Rafael R Garcia-Salgado

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

2:30 PM

6:15-14612 Reinier Santos Dela Cruz

Chapter 13

Adv#: 6:20-01168 Dela Cruz et al v. Wilmington Trust, National Association, as success

#27.00 Status conference re: Complaint to avoid junior lien on principal residence

[Property: 574 Highland Court, Upland, CA 91786]

FROM: S/C 1-14-21, 4-22-21, 5-20-21

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Defendant(s):

Wilmington Trust, National

Pro Se

Joint Debtor(s):

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Plaintiff(s):

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

2:30 PM

6:15-14612 Reinier Santos Dela Cruz

Chapter 13

Adv#: 6:20-01168 Dela Cruz et al v. Wilmington Trust, National Association, as success

#28.00 Hrg re motion for default judgment

FROM: 5-20-21

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Defendant(s):

Wilmington Trust, National

Pro Se

Joint Debtor(s):

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Plaintiff(s):

Reinier Santos Dela Cruz

Represented By
Hasmik Jasmine Papian

Joan Rongavilla Dela Cruz

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

2:30 PM

6:17-14073 James Anthony Rojas
Adv#: 6:20-01160 Tran v. Rojas

Chapter 7

#29.00 Hrg re order to show cause regarding why this adversary proceeding should not be dismissed for failure to prosecute

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Anthony Rojas

Represented By
Rhonda Walker

Defendant(s):

James Anthony Rojas

Pro Se

Plaintiff(s):

San Tran

Represented By
Joshua R Engle

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

2:30 PM

6:17-14073 James Anthony Rojas
Adv#: 6:20-01160 Tran v. Rojas

Chapter 7

#30.00 Status conference re: Complaint for determination of nondischargeability of debt

FROM: S/C 12-3-20, 2-11-21, 3-11-21, 4-15-21, 5-13-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Anthony Rojas

Represented By
Rhonda Walker

Defendant(s):

James Anthony Rojas

Pro Se

Plaintiff(s):

San Tran

Represented By
Joshua R Engle

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

2:30 PM

6:16-12757 Victor Herrera

Chapter 7

Adv#: 6:16-01158 Herrera v. Herrera

#31.00 Trial re: Complaint to determine dischargeability

FROM: 2-23-18, 2-26-18, 7-20-18, 8-23-18, 10-19-18, 11-2-18, 12-7-18,
6-14-19, 6-28-19, 8-1-19, 9-12-19, 10-24-19, 3-12-20, 4-23-20, 7-9-20, 8-20-20,
12-10-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Herrera

Represented By
Yolanda Flores-Burt

Defendant(s):

Victor Herrera

Represented By
Yolanda Flores-Burt

Plaintiff(s):

Maria A. Herrera

Represented By
Michael N Berke

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

3:00 PM

6:20-11199 Laura Elsa Aguilar-Recendez

Chapter 7

Adv#: 6:20-01183 Daff v. Avilez

#32.00 Status conference re: (1) Avoidance of interentional fraudulent transfers and recovery of same; (2) Avoidance of constructive fraudulent transfers and recovery of same; (3) Imposition of constructive trust or resulting trust; (4) Unjust enrichment; (5) Declaration relief; (6) Turnover of property of the estate; and (7) Disallowance of claims

FROM: S/C 2-11-21, 5-13-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Elsa Aguilar-Recendez

Represented By
Marcella Lucente

Defendant(s):

Elsa Avilez

Pro Se

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

3:00 PM

6:20-11199 Laura Elsa Aguilar-Recendez

Chapter 7

Adv#: 6:20-01183 Daff v. Avilez

#33.00 Hrg re motion for default judgment

FROM: 2-25-21, 3-25-21

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Elsa Aguilar-Recendez

Represented By
Marcella Lucente

Defendant(s):

Elsa Avilez

Pro Se

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, June 17, 2021

Hearing Room 304

3:00 PM

6:20-11199 Laura Elsa Aguilar-Recendez

Chapter 7

Adv#: 6:20-01183 Daff v. Avilez

#34.00 Hrg re order to show cause regarding why the pleadings should not be stricken and judgment entered in favor of the plaintiff

FROM: 3-25-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Elsa Aguilar-Recendez

Represented By
Marcella Lucente

Defendant(s):

Elsa Avilez

Represented By
William E Krall

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, June 25, 2021

Hearing Room 304

10:30 AM

6:21-13196 Caroline Jean Harper

Chapter 7

#1.00 Hrg re dismissal of case for failure to make required payments

Docket 0

*** VACATED *** REASON: FEE INSTALLMENT PAID 6-23-21

Party Information

Debtor(s):

Caroline Jean Harper

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

10:00 AM

6:20-16448 Robert Frank Gonzales

Chapter 13

#1.00 Confirmation of Chapter 13 Plan

FROM: 11-18-21, 3-8-21

Docket 0

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

10:00 AM

CONT... Robert Frank Gonzales

Chapter 13

confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On March 8, 2021, the Court entered a scheduling order [docket #30] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for June 28, 2021 at 10:00 a.m.

On June 9, 2021, pursuant to paragraph 3 of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #49] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 24, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 4 of the Order, counsel for the Debtors then filed a pleading on June 10, 2021 [docket #51] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On June 28, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

10:00 AM

CONT... Robert Frank Gonzales

Chapter 13

agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on June 28, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows

Starting October 24, 2020, the monthly plan payment is \$600.

Starting March 24, 2021, the monthly plan payment is \$932.

The due date for each payment is the 24th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$54,260. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

10:00 AM

CONT... Robert Frank Gonzales

Chapter 13

paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,200, counsel is entitled to payment of \$3,800 from the estate at a rate no more than \$380 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

10:00 AM

CONT...

Robert Frank Gonzales

Chapter 13

Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$1,876.16 at a rate no less than \$31.27 per month for 60 months.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

10:00 AM

CONT... Robert Frank Gonzales

Chapter 13

not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

10:00 AM

CONT... Robert Frank Gonzales

Chapter 13

contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2020 Nissan Versa in the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

10:00 AM

CONT... Robert Frank Gonzales

Chapter 13

approximate amount of \$386 per month. (Creditor: TD Auto Finance).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

10:00 AM

CONT... Robert Frank Gonzales

Chapter 13

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

10:00 AM

CONT... Robert Frank Gonzales

Chapter 13

default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Robert Frank Gonzales

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

10:00 AM

6:20-16448 Robert Frank Gonzales

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-8-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

10:00 AM

CONT... Robert Frank Gonzales

Chapter 13

Debtor(s):

Robert Frank Gonzales

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

6:20-15702 Nyesha D. Williams

Chapter 13

#3.00 Confirmation of Chapter 13 Plan

FROM: 10-21-20, 2-8-21, 4-12-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Nyesha D. Williams

Chapter 13

confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On April 12, 2021, the Court entered a scheduling order [docket #62] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for June 28, 2021 at 11:00 a.m.

On June 16, 2021, pursuant to paragraph 3 of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #76] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on August 26, 2020 [docket #15] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 5 of the Order, counsel for the Debtors then filed a pleading on June 17, 2021 [docket #77] agreeing with the Trustee's terms in the Statement and the worksheet. All objections to confirmation have been withdrawn.

The Debtors have not objected to the Court's procedures order [docket #13] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On June 28, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Nyesha D. Williams

Chapter 13

the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on June 28, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting September 22, 2020, the monthly plan payment is \$1,508.

Starting December 22, 2020, the monthly plan payment is \$4,157.

The due date for each payment is the 22nd day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$241,473. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Nyesha D. Williams

Chapter 13

until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$500, counsel is entitled to payment of \$4,500 from the estate at a rate no more than \$450 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT...

Nyesha D. Williams

Chapter 13

if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$4,523.25 at a rate no less than \$75.39 per month for 60 months.
2. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$15,509.48 at a rate no less than \$258.49 per month for 60 months.
3. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
4. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT...

Nyeshia D. Williams

creditors.

Chapter 13

5. The parties believe that the payment to Hero is part of the mortgage payment that is being paid by the Trustee.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Nyesha D. Williams

Chapter 13

be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. All language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT...

Nyeshia D. Williams

Chapter 13

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2017 Dodge Ram in the approximate amount of \$629.82 per month. (Creditor: SchoolsFirst Federal Credit Union).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in January of 2021 to creditor Wells Fargo Bank. The payment for January of 2021 shall be \$2,413.99 and then in February of 2021 the payment decreases to \$2,218.46 per month for the rest of the plan. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT...

Nyeshia D. Williams

Chapter 13

away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Nyesha D. Williams

Chapter 13

of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, the 2017 Toyota Avalon and the 2012 Chrysler 200 (collectively, "Abandoned Property") are hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Nyesha D. Williams

Chapter 13

Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Nyesha D. Williams

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

6:20-15702 Nyesha D. Williams

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-7-20, 2-8-21, 4-12-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Nyesha D. Williams

Chapter 13

Debtor(s):

Nyesha D. Williams

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

6:20-17270 Thomas Anthony Zabala and Pamela Jean Zabala

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

FROM: 12-30-20, 4-12-21

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Thomas Anthony Zabala and Pamela Jean Zabala Chapter 13

confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On April 13, 2021, the Court entered a scheduling order [docket #61] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for June 28, 2021 at 11:00 a.m.

On June 9, 2021, pursuant to paragraph 3 of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #67] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on November 2, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 5 of the Order, counsel for the Debtors then filed a pleading on June 18, 2021 [docket #70] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On June 28, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Thomas Anthony Zabala and Pamela Jean Zabala Chapter 13

agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on June 28, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting December 2, 2020, the monthly plan payment is \$2,225.

Starting February 2, 2021, the monthly plan payment is \$4,437.

The due date for each payment is the 2nd day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$261,796. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Thomas Anthony Zabala and Pamela Jean Zabala Chapter 13

paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$2,000, counsel is entitled to payment of \$3,000 from the estate at a rate no more than \$300 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT...

Thomas Anthony Zabala and Pamela Jean Zabala

Chapter 13

Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
2. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

4. Additional provisions:

- a. As discussed on the record, the Debtors do not seek to avoid,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Thomas Anthony Zabala and Pamela Jean Zabala Chapter 13

extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Thomas Anthony Zabala and Pamela Jean Zabala Chapter 13

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Thomas Anthony Zabala and Pamela Jean Zabala
(collectively, "Direct Payments"):

Chapter 13

All payments for the automobile loan for the 2019 Chevy Camaro in the approximate amount of \$392.24 per month. (Creditor: Capital One Auto Finance).

All payments for the automobile loan for the 2017 Jeep Cherokee in the approximate amount of \$398.66 per month. (Creditor: TD Auto Finance).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in January of 2021 in the approximate amount of \$2,031.94 per month to the creditor Carrington Mortgage Services. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Thomas Anthony Zabala and Pamela Jean Zabala Chapter 13

suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Thomas Anthony Zabala and Pamela Jean Zabala Chapter 13

year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, all timeshares and the 2017 Dodge Ram (collectively, "Abandoned Property") are hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Thomas Anthony Zabala and Pamela Jean Zabala

Chapter 13

Debtor(s):

Thomas Anthony Zabala

Represented By
Dana Travis

Joint Debtor(s):

Pamela Jean Zabala

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

6:20-17270 Thomas Anthony Zabala and Pamela Jean Zabala

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 12-16-20, 4-12-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

11:00 AM

CONT... Thomas Anthony Zabala and Pamela Jean Zabala

Chapter 13

Debtor(s):

Thomas Anthony Zabala

Represented By
Dana Travis

Joint Debtor(s):

Pamela Jean Zabala

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

6:20-18103 Dolores Marina Mendez

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

FROM: 2-24-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 2-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dolores Marina Mendez

Represented By

Gary S Saunders - SUSPENDED -

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, June 28, 2021

Hearing Room 304

1:30 PM

6:20-18103 Dolores Marina Mendez

Chapter 13

#8.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 2-10-21

Docket 2

*** VACATED *** REASON: CASE DISMISSED 2-22-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dolores Marina Mendez

Represented By

Gary S Saunders - SUSPENDED -

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

6:20-18183 Ryan Andrew Murphy and Monique Antoinette Murphy

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

FROM: 2-24-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Ryan Andrew Murphy and Monique Antoinette Murphy Chapter 13

confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On January 15, 2021, the Court entered a scheduling order [docket #16] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for June 28, 2021 at 1:30 p.m.

On June 9, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #27] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on December 31, 2020 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on June 10, 2021 [docket #28] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On June 28, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Ryan Andrew Murphy and Monique Antoinette Murphy Chapter 13

agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on June 28, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$1,627 commencing on February 1, 2021. The due date for each payment is the 1st day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$97,620. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$6,000; having previously received \$1,490, counsel is entitled to payment of \$4,510 from the estate at a rate no

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Ryan Andrew Murphy and Monique Antoinette Murphy Chapter 13

more than \$451 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT...

Ryan Andrew Murphy and Monique Antoinette Murphy
enters an order regarding such objection.

Chapter 13

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Ryan Andrew Murphy and Monique Antoinette Murphy Chapter 13

automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... **Ryan Andrew Murphy and Monique Antoinette Murphy** **Chapter 13**
provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2021 Toyota Highlander in the approximate amount of \$803.89 per month. (Creditor: Toyota Motor Credit Corporation).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Ryan Andrew Murphy and Monique Antoinette Murphy Chapter 13

sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Ryan Andrew Murphy and Monique Antoinette Murphy Chapter 13

conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Ryan Andrew Murphy

Represented By
Paul Y Lee

Joint Debtor(s):

Monique Antoinette Murphy

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT...

Ryan Andrew Murphy and Monique Antoinette Murphy

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

6:20-18183 Ryan Andrew Murphy and Monique Antoinette Murphy

Chapter 13

#10.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 2-10-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Ryan Andrew Murphy and Monique Antoinette Murphy

Chapter 13

Debtor(s):

Ryan Andrew Murphy

Represented By
Paul Y Lee

Joint Debtor(s):

Monique Antoinette Murphy

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

6:21-10007 Mia Susanne Moyer

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

FROM: 2-24-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 6-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mia Susanne Moyer

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

6:21-10007 Mia Susanne Moyer

Chapter 13

#12.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 2-10-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 6-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mia Susanne Moyer

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

6:21-10008 Carlos Juarez, Jr. and Cynthia Montanez

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

FROM: 2-24-21

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos Juarez, Jr. and Cynthia Montanez

Chapter 13

confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On January 15, 2021, the Court entered a scheduling order [docket #16] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for June 28, 2021 at 1:30 p.m.

On June 16, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #51] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on June 11, 2021 [docket #43] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on June 17, 2021 [docket #52] agreeing with the Trustee's terms in the Statement and the worksheet. All objections to confirmation have been resolved.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On June 28, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos Juarez, Jr. and Cynthia Montanez Chapter 13

the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on June 28, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting February 4, 2021, the monthly plan payment is \$3,900.

Starting May 4, 2021, the monthly plan payment is \$4,300.

Starting July 4, 2021, the monthly plan payment is \$6,305.

The due date for each payment is the 4th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$367,075. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos Juarez, Jr. and Cynthia Montanez

Chapter 13

unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,187, counsel is entitled to payment of \$3,813 from the estate at a rate no more than \$80 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT...

Carlos Juarez, Jr. and Cynthia Montanez

Chapter 13

3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of American Honda Finance Corporation in the amount of \$1,007.62 at a rate no less than \$19.02 per month for 60 months with interest at the rate of 5% per annum.
2. The Trustee shall pay the secured claim of 2nd Change Mortgages in the amount of \$188,591.40 at a rate no less than \$4,169.90 per month for 57 months with interest at the rate of 10% per annum.
3. The Trustee shall pay the secured claim of MidFirst Bank in the amount of \$4,586.60 at a rate no less than \$81.40 per month for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT...

Carlos Juarez, Jr. and Cynthia Montanez

Chapter 13

60 months with interest the rate of 2.5% per annum.

4. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
5. Debtors must pay at least \$8,000 to the unsecured creditors per the liquidation analysis.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos Juarez, Jr. and Cynthia Montanez Chapter 13

any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos Juarez, Jr. and Cynthia Montanez

Chapter 13

an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2020 Honda Accord in the approximate amount of \$491.52 per month. (Creditor: American Honda Finance).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in July of 2021 in the approximate amount of \$1,337.42 per month to the creditor MidFirst Bank. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos Juarez, Jr. and Cynthia Montanez

Chapter 13

sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos Juarez, Jr. and Cynthia Montanez

Chapter 13

conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Carlos Juarez Jr.

Represented By
Michael D Franco

Joint Debtor(s):

Cynthia Montanez

Represented By
Michael D Franco

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos Juarez, Jr. and Cynthia Montanez

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

6:21-10008 Carlos Juarez, Jr. and Cynthia Montanez

Chapter 13

#14.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 2-10-21

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos Juarez, Jr. and Cynthia Montanez

Chapter 13

Debtor(s):

Carlos Juarez Jr.

Represented By
Michael D Franco

Joint Debtor(s):

Cynthia Montanez

Represented By
Michael D Franco

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

6:21-10013 Carlos R. Garcia-Prieto

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

FROM: 2-24-24

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT...

Carlos R. Garcia-Prieto

Chapter 13

confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On January 15, 2021, the Court entered a scheduling order [docket #21] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for June 28, 2021 at 1:30 p.m.

On June 9, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #55] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on June 3, 2021 [docket #47] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on June 22, 2021 [docket #56] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On June 28, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos R. Garcia-Prieto

Chapter 13

agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on June 28, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting February 4, 2021, the monthly plan payment is \$2,776.

Starting March 4, 2021, the monthly plan payment is \$6,767.

The due date for each payment is the 4th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$402,029. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos R. Garcia-Prieto

Chapter 13

paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$2,500, counsel is entitled to payment of \$2,500 from the estate at a rate no more than \$250 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT...

Carlos R. Garcia-Prieto

Chapter 13

Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$10,917.57 at a rate no less than \$181.96 per month for 60 months.
2. The Trustee shall pay the secured claim of JPMorgan Chase Bank in the amount of \$15.23 at a rate no less than \$15.23 per month for one month.
3. The Trustee shall pay the secured claim of US Bank in the amount of \$19,510.36 at a rate no less than \$377.18 per month for 60 months with interest at the rate of 6% per annum.
4. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT...

Carlos R. Garcia-Prieto

Chapter 13

made by the Trustee within seven days of Plan confirmation.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos R. Garcia-Prieto

Chapter 13

this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... **Carlos R. Garcia-Prieto**
shall not apply in this case.

Chapter 13

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors except to the following limited extent:

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in March of 2021 in the approximate amount of \$3,098.40 per month to the creditor JPMorgan Chase. Likewise, the Trustee shall commence making the monthly payments for the junior mortgage for the same property in March of 2021 in the approximate amount of \$573.29 per month to the creditor Unify Financial Federal Credit Union. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to both creditors. Other than those few payments by the Debtors prior to March of 2021, this case does not involve any other direct payments by the Debtors to creditors and, therefore, the Debtors need only file reports pursuant to paragraph 5(e) for the limited period of time during which they are responsible for making Direct Payments.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos R. Garcia-Prieto

Chapter 13

obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos R. Garcia-Prieto

Chapter 13

Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Carlos R. Garcia-Prieto

Represented By
Cynthia A Dunning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

6:21-10013 Carlos R. Garcia-Prieto

Chapter 13

#16.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 2-10-21

Docket 1

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

1:30 PM

CONT... Carlos R. Garcia-Prieto

Chapter 13

Debtor(s):

Carlos R. Garcia-Prieto

Represented By
Cynthia A Dunning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10094 Patricia Ann Doublet

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

FROM: 3-10-21

Docket 1

***** VACATED *** REASON: CASE CONVERTED 6-9-21 TO CHAPTER
7**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Ann Doublet

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10094 Patricia Ann Doublet

Chapter 13

#18.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 2-24-21

Docket 1

***** VACATED *** REASON: CASE CONVERTED 6-9-21 TO CHAPTER
7**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Ann Doublet

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10094 Patricia Ann Doublet

Chapter 7

#19.00 Hrg re motion to avoid lien with CACV of Colorado, LLC

[Property: Superior Court Case Number SCVSS126427]

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Ann Doublet

Represented By
Benjamin R Heston

Movant(s):

Patricia Ann Doublet

Represented By
Benjamin R Heston
Benjamin R Heston

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10114 Francisco Medrano and Claudia Mercedes Medrano

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

FROM: 3-10-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Medrano

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Claudia Mercedes Medrano

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10114 Francisco Medrano and Claudia Mercedes Medrano

Chapter 13

#21.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 2-24-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Medrano

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Claudia Mercedes Medrano

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10143 Vito Joseph Palmisano

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

FROM: 3-10-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 6-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vito Joseph Palmisano

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10143 Vito Joseph Palmisano

Chapter 13

#23.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 2-24-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 6-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vito Joseph Palmisano

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10143 Vito Joseph Palmisano

Chapter 13

#24.00 Hrg re motion for order determining value of collateral with Americredit/GM
Financial

FROM: 3-10-21, 4-21-21

Docket 0

***** VACATED *** REASON: NTC OF WITHDRAWAL FILED 4-27-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vito Joseph Palmisano

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10158 Martin Romo

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

FROM: 3-10-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT...

Martin Romo

Chapter 13

confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On January 25, 2021, the Court entered a scheduling order [docket #15] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for June 28, 2021 at 2:30 p.m.

On June 9, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #26] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on January 14, 2021 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on June 10, 2021 [docket #27] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On June 28, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT...

Martin Romo

Chapter 13

agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on June 28, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting February 14, 2021, the monthly plan payment is \$2,250.

Starting July 14, 2021, the monthly plan payment is \$2,779.

The due date for each payment is the 14th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$164,095. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT...

Martin Romo

Chapter 13

paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$350 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT...

Martin Romo

Chapter 13

Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$500 at a rate no less than \$15.15 per month for 33 months.
2. The Trustee shall pay the secured claim of LoanCare LLC in the amount of \$310.90 at a rate no less than \$310.90 per month for one month.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT...

Martin Romo

Chapter 13

extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT...

Martin Romo

Chapter 13

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT... Martin Romo

Chapter 13

(collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$2,538.01 per month. (Creditor: Loancare LLC).

All payments for the automobile loan for the 2018 Tesla Model S in the approximate amount of \$1,157.80 per month. (Creditor: TD Auto Finance).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT...

Martin Romo

Chapter 13

including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT...

Martin Romo

Chapter 13

any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, the real property located at 1474 East 56th Street, Los Angeles, CA ("Abandoned Property") is hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Martin Romo

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10158 Martin Romo

Chapter 13

#26.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 2-24-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT... Martin Romo

Chapter 13

Debtor(s):

Martin Romo

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10274 Jose Viera Mendoza

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

FROM: 3-10-21

Docket 1

***** VACATED *** REASON: CASE CONVERTED 2-22-21 TO
CHAPTER 7**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Viera Mendoza

Represented By
Siamak E Nehoray

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10274 Jose Viera Mendoza

Chapter 13

#28.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 2-24-21

Docket 1

***** VACATED *** REASON: CASE CONVERTED 2-22-21 TO
CHAPTER 7**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Viera Mendoza

Represented By
Siamak E Nehoray

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10307 James Richard Church

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

FROM: 3-10-21

Docket 2

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT... James Richard Church

Chapter 13

confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On January 25, 2021, the Court entered a scheduling order [docket #14] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for June 28, 2021 at 2:30 p.m.

On June 9, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #38] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on June 5, 2021 [docket #34] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on June 21, 2021 [docket #39] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On June 28, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT...

James Richard Church

Chapter 13

agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on June 28, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting February 22, 2021, the monthly plan payment is \$658.

Starting March 22, 2021, the monthly plan payment is \$19,183.

Starting April 22, 2021, the monthly plan payment is \$3,337.

The due date for each payment is the 22nd day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$213,387. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT... James Richard Church

Chapter 13

the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$500, counsel is entitled to payment of \$4,500 from the estate at a rate no more than \$76 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT...

James Richard Church

Chapter 13

creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Wells Fargo Home Mortgage in the amount of \$25,659.35 at a rate no less than \$427.66 per month for 60 months.
2. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.

4. Additional provisions:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT... James Richard Church

Chapter 13

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT...

James Richard Church

Chapter 13

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. All language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT... James Richard Church

Chapter 13

all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the junior mortgage against the residence of the Debtors. (Creditor: CALHFA Mortgage Assistance).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in March of 2021 in the approximate amount of \$2,437.52 per month to the creditor Wells Fargo Home Mortgage. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT... James Richard Church

Chapter 13

confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT... **James Richard Church**
Direct Payments.

Chapter 13

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

James Richard Church

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

6:21-10307 James Richard Church

Chapter 13

#30.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 2-24-21

Docket 0

Tentative Ruling:

All hearings today will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, in-person hearings will not be possible for hearings today because of the use of Zoom today. So, for today only, no appearances will be possible in the courtroom. Counsel should attend the hearings by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1611560371>

Meeting ID: 161 156 0371

Password: 682193

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

2:30 PM

CONT... James Richard Church

Chapter 13

Debtor(s):

James Richard Church

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, June 28, 2021

Hearing Room 304

3:00 PM

6:21-13403 Samuel Temanutai Coromandel

Chapter 7

#31.00 Hrg re dismissal of case for failure to make required payments

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Samuel Temanutai Coromandel	Pro Se
-----------------------------	--------

Trustee(s):

Howard B Grobstein (TR)	Pro Se
-------------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

12:00 PM

6:20-16924 CGC-Mroz Accountants & Advisors

Chapter 11

#1.00 Hrg re order setting chapter 11 status conference

FROM: 3-9-21, 3-25-21, 5-4-21, 6-15-21

Docket 0

Tentative Ruling:

The Court thanks counsel for the Debtor for filing the second amended plan of reorganization (docket #94) and the redline. Counsel should review the following comments and contemplate whether the following changes to the plan (docket #94) are acceptable:

Page 2, line 6; change "This Plan . . ." to "This document . . ."

Page 2, line 10; change "The Plan may provide for . . ." to "The Plan provides for . . ."

Page 13, lines 7-9; delete the following sentences: "A hearing on the motion to approve the Cash Collateral Stipulation is currently scheduled for February 23, 2021 at 1:00 p.m. On March 8, 2021, the Bankruptcy Court entered a Scheduling Order which approved the Cash Collateral Stipulation. [Dkt. 57]." And replace both sentences with the following one sentence: "On April 26, 2021, the Bankruptcy Court entered an order which approved the use of cash collateral. [Dkt. 76]."

Page 20: delete all language on lines 5-9 and replace it with the following: "General unsecured claims are unsecured claims not entitled to priority under Bankruptcy Code § 507(a). Under the plan, all general unsecured claims (whether or not listed in the chart below) are classified as Class 4 Claims. As stated below, all allowed Class 4 Claims (whether or not listed in the chart below) will be paid in full and any disputes regarding claims which the parties cannot resolve will be resolved by the Court. The following chart identifies creditors which the Debtor believes hold Class 4 Claims which the Debtor believes are entitled to vote and/or receive

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

12:00 PM

CONT... CGC-Mroz Accountants & Advisors
distributions under the Plan."

Chapter 11

Page 24, lines 21-22: delete the following language: "provided, however, that such reserve shall not be required for Disputed Claims that are Disallowed under this Plan." And end the sentence at "in full."

Page 24, lines 24-27: delete the following sentence: "Except as specifically provided for in the Plan with respect to the Secured Claims of PPB and the SBA, in the order confirming the Plan, or in some other order of the Bankruptcy Court, interest shall not accrue on Claims and no Holder of a Claim shall be entitled to interest accruing on or after the Petition Date on any Claim."

Page 25, lines 19-21: delete the following sentence: "After such date, the claim shall be deemed Disallowed and the monies otherwise payable on account of such claim shall revert in the Reorganized Debtor free and clear of all claims and interest."

Page 29, lines 16-19: change paragraph (g) to read as follows: "(g) hear and determine all applications for compensation and reimbursement of expenses of Professionals under this Plan or under sections 330, 331, 503(b) and 1129(a)(4) of the Bankruptcy Code; provided, however, fees and expenses of the Reorganized Debtor that accrue after the Effective Date, including professional fees, shall be paid in the ordinary course of business and shall not be subject to the approval of the Bankruptcy Court;"

Page 37, lines 19-24; delete the following sentences: "If the Reorganized Debtor or Disbursing Agent defaults in the performance of any of its payment obligations to any secured creditor, then the secured creditor will provide written notice of the default to the Reorganized Debtor. If such default is not cured within 15 days of the date that such written notice was provided, then the secured creditor shall be entitled to file a declaration and obtain an order lifting the automatic stay without opposition from the Reorganized Debtor."

Party Information

Debtor(s):

CGC-Mroz Accountants & Advisors

Represented By
Ian Landsberg

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

12:00 PM

CONT... CGC-Mroz Accountants & Advisors

Chapter 11

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

1:00 PM

6:16-12192 Mark Technologies Corporation

Chapter 7

#2.00 Hrg re motion for reconsideration of order on final fee application and related chapter 7 trustee's final report

Docket 629

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Technologies Corporation

Represented By
Eve H Karasik

Trustee(s):

Helen R. Frazer (TR)

Represented By
Elissa Miller
Sulmeyer Kupetz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

1:00 PM

6:17-10732 Robert Carlucci and Jacquelyn Carlucci

Chapter 7

#2.01 Hrg re trustee's final report and application for compensation

Docket 218

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

The Court thanks the trustee and his professionals for their work. This was a remarkable case which produced a vast recovery for creditors. All allowed claims were paid in full and the surplus for the debtors is very substantial. The efforts of the professionals were incredibly productive and the Court is quite thankful. Well done!

Pursuant to the trustee's final report, the following administrative claims will be allowed:

(1) Trustee: total fees of \$42,955.33 of which \$23,500.51 remains to be paid and total expenses of \$352.12 of which \$352.12 remains to be paid.

(2) Zamora & Hoffmeier APC: total fees of \$91,850 of which \$16,585 remains to be paid and total expenses of \$2,550.08 of which \$357.30 remains to be paid.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

1:00 PM

CONT... Robert Carlucci and Jacquelyn Carlucci

Chapter 7

Debtor(s):

Robert Carlucci

Represented By
Todd L Turoci

Joint Debtor(s):

Jacquelyn Carlucci

Represented By
Todd L Turoci

Trustee(s):

Larry D Simons (TR)

Represented By
Nancy H Zamora
Zamora & Hoffmeier APC

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, June 29, 2021

Hearing Room 304

1:00 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

#3.00 Hrg re order reducing claim number 24 of Daimler Trust

Docket 484

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 6-17-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw
Cionca IP Law P C
Tinho Mang
Kristine A Thagard

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

1:00 PM

6:20-12067 Raul Carrillo and Acela Carrillo

Chapter 7

#4.00 Hrg re motion for order compelling turnover of estate property

Docket 107

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the debtors and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Raul Carrillo

Represented By
W. Derek May

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

1:00 PM

CONT... Raul Carrillo and Acela Carrillo

Chapter 7

Joint Debtor(s):

Acela Carrillo

Represented By
W. Derek May

Trustee(s):

Larry D Simons (TR)

Represented By
Tinho Mang
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

1:00 PM

6:21-10556 Global Pacific Management, LLC

Chapter 11

#5.00 Hrg re application to employ bankruptcy counsel J. Luke Hendrix

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Global Pacific Management, LLC

Represented By
J. Luke Hendrix

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

1:00 PM

6:21-10704 Ana Isabel Salazar

Chapter 7

#6.00 Hrg re motion objecting to debtor's claimed exemptions

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana Isabel Salazar

Represented By
Khushwant Sean Singh

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

1:00 PM

6:21-11177 Sean M. Berg

Chapter 7

#7.00 Hrg re motion for extension of deadline for chapter 7 trustee to file complaint to deny debtor's discharge

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean M. Berg

Represented By
Freddie V Vega

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

2:00 PM

6:16-20563 Giovanni Agostino Nanci and Stephanie Suzanne Nanci

Chapter 7

#8.00 Hrg re motion of chapter 7 trustee to approve compromise with debtors for resolution of all claims

FROM: 5-4-21

Docket 105

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Giovanni Agostino Nanci

Represented By
Donald W Reid

Joint Debtor(s):

Stephanie Suzanne Nanci

Represented By
Donald W Reid

Trustee(s):

Steven M Speier (TR)

Represented By
Julie Philippi
Morey & Upton
Scott Talkov
Christopher M Kiernan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

2:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 7

#9.00 Hrg re motion for allowance and payment of administrative expense claim

FROM: 3-9-21, 5-4-21

Docket 249

***** VACATED *** REASON: ORDER CONT ENTERED 6-24-21;
CONT'D TO 7-27-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci
Amelia Puertas-Samara

Movant(s):

JPMORGAN CHASE BANK, N.A.

Represented By
Cheryl S Chang

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

2:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 7

#10.00 Hrg re chapter 11 status conference

FROM: 3-24-20, 5-12-20, 6-23-20, 8-4-20, 10-6-20, 1-12-21, 4-20-21, 5-4-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci
Amelia Puertas-Samara

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

3:00 PM

6:19-10026 Anibal Mesala Silva

Chapter 13

Adv#: 6:20-01142 Silva v. MIDFIRST BANK et al

#11.00 Hrg re motion debtor's demand for mandatory disqualification of Judge Scott Yun

FROM: 5-4-21

Docket 36

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-28-21; CONT'D TO 9-28-21 AT 3:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anibal Mesala Silva

Pro Se

Defendant(s):

MIDFIRST BANK

Represented By
Darlene C Vigil

Midland Mortgage

Represented By
Darlene C Vigil

Plaintiff(s):

Anibal Silva

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, June 29, 2021

Hearing Room 304

4:00 PM

6:16-13497 Dana Rae Burgess

Chapter 7

#12.00 Hrg re status conference

FROM: 11-17-20, 1-12-21, 3-23-21, 5-4-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Rae Burgess

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Represented By
Reem J Bello
William N Lobel
Michael R Adele
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

1:30 PM

6:21-12951 Eric Flores and Briza Flores

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-3-21;
CONT'D TO 10-25-21 AT 3:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Flores

Represented By
Andy Nguyen

Joint Debtor(s):

Briza Flores

Represented By
Andy Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

1:30 PM

6:21-12974 Jerry Allen Holland

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-3-21;
CONT'D TO 10-25-21 AT 3:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerry Allen Holland

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

1:30 PM

6:21-12997 Benigno Gonzalez Fuentes

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-3-21;
CONT'D TO 10-25-21 AT 3:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Benigno Gonzalez Fuentes

Represented By
Heather J Canning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:20-10552 Leo Rivera and Irma Nohemi Rivera

Chapter 13

#4.00 Hrg re trustee's motion to dismiss regarding unreasonable delay

Docket 53

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 6-10-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leo Rivera

Represented By
Nima S Vokshori

Joint Debtor(s):

Irma Nohemi Rivera

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:17-13525 Andres Joel Torres and Regina Suzette Torres

Chapter 13

#5.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 92

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 6-23-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andres Joel Torres

Represented By
D Justin Harelik

Joint Debtor(s):

Regina Suzette Torres

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:17-14362 Rita Ann Jones

Chapter 13

#5.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 96

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 6-23-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rita Ann Jones

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:18-18203 Laura Louise Roberge

Chapter 13

#5.02 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 44

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 6-23-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Louise Roberge

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:15-19139 Henry L Vinson, Jr.

Chapter 13

#6.00 Hrg re motion for denying discharge and dismissing case

Docket 114

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 5-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henry L Vinson Jr.

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:16-10653 Jose Francisco Raygoza and Monica De Raygoza

Chapter 13

#7.00 Hrg re motion for denying discharge and dismissing case

Docket 63

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-29-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Francisco Raygoza

Represented By
Juanita V Miller

Joint Debtor(s):

Monica De Raygoza

Represented By
Juanita V Miller

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:16-13087 Ronald Earl Dorsey, Jr and Laura Francine Dorsey

Chapter 13

#8.00 Hrg re motion for order denying discharge and dismissing case

Docket 84

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Earl Dorsey Jr

Represented By
Chris A Mullen

Joint Debtor(s):

Laura Francine Dorsey

Represented By
Chris A Mullen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:17-19345 Magaly Farias

Chapter 13

#9.00 Hrg re motion for order denying discharge and dismissing case

Docket 60

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-29-21; CONT'D TO 6-30-21 AT 4:00 PM.**

Tentative Ruling:

Party Information

Debtor(s):

Magaly Farias

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:21-12468 Terry Ann Johnson

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Terry Ann Johnson

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:21-12504 Travis Leonardi

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Travis Leonardi

Represented By
Trang Phuong Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:21-12510 Lindita Pirgu

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lindita Pirgu

Represented By
C Scott Rudibaugh

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:21-12512 Simon Sanchez

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 5-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Simon Sanchez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:21-12539 Carlos G Limon and Maria R Limon

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos G Limon

Represented By
Richard L. Sturdevant

Joint Debtor(s):

Maria R Limon

Represented By
Richard L. Sturdevant

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:21-12555 Mark Alan Roybal

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 13

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Alan Roybal

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:21-12577 Levi L. Hampton and Gail D Hampton

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Levi L. Hampton

Represented By
Julie J Villalobos

Joint Debtor(s):

Gail D Hampton

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:21-12655 Louis R Fernandez, Jr

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 6-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louis R Fernandez Jr

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, June 30, 2021

Hearing Room 304

2:00 PM

6:21-12549 David Arthur Montague

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 5-18-21; CONT'D TO 10-25-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Arthur Montague

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

2:30 PM

6:21-13088 Maria R Limon

Chapter 13

#19.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 21

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-29-21; CONT'D TO 6-30-21 AT 4:00 PM.**

Tentative Ruling:

Party Information

Debtor(s):

Maria R Limon

Represented By
Richard L. Sturdevant

Movant(s):

Maria R Limon

Represented By
Richard L. Sturdevant

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

4:00 PM

6:17-19345 Magaly Farias

Chapter 13

#20.00 Hrg re motion for order denying discharge and dismissing case

FROM 6-30-21 AT 2:30 P.M.

Docket 60

Tentative Ruling:

A hearing in this case was originally scheduled for today at 2:00 p.m. That hearing has been moved to 4:00 p.m. and will occur by video. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1605886128>

Meeting ID: 160 588 6128

Password: 167410

Party Information

Debtor(s):

Magaly Farias

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, June 30, 2021

Hearing Room 304

4:00 PM

6:21-13088 Maria R Limon

Chapter 13

#21.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

FROM 6-30-21 AT 2:30 P.M.

Docket 21

Tentative Ruling:

A hearing in this case was originally scheduled for today at 2:30 p.m. That hearing has been moved to 4:00 p.m. and will occur by video. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1605886128>

Meeting ID: 160 588 6128

Password: 167410

Party Information

Debtor(s):

Maria R Limon

Represented By
Richard L. Sturdevant

Movant(s):

Maria R Limon

Represented By
Richard L. Sturdevant

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

10:00 AM

6:20-16627 Ramon Road Production Campus, LLC a Delaware limit

Chapter 7

#1.00 Motion for relief from stay

BRITTANY SMITH AND RLI INSURANCE VS DEBTOR

Property: Palm Springs Court Docket Number PSC000503
[Non Bk Forum] Emily Ruby, attorney/movant

Docket 32

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-21-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramon Road Production Campus,

Represented By
Victor A Sahn

Movant(s):

Brittany Renee Smith

Represented By
Emily A Ruby

Trustee(s):

Arturo Cisneros (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

10:00 AM

6:21-11591 Jenny Griselda Garcia

Chapter 7

#2.00 Motion for relief from stay

BRIDGECREST CREDIT VS DEBTOR

Property: 2017 Hyundai Elentra GT

Personal Prop: Erica Loftis, attorney/movant

Docket 12

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-21-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jenny Griselda Garcia

Represented By
Dana Travis

Movant(s):

Bridgecrest Credit Company, LLC

Represented By
Erica T Loftis Pacheco

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

10:30 AM

6:14-10790 Jeremy Nathan Roark

Chapter 7

Adv#: 6:21-01046 The State Bar of California v. Roark

#3.00 Status conference re: Complaint to determine non-dischargeability of debt

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-30-21; CONT'D TO 7-1-21 AT 3:00 P.M.**

Tentative Ruling:

The initial status conference in this adversary proceeding was originally scheduled for today at 10:30 a.m. That hearing has been moved to 3:00 p.m. and will occur by video. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1601560467>

Meeting ID: 160 156 0467

Password: 198116

Party Information

Debtor(s):

Jeremy Nathan Roark

Represented By
Richard L Barrett

Defendant(s):

Jeremy Nathan Roark

Pro Se

Plaintiff(s):

The State Bar of California

Represented By
Suzanne C Grandt

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

10:30 AM

6:19-13044 Accelerating Ministries

Chapter 7

Adv#: 6:21-01043 Frealy v. Wasson

- #4.00** Status conference re: Compliant to (1) Avoid and recover fraudulent transfers; (2) Avoid and recover preferential transfers; (3) Avoid and recover post-petition transfers; (4) To preserve recovered transfers for benefit of debtor's estate; and (5) Disallowance of any claims held by defendant including claim number 38

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-30-21; CONT'D TO 7-1-21 AT 3:00 P.M.**

Tentative Ruling:

The initial status conference in this adversary proceeding was originally scheduled for today at 10:30 a.m. That hearing has been moved to 3:00 p.m. and will occur by video. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1601560467>

Meeting ID: 160 156 0467

Password: 198116

Party Information

Debtor(s):

Accelerating Ministries

Represented By

Michael Jay Berger

Amelia Puertas-Samara

Defendant(s):

Wallace Burl Wasson

Pro Se

Plaintiff(s):

Todd A. Frealy

Represented By

Anthony A Friedman

Trustee(s):

Todd A. Frealy (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

10:30 AM

CONT... Accelerating Ministries

Chapter 7

Philip A Gasteier
Carmela Pagay
William Brown III

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

10:30 AM

6:20-14390 Long Hung Ha

Chapter 7

Adv#: 6:21-01047 Liu et al v. Ha

#5.00 Status conference re: Compalint exception of discharge of certain debts

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-28-21; RESCHEDULED TO 7-1-21 AT 4:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Long Hung Ha

Represented By
Leslie A Cohen

Defendant(s):

Long Hung Ha

Pro Se

Plaintiff(s):

Sanping Liu

Represented By
Felix T Woo

Kesheng Liu

Represented By
Felix T Woo

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

10:30 AM

6:20-18094 Adrian Laguna

Chapter 7

Adv#: 6:21-01041 Simplified Labor Staffing Solutions, Inc. v. Stopani

#6.00 Status conference re: Complaint objecting to entry of discharge

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-30-21; CONT'D TO 7-1-21 AT 3:00 P.M.**

Tentative Ruling:

The initial status conference in this adversary proceeding was originally scheduled for today at 10:30 a.m. That hearing has been moved to 3:00 p.m. and will occur by video. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1601560467>

Meeting ID: 160 156 0467

Password: 198116

Party Information

Debtor(s):

Adrian Laguna

Represented By
Joseph M Tosti

Defendant(s):

Cynthia Stopani

Pro Se

Joint Debtor(s):

Cynthia B Stopani

Represented By
Joseph M Tosti

Plaintiff(s):

Simplified Labor Staffing Solutions,

Represented By
Daniel J McCarthy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

10:30 AM

CONT... Adrian Laguna

Chapter 7

Clayton J Hix
Rodney Lasher

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

10:30 AM

6:21-11015 Michelle F. Allan

Chapter 13

Adv#: 6:21-01040 Allan v. Mortgage Electronic Registration System, Inc

#7.00 Status conference re: Complaint express trust of a natural person
(Quiet Title)

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 6-16-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle F. Allan

Represented By
Paul Y Lee

Defendant(s):

Mortgage Electronic Registration

Pro Se

Plaintiff(s):

Michelle Allan

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

11:00 AM

6:19-16968 Leon Richard Mays

Chapter 7

Adv#: 6:19-01150 Meng et al v. Mays et al

#8.00 Hrg re motion for stay or abstention of adversary proceeding

FROM: 2-11-21, 3-11-21, 4-15-21

Docket 47

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-30-21; CONT'D TO 7-1-21 AT 3:00 P.M.**

Tentative Ruling:

The hearing regarding the motion for stay or abstention of this adversary proceeding was originally scheduled for today at 11:00 a.m. That hearing has been moved to 3:00 p.m. and will occur by video. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1601560467>

Meeting ID: 160 156 0467

Password: 198116

Party Information

Debtor(s):

Leon Richard Mays

Represented By
W. Derek May

Defendant(s):

Leon Richard Mays

Represented By
Baruch C Cohen

Darryl W Daniels

Represented By
Baruch C Cohen

Joint Debtor(s):

Darryl W Daniels

Represented By
W. Derek May

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

11:00 AM

CONT... Leon Richard Mays

Chapter 7

Plaintiff(s):

Richard Meng

Represented By
Christopher J Langley
Michael Smith
Heidi M Cheng

Vivian Meng

Represented By
Christopher J Langley
Michael Smith
Heidi M Cheng

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

11:00 AM

6:19-16968 Leon Richard Mays

Chapter 7

Adv#: 6:19-01150 Meng et al v. Mays et al

#9.00 Status conference re complaint to determine non dischargeability of debt

FROM: S/C 1-16-20, P/T 9-24-20, 11-17-20, 12-3-20, S/C 5-13-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-30-21; CONT'D TO 7-1-21 AT 3:00 P.M.**

Tentative Ruling:

The status conference in this adversary proceeding was originally scheduled for today at 11:00 a.m. That hearing has been moved to 3:00 p.m. and will occur by video. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1601560467>

Meeting ID: 160 156 0467

Password: 198116

Party Information

Debtor(s):

Leon Richard Mays

Represented By
Edward T Weber

Defendant(s):

Leon Richard Mays

Pro Se

Darryl W Daniels

Pro Se

Joint Debtor(s):

Darryl W Daniels

Represented By
Edward T Weber

Plaintiff(s):

Richard Meng

Represented By
Christopher J Langley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

11:00 AM

CONT... Leon Richard Mays

Chapter 7

Vivian Meng

Represented By
Christopher J Langley

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

11:00 AM

6:20-14160 Gilbert C Ramirez, Jr. and Patricia M Ramirez

Chapter 7

#10.00 Motion for relief from stay

AJAX MORTGAGE VS DEBTORS

Property: 26302 Monroe Street, Thermal, CA 92274
[Real Property] Reilly D. Wilkinson, attorney/movant

FROM: 4-8-21, 5-13-21

Docket 94

***** VACATED *** REASON: ORDER GRANTING MOTION ENTERED
6-30-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert C Ramirez Jr.

Represented By
Leonard J Cravens

Joint Debtor(s):

Patricia M Ramirez

Represented By
Leonard J Cravens

Movant(s):

Ajax Mortgage Loan Trust 2019-E,

Represented By
Joshua L Scheer
Reilly D Wilkinson

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

1:30 PM

6:17-14073 James Anthony Rojas
Adv#: 6:20-01160 Tran v. Rojas

Chapter 7

#11.00 Status conference re: Complaint for determination of nondischargeability of debt

FROM: S/C 12-3-20, 2-11-21, 3-11-21, 4-15-21, 5-13-21, 6-17-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Anthony Rojas

Represented By
Rhonda Walker

Defendant(s):

James Anthony Rojas

Pro Se

Plaintiff(s):

San Tran

Represented By
Joshua R Engle

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

1:30 PM

6:17-14073 James Anthony Rojas
Adv#: 6:20-01160 Tran v. Rojas

Chapter 7

#11.01 Hrg re motion for default judgment

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Anthony Rojas

Represented By
Rhonda Walker

Defendant(s):

James Anthony Rojas

Pro Se

Plaintiff(s):

San Tran

Represented By
Joshua R Engle

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

1:30 PM

6:17-14073 James Anthony Rojas
Adv#: 6:20-01160 Tran v. Rojas

Chapter 7

#11.02 Hrg re order to show cause regarding why this adversary proceeding should not be dismissed for failure to prosecute

FROM: 6-17-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Anthony Rojas

Represented By
Rhonda Walker

Defendant(s):

James Anthony Rojas

Pro Se

Plaintiff(s):

San Tran

Represented By
Joshua R Engle

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

1:30 PM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:21-01036 Bui et al v. ML Factors Funding Limited Liability Company, a Ne

#12.00 Status conference re: Complaint for: (1) Declaratory relief; (2) Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; (3) Avoidance of lien and equitable subordination pursuant to 11 U.S.C. § 510(c); (4) Avoidance and preservation of claims pursuant to 11 U.S.C. §§ 502, 506, 544, AND 510(c); (5) Avoidance of fraudulent transfer pursuant to 11 U.S.C. § 548; (6) Avoidance of fraudulent transfers pursuant to 11 U.S.C. §§ 544 and 548; (7) Usury and unjust enrichment /disgorgement; (8) Injunction; (9) Determination of liens pursuant to 11 U.S.C. §§ 502, 506 and 551; (10) Racketeering (18 U.S.C. §1962); (11) Unconscionability; (12) Violation of N.Y GEN. OB., banking and penal law; (13) Violation of California business and professions code section 17200; (14) Fraud; (15) Negligence per se se-violation of California finance lending law (16) Conversion; (17) Responsible corporate officer; (18) Tortious violation of statutes (19) Conspiracy; (20) Aiding and abetting

FROM: S/C 6-3-21

Docket 1

***** VACATED *** REASON: NTC OF DISMISSAL FILED 6-21-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

ML Factors Funding Limited

Pro Se

Samuel Selmar

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

1:30 PM

CONT... Vario Corp.

Chapter 7

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea
Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By
Elmer D Martin III
Curtis C. Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

1:30 PM

6:20-14758 Ridge Park Point, LLC

Chapter 7

Adv#: 6:20-01164 A. Cisneros, Chapter 7 Trustee v. Garland

#13.00 Hrg re motion for summary judgment

Docket 18

*** VACATED *** REASON: ORDER CONT ENTERED 6-9-21;
CONT'D TO 9-30-21 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Defendant(s):

Ryan Garland

Represented By
Martin J Mullen

Movant(s):

A. Cisneros, Chapter 7 Trustee

Represented By
Nathan F Smith

Plaintiff(s):

A. Cisneros, Chapter 7 Trustee

Represented By
Nathan F Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm
Nathan F Smith
Christina J Khil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

1:30 PM

6:20-14758 Ridge Park Point, LLC

Chapter 7

Adv#: 6:20-01165 A. Cisneros, Chapter 7 Trustee v. Paradyne Funding, Inc., a California

#14.00 Hrg re motion for summary judgment

Docket 11

***** VACATED *** REASON: ORDER CONT ENTERED 6-9-21;
CONT'D TO 9-30-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Defendant(s):

Paradyne Funding, Inc., a California

Represented By
Martin J Mullen

Movant(s):

A. Cisneros, Chapter 7 Trustee

Represented By
Nathan F Smith

Plaintiff(s):

A. Cisneros, Chapter 7 Trustee

Represented By
Nathan F Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm
Nathan F Smith
Christina J Khil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

1:30 PM

6:20-14758 Ridge Park Point, LLC

Chapter 7

Adv#: 6:20-01180 Cisneros, solely in his capacity as the chapter 7 v. National Merchants

#15.00 Hrg re motion for summary judgment

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Defendant(s):

National Merchants Association,

Represented By
Joseph Sarnowski

Movant(s):

A. Cisneros, solely in his capacity

Represented By
Nathan F Smith

Plaintiff(s):

A. Cisneros, solely in his capacity

Represented By
Nathan F Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm
Nathan F Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

1:30 PM

CONT... Ridge Park Point, LLC

Christina J Khil

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

1:30 PM

6:21-11746 Allan Wagner

Chapter 13

Adv#: 6:21-01054 Wagner et al v. Hamilton & Associates, APC et al

#16.00 Hrg re motion to withdraw as attorney for plaintiffs

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allan Wagner

Represented By
Jonathan D Doan

Defendant(s):

Hamilton & Associates, APC

Pro Se

Ben-Thomas Hamilton

Pro Se

John Delisi

Pro Se

Plaintiff(s):

Liang Wang

Represented By
Karen S Spicker

Allan Wagner

Represented By
Karen S Spicker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

2:00 PM

6:19-10528 KLINTON, INC, a California Corporation

Chapter 7

Adv#: 6:21-01012 Grobstein v. Mehtar et al

#17.00 Status conference re: Complaint to: (1) avoid and recover preferential transfer; (2) to avoid and recover fraudulent transfers; (3) to avoid and recover transfers and (4) to preserve transfers for the benefit of the estate

FROM: 3-29-21, 5-6-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

KLINTON, INC, a California

Represented By
Michael E Plotkin

Defendant(s):

Leena Mehtar

Pro Se

Danna Mehtar

Pro Se

LDZJ Family Limited Partnership

Pro Se

Mohammed Najj

Pro Se

Plaintiff(s):

Howard B. Grobstein

Represented By
David M Goodrich

Trustee(s):

Howard B Grobstein (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

2:00 PM

6:19-10528 KLINTON, INC, a California Corporation

Chapter 7

Adv#: 6:21-01012 Grobstein v. Mehtar et al

#18.00 Hrg re order to show cause regarding why the answer of the defendants should not be stricken and judgment entered in favor of the plaintiff

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

KLINTON, INC, a California

Represented By
Michael E Plotkin

Defendant(s):

Leena Mehtar

Represented By
Sunil A Brahmhatt

Danna Mehtar

Represented By
Sunil A Brahmhatt

LDZJ Family Limited Partnership

Represented By
Sunil A Brahmhatt

Mohammed Naji

Pro Se

Plaintiff(s):

Howard B. Grobstein

Represented By
David M Goodrich

Trustee(s):

Howard B Grobstein (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

2:00 PM

6:20-12705 Lance Benedict

Chapter 7

Adv#: 6:20-01124 Step Ahead Music, LLC v. Benedict

#19.00 Hrg re motion for default judgment

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lance Benedict

Represented By
William J Howell

Defendant(s):

Lance Benedict

Pro Se

Plaintiff(s):

Step Ahead Music, LLC

Represented By
Steven A Lamb

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

2:00 PM

6:20-12705 Lance Benedict

Chapter 7

Adv#: 6:20-01124 Step Ahead Music, LLC v. Benedict

#20.00 Pre-Trial conference re: Complaint of Step Ahead Music, LLC for non dischargeability of debt

FROM S/C 10-8-20, 2-25-21, P/T 3-25-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lance Benedict

Represented By
William J Howell

Defendant(s):

Lance Benedict

Pro Se

Plaintiff(s):

Step Ahead Music, LLC

Represented By
Steven A Lamb

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

2:00 PM

6:20-14758 Ridge Park Point, LLC

Chapter 7

Adv#: 6:20-01180 Cisneros, solely in his capacity as the chapter 7 v. National Merchants

#21.00 Pre-Trial conference re: Complaint (1) Breach of contract; (2) Turnover

FROM: 2-11-21, 3-11-21, 4-15-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge Park Point, LLC

Represented By
Joshua J Herndon

Defendant(s):

National Merchants Association,

Pro Se

Plaintiff(s):

A. Cisneros, solely in his capacity

Represented By
Nathan F Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Kelli M Brown
William Malcolm
Nathan F Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

2:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 11

Adv#: 6:20-01039 Dani Transport Services, Inc. v. Complete Business Solutions Group aka

#22.00 Pre-Trial conference re: Complaint to avoid and recover preferential and post - petition transfers

FROM: S/C 7-2-20, P/T 2-11-21, 2-25-21, 6-17-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 6-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci

Defendant(s):

Complete Business Solutions Group

Pro Se

Plaintiff(s):

Dani Transport Services, Inc.

Represented By
Todd L Turoci

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

3:00 PM

6:14-10790 Jeremy Nathan Roark

Chapter 7

Adv#: 6:21-01046 The State Bar of California v. Roark

#22.01 Status conference re: Complaint to determine non-dischargeability of debt

FROM 7-1-21 AT 10:30 A.M.

Docket 1

Tentative Ruling:

The initial status conference in this adversary proceeding was originally scheduled for today at 10:30 a.m. That hearing has been moved to 3:00 p.m. and will occur by video. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1601560467>

Meeting ID: 160 156 0467

Password: 198116

Party Information

Debtor(s):

Jeremy Nathan Roark

Represented By
Richard L Barrett

Defendant(s):

Jeremy Nathan Roark

Pro Se

Plaintiff(s):

The State Bar of California

Represented By
Suzanne C Grandt

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

3:00 PM

6:19-13044 Accelerating Ministries

Chapter 7

Adv#: 6:21-01043 Frealy v. Wasson

- #22.02** Status conference re: Compliant to (1) Avoid and recover fraudulent transfers; (2) Avoid and recover preferential transfers; (3) Avoid and recover post-petition transfers; (4) To preserve recovered transfers for benefit of debtor's estate; and (5) Disallowance of any claims held by defendant including claim number 38

FROM 7-1-21 AT 10:30 A.M.

Docket 1

Tentative Ruling:

The initial status conference in this adversary proceeding was originally scheduled for today at 10:30 a.m. That hearing has been moved to 3:00 p.m. and will occur by video. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1601560467>

Meeting ID: 160 156 0467

Password: 198116

Party Information

Debtor(s):

Accelerating Ministries

Represented By

Michael Jay Berger

Amelia Puertas-Samara

Defendant(s):

Wallace Burl Wasson

Pro Se

Plaintiff(s):

Todd A. Frealy

Represented By

Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

3:00 PM

CONT... Accelerating Ministries

Chapter 7

Trustee(s):

Todd A. Frealy (TR)

Represented By
Philip A Gasteier
Carmela Pagay
William Brown III

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

3:00 PM

6:19-16968 Leon Richard Mays

Chapter 7

Adv#: 6:19-01150 Meng et al v. Mays et al

#22.03 Status conference re complaint to determine non dischargeability of debt

FROM: S/C 1-16-20, P/T 9-24-20, 11-17-20, 12-3-20, S/C 5-13-21

Docket 1

Tentative Ruling:

The status conference in this adversary proceeding was originally scheduled for today at 11:00 a.m. That hearing has been moved to 3:00 p.m. and will occur by video. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1601560467>

Meeting ID: 160 156 0467

Password: 198116

Party Information

Debtor(s):

Leon Richard Mays

Represented By
Edward T Weber

Defendant(s):

Leon Richard Mays

Pro Se

Darryl W Daniels

Pro Se

Joint Debtor(s):

Darryl W Daniels

Represented By
Edward T Weber

Plaintiff(s):

Richard Meng

Represented By
Christopher J Langley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

3:00 PM

CONT... Leon Richard Mays
Vivian Meng

Represented By
Christopher J Langley

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

3:00 PM

6:19-16968 Leon Richard Mays

Chapter 7

Adv#: 6:19-01150 Meng et al v. Mays et al

#22.04 Hrg re motion for stay or abstention of adversary proceeding

FROM: 2-11-21, 3-11-21, 4-15-21

Docket 47

Tentative Ruling:

The hearing regarding the motion for stay or abstention of this adversary proceeding was originally scheduled for today at 11:00 a.m. That hearing has been moved to 3:00 p.m. and will occur by video. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1601560467>

Meeting ID: 160 156 0467

Password: 198116

Party Information

Debtor(s):

Leon Richard Mays

Represented By
W. Derek May

Defendant(s):

Leon Richard Mays

Represented By
Baruch C Cohen

Darryl W Daniels

Represented By
Baruch C Cohen

Joint Debtor(s):

Darryl W Daniels

Represented By
W. Derek May

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

3:00 PM

CONT... Leon Richard Mays

Chapter 7

Plaintiff(s):

Richard Meng

Represented By
Christopher J Langley
Michael Smith
Heidi M Cheng

Vivian Meng

Represented By
Christopher J Langley
Michael Smith
Heidi M Cheng

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

3:00 PM

6:20-18094 Adrian Laguna

Chapter 7

Adv#: 6:21-01041 Simplified Labor Staffing Solutions, Inc. v. Stopani

#22.05 Status conference re: Complaint objecting to entry of discharge

FROM 7-1-21 AT 10:30 A.M.

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adrian Laguna

Represented By
Joseph M Tosti

Defendant(s):

Cynthia Stopani

Pro Se

Joint Debtor(s):

Cynthia B Stopani

Represented By
Joseph M Tosti

Plaintiff(s):

Simplified Labor Staffing Solutions,

Represented By
Daniel J McCarthy
Clayton J Hix
Rodney Lasher

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

4:00 PM

6:20-14390 Long Hung Ha

Chapter 7

Adv#: 6:21-01047 Liu et al v. Ha

#23.00 Hrg re motion to dismiss adversary proceeding

FROM: 6-17-21

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Long Hung Ha

Represented By
Leslie A Cohen

Defendant(s):

Long Hung Ha

Represented By
Leslie A Cohen

Plaintiff(s):

Sanping Liu

Represented By
Felix T Woo

Kesheng Liu

Represented By
Felix T Woo

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 1, 2021

Hearing Room 304

4:00 PM

6:20-14390 Long Hung Ha

Chapter 7

Adv#: 6:21-01047 Liu et al v. Ha

#24.00 Status conference re: Compalint exception of discharge of certain debts

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Long Hung Ha

Represented By
Leslie A Cohen

Defendant(s):

Long Hung Ha

Pro Se

Plaintiff(s):

Sanping Liu

Represented By
Felix T Woo

Kesheng Liu

Represented By
Felix T Woo

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 6, 2021

Hearing Room 304

1:00 PM

6:19-15111 Therapy Tubs, Inc., a California Corporation

Chapter 7

#1.00 Hrg re trustee's final report and applications for compensation

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Therapy Tubs, Inc., a California

Represented By
April E Roberts

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 6, 2021

Hearing Room 304

1:00 PM

6:19-16826 Tina Michelle Pogue

Chapter 7

#2.00 Hrg re chapter 7 trustee's motion for entry of an order authorizing: (1) The sale of real property located at 1050 Thompson Avenue, Banning, California 92220, free and clear of liens and interests; (2) Approving overbid procedures; (3) Authorizing payment of undisputed liens, real estate broker's commission, and (4) Finding purchaser is a good faith purchaser

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tina Michelle Pogue

Represented By
Neil R Hedtke

Trustee(s):

Howard B Grobstein (TR)

Represented By
Noreen A Madoyan
Ori S Blumenfeld

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 6, 2021

Hearing Room 304

1:00 PM

6:20-10170 Juvenal Mora and Rosario M. Mora

Chapter 7

#3.00 Hrg re motion to extend time to file additional evidence in support of objection to debtors's claimed homestead exemption

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juvenal Mora

Represented By
James D. Hornbuckle

Joint Debtor(s):

Rosario M. Mora

Represented By
James D. Hornbuckle

Movant(s):

Arturo Cisneros (TR)

Represented By
D Edward Hays
Tinho Mang
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
D Edward Hays
Tinho Mang
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 6, 2021

Hearing Room 304

1:00 PM

6:20-16425 Hector Daniel Guardado

Chapter 7

#4.00 Hrg re trustee's final report and applications for compensation

Docket 0

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

The Court thanks the trustee for his efforts in this case and for administering a case with a small amount of non-exempt assets. Although the recovery to creditors is small, creditors would have received nothing but for the efforts of the trustee. As a result, the efforts of the trustee have conferred a benefit on the bankruptcy estate and its creditors.

Pursuant to the trustee's final report, the following administrative claim will be allowed:

(1) Trustee: fees of \$1,189.25 and expenses of \$47.82.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Hector Daniel Guardado

Represented By
John Asuncion

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 6, 2021

Hearing Room 304

1:00 PM

CONT... Hector Daniel Guardado

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 6, 2021

Hearing Room 304

1:00 PM

6:20-16995 Nicholas Mata Magana

Chapter 7

#5.00 Hrg re motion for order approving compromise

Docket 40

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the the debtor, creditors and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the amended motion. The Court thanks counsel for the trustee for filing the supplement to the motion and for amending the motion. The compromise proposed by the trustee is approved and the trustee is authorized to proceed with paying creditors forthwith.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 6, 2021

Hearing Room 304

1:00 PM

CONT... Nicholas Mata Magana

Chapter 7

Debtor(s):

Nicholas Mata Magana

Represented By
Robert L Firth

Trustee(s):

Howard B Grobstein (TR)

Represented By
Nancy H Zamora

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 6, 2021

Hearing Room 304

2:00 PM

6:18-19790 Linda Rene Basquez

Chapter 7

#6.00 Hrg re chapter 7 trustee's omnibus motion for order partially disallowing the following claims as unsupported claims

Claim number 10 filed by Alisha Cruzan
Claim number 12 filed by Bridget Dorn
Claim number 14 filed by David Fishbeck
Claim number 19 filed by Alisa Koh
Claim number 21 filed by Ramon Mascorro
Claim number 23 filed by Mary Newton
Claim number 25 filed by Tyla Catena
Claim number 33 filed by Sara Jacques

FROM: 4-6-21

Docket 424

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 6, 2021

Hearing Room 304

2:00 PM

6:18-19790 Linda Rene Basquez

Chapter 7

#7.00 Hrg re chapter 7 trustee's omnibus motion fo rorder partially disallowing the folling calim as unsupported claims

Claim No. 10 - Alisha Cruzan
Claim No. 12 - Bridget Dorn
Claim No. 14 - David Fishbeck
Claim No. 19 - Alisa Koh
Claim No. 21 - Ramon Mascorro
Claim No. 23 - Mary Newton
Claim No. 25 - Tyla Catena
Claim No. 33 - Sara Jacques

Docket 425

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 6, 2021

Hearing Room 304

2:00 PM

6:18-19790 Linda Rene Basquez

Chapter 7

#8.00 Hrg re status conference

FROM: 3-23-21

Docket 0

Tentative Ruling:

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 6, 2021

Hearing Room 304

2:30 PM

6:19-17152 Andres Sanchez, Jr.

Chapter 7

#9.00 Hrg re motion for order approving compromise of controversy

Docket 66

Tentative Ruling:

Parties may appear on this matter in the courtroom or by video. Appearances by CourtCall will not be available. The pertinent hearing link is:

Meeting URL: <https://cacb.zoomgov.com/j/1612218918>
Meeting ID: 161 221 8918
Password: 094468

It would assist the court if, prior to the hearing, the parties reviewed 11 U.S.C. §§ 727(a)(6)(A) & 727(d)(3) and the following Ninth Circuit cases (which, among other things, stand for the proposition that debtors must turn over money to a trustee even if the debtor has already dissipated the money): Jess v. Carey (In re Jess), 169 F.3d 1204, 1206 (9th Cir. (Cal.) 1999) (affirming an order against a debtor and noting that the debtor had already spent most of the money); In re Golden, 789 F.2d 698 (9th Cir. 1986) (ordering a debtor to turn over all nonexempt funds as of the petition date even though the debtor had spent some of the funds post-petition).

Party Information

Debtor(s):

Andres Sanchez Jr.

Pro Se

Trustee(s):

Karl T Anderson (TR)

Represented By
Michelle A Marchisotto

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 6, 2021

Hearing Room 304

3:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#10.00 Hrg re motion to compel abandonment of property of the estate

FROM: 3-9-21, 3-23-21, 6-15-21

Docket 276

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 6, 2021

Hearing Room 304

3:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#11.00 Hrg re motion for order approving settlement and compromise of disputes by and among Chapter 7 Trustee and Chain-Dab King and Related Parties

FROM: 3-9-21, 3-23-21, 6-15-21

Docket 281

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 7, 2021

Hearing Room 304

11:00 AM

6:20-11537 Asif Aziz

Chapter 7

Adv#: 6:20-01108 NextGear Capital v. Aziz

#1.00 Pre-Trial conference: re complaint to determine dischargeability of debt

FROM: S/C 9-3-20, P/T 5-13-20, 6-3-21, 6-9-21, 6-16-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Asif Aziz

Represented By
Dominic Afzali

Defendant(s):

Asif Aziz

Represented By
Dominic Afzali
Matthew Abbasi

Plaintiff(s):

NextGear Capital

Represented By
Tom Roddy Normandin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 7, 2021

Hearing Room 304

11:00 AM

6:20-11537 Asif Aziz

Chapter 7

Adv#: 6:20-01108 NextGear Capital v. Aziz

#2.00 Hrg re order to show cause regarding why the answer of the defendant should not be stricken and judgment entered in favor of the plaintiff

FROM: 6-3-21, 6-9-21, 6-16-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Asif Aziz

Represented By
Dominic Afzali

Defendant(s):

Asif Aziz

Represented By
Dominic Afzali
Matthew Abbasi

Plaintiff(s):

NextGear Capital

Represented By
Tom Roddy Normandin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 7, 2021

Hearing Room 304

1:30 PM

6:21-13028 Stuart Gerald Oden

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 11-22-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Gerald Oden

Represented By
Richard L. Sturdevant

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, July 7, 2021

Hearing Room 304

1:30 PM

6:21-13050 Moiselio Naranjo and Casilda Naranjo

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 11-22-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moiselio Naranjo

Represented By
Daniel C Sever

Joint Debtor(s):

Casilda Naranjo

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 7, 2021

Hearing Room 304

1:30 PM

6:21-13079 Glennis Edwin Wurr, Jr.

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 11-22-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Glennis Edwin Wurr Jr.

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 7, 2021

Hearing Room 304

1:30 PM

6:21-13083 Francisco Perez Ruiz

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 11-22-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Perez Ruiz

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 7, 2021

Hearing Room 304

1:30 PM

6:21-13085 Ana I Huling Sandoval

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 11-22-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana I Huling Sandoval

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, July 7, 2021

Hearing Room 304

1:30 PM

6:21-13088 Maria R Limon

Chapter 13

#8.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 11-22-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria R Limon

Represented By
Richard L. Sturdevant

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 7, 2021

Hearing Room 304

2:00 PM

6:18-20021 Olga Martin Arriaga

Chapter 13

#9.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 72

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 6-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Olga Martin Arriaga

Represented By
Lauren M Foley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 7, 2021

Hearing Room 304

2:00 PM

6:17-17653 Charoletta Brinetta Green

Chapter 13

#9.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 131

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charoletta Brinetta Green

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 7, 2021

Hearing Room 304

2:00 PM

6:21-11641 Jared Michael Streeter

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

Docket 29

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-3-21;
CONT'D TO 10-25-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jared Michael Streeter

Represented By
Richard G Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, July 7, 2021

Hearing Room 304

2:00 PM

6:19-18073 Brian C Bell

Chapter 13

#10.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 80

*** VACATED *** REASON: NOTICE OF VOLUNTARY DISMISSAL
FILED 7-6-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian C Bell

Represented By
Kevin Cortright

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 7, 2021

Hearing Room 304

2:15 PM

6:17-16051 Cathy Claudia Bennett and Lawrence Carlton Bennett

Chapter 13

#10.02 Hrg re motion for authority to sell real property
[Property: 480 Whitney Dr., Hemet, CA 92543]

Docket 111

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cathy Claudia Bennett

Represented By
Marjorie M Johnson

Joint Debtor(s):

Lawrence Carlton Bennett

Represented By
Marjorie M Johnson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 7, 2021

Hearing Room 304

2:30 PM

6:21-13088 Maria R Limon

Chapter 13

#11.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON VS DEBTOR

Property: 15638 Burwood Road, Victorville, CA 92394
[Real Prop] Erin M. McCartney, attorney/movant

Docket 17

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria R Limon

Represented By
Richard L. Sturdevant

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 7, 2021

Hearing Room 304

2:30 PM

6:21-13143 Salvador Marron and Maria M Godinez

Chapter 13

#12.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-14-21; CONT'D TO 11-22-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Marron

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Maria M Godinez

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 8, 2021

Hearing Room 304

8:30 AM

6:21-11157 Roberto Gomez Antonio Jiron

Chapter 7

#1.00 Hrg re reaffirmation agreement filed 6-14-21 between Debtor and TD Auto Finance LLC in the amount of \$11,627.43

RE: 2016 Toyota Camry

Docket 39

***** VACATED *** REASON: ORDER REGARDING REAFFIRMATION
AGREEMENT ENTERED 6-23-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roberto Gomez Antonio Jiron

Represented By
Samuel Konugres

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 8, 2021

Hearing Room 304

8:30 AM

6:21-12550 Paul Anthony Alexander and Loydenia Munte' Alexander

Chapter 7

#2.00 Hrg re reaffirmation agreement filed 5-28-21 between Debtor and Toyota Motor Credit Corporation in the amount of \$13,476.72

RE: 2017 Toyota Camry

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Anthony Alexander

Represented By
Allison F Tilton

Joint Debtor(s):

Loydenia Munte' Alexander

Represented By
Allison F Tilton

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 8, 2021

Hearing Room 304

8:30 AM

6:21-12652 Keith Edward Kelley, II

Chapter 7

#3.00 Hrg re reaffirmation agreement filed 6-14-21 between Debtor and LBS Financial Credit Union in the amount of \$31,055.07

RE: 2018 Mercedes-Benz

Docket 9

***** VACATED *** REASON: ORDER CONT ENTERED 7-6-21;
CONT'D TO 8-5-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keith Edward Kelley II	Pro Se
------------------------	--------

Trustee(s):

Robert Whitmore (TR)	Pro Se
----------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 8, 2021

Hearing Room 304

10:00 AM

6:21-11870 Kathryn A. Brennan

Chapter 7

#4.00 Motion for relief from stay

TD AUTO FINANCE VS DEBTOR

Property: Lienholder and named loss payee for insurance proceeds
[Non Bk Forum] Sheryl K. Ith, attorney/movant

Docket 11

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathryn A. Brennan

Represented By
Jenny L Doling

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 8, 2021

Hearing Room 304

10:00 AM

6:21-12014 Julio Elias Sibrian Rodriguez and Guillermina Arias

Chapter 7

#5.00 Motion for relief from stay

YAMAHA MOTOR FINANCE VS DEBTORS

Property: 2015 Suzuki GSX-R600L5
[Personal Prop] Karel Rocha, attorney/movant

Docket 15

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julio Elias Sibrian Rodriguez

Represented By
Michael H Colmenares

Joint Debtor(s):

Guillermina Arias

Represented By
Michael H Colmenares

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 8, 2021

Hearing Room 304

1:30 PM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:21-01037 Bui et al v. SPG Advance LLC, a New York Limited Liability Comp

#6.00 Hrg re motion for judgment on the pleadings

Docket 12

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-7-21;
CONT'D TO 8-5-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

SPG Advance LLC, a New York

Represented By
Jason B Komorsky

Lazer Preizler

Represented By
Jason B Komorsky

Burech Weinstock

Pro Se

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea
Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By
Elmer D Martin III
Curtis C. Jung

Trustee(s):

Lynda T. Bui (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 8, 2021

Hearing Room 304

1:30 PM

CONT...

Vario Corp.

Leonard M Shulman
Ryan D O'Dea

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 8, 2021

Hearing Room 304

1:30 PM

6:21-12148 Lisa Rochelle Williams

Chapter 7

Adv#: 6:21-01063 Lucky Group (HK) Limited, Inc. v. Williams

#7.00 Hrg re motion to dismiss complaint

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lisa Rochelle Williams

Represented By
Todd L Turoci

Defendant(s):

Lisa Rochelle Williams

Represented By
Todd L Turoci

Plaintiff(s):

Lucky Group (HK) Limited, Inc.

Represented By
Peter T Steinberg

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 8, 2021

Hearing Room 304

2:00 PM

6:18-11111 Universal Surveillance Systems, LLC Chapter 7

Adv#: 6:18-01249 Karl T. Anderson CPA, Inc. v. Director, Division of Taxation of the State of

#8.00 Pre-Trial conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfers; (3) Disallowance of claims held by defendants

FROM: S/C 4-11-19, 4-18-19, 5-2-19, 5-30-19, 6-13-19, 7-15-19, 7-30-19, 6-25-20, P/T 9-17-20, 6-17-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,	Represented By Jeffrey I Golden
---------------------------------	------------------------------------

Defendant(s):

Director, Division of Taxation of the	Pro Se
---------------------------------------	--------

Plaintiff(s):

Karl T. Anderson CPA, Inc.	Represented By Judith E Marshack
----------------------------	-------------------------------------

Trustee(s):

Karl T Anderson (TR)	Represented By Richard A Marshack Judith E Marshack Matthew Grimshaw
----------------------	---

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 8, 2021

Hearing Room 304

2:00 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:18-01245 Karl T. Anderson CPA, Inc. v. Georgia Department of Revenue and Lynnette

#9.00 Pre-Trial conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfers; (3) Disallowance of claims held by defendants

FROM: S/C 4-11-19, 4-18-19, 5-2-19, 5-30-19, 6-24-25, P/T 9-17-20, 6-17-21

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 7-7-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

Georgia Department of Revenue and

Pro Se

Plaintiff(s):

Karl T. Anderson CPA, Inc.

Represented By
Judith E Marshack

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 9, 2021

Hearing Room 304

10:30 AM

6:21-13196 Caroline Jean Harper

Chapter 7

#1.00 Hrg re dismissal of case for failure to make required payments

Docket 0

***** VACATED *** REASON: FEE INSTALLMENT PAID 6-23-21**

Party Information

Debtor(s):

Caroline Jean Harper

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 9, 2021

Hearing Room 304

10:30 AM

6:21-13403 Samuel Temanutai Coromandel

Chapter 7

#2.00 Hrg re dismissal of case for failure to make required payments

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6-28-21**

Party Information

Debtor(s):

Samuel Temanutai Coromandel Pro Se

Trustee(s):

Howard B Grobstein (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 9, 2021

Hearing Room 304

11:00 AM

6:16-12757 Victor Herrera

Chapter 7

Adv#: 6:16-01158 Herrera v. Herrera

#3.00 Status conference re: Complaint to determine dischargeability

FROM: 2-23-18, 2-26-18, 7-20-18, 8-23-18, 10-19-18, 11-2-18, 12-7-18, 6-14-19,
6-28-19, 8-1-19, 9-12-19, 10-24-19, 3-12-20, 4-23-20, 7-9-20, 8-20-20, 12-10-20,
6-17-21

Docket 1

Party Information

Debtor(s):

Victor Herrera

Represented By
Yolanda Flores-Burt

Defendant(s):

Victor Herrera

Represented By
Yolanda Flores-Burt

Plaintiff(s):

Maria A. Herrera

Represented By
Michael N Berke

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 19, 2021

Hearing Room 304

11:00 AM

6:21-13781 Jaspreet Singh

Chapter 7

#1.00 Hrg re dismissal of case for failure to make required payments

Docket 1

***** VACATED *** REASON: FEE INSTALLMENT PAID 7-14-21**

Party Information

Debtor(s):

Jaspreet Singh

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, July 20, 2021

Hearing Room 304

1:00 PM

6:20-17551 CNC Puma Corporation

Chapter 11

#1.00 Hrg re motion for order fixing dates in subchapter V case

FROM: 4-6-21, 4-27-21

Docket 51

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-19-21; CONT'D TO 8-3-21; AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CNC Puma Corporation

Represented By
J. Luke Hendrix

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 20, 2021

Hearing Room 304

1:00 PM

6:20-17551 CNC Puma Corporation

Chapter 11

#2.00 Hrg re status conference

FROM: 4-27-21

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-19-21; CONT'D TO 8-3-21; AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CNC Puma Corporation

Represented By
J. Luke Hendrix

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 20, 2021

Hearing Room 304

1:30 PM

6:12-26406 Maria Barajas

Chapter 7

#3.00 Hrg re motion to avoid lien with Department Store National Bank

[Property: 29071 Willows Landing Dr., Sun City, CA 92585]

FROM: 5-18-21

Docket 24

Tentative Ruling:

The Court has reviewed the supplemental proof of service filed by the moving party on May 24, 2021 [docket #32]. The Court thanks counsel for providing the additional service. The motion is granted and the moving party may submit a proposed order. No appearances are necessary today.

Party Information

Debtor(s):

Maria Barajas

Represented By
Eric C Morris
Melissa A Raskey

Movant(s):

Maria Barajas

Represented By
Eric C Morris
Eric C Morris
Melissa A Raskey
Melissa A Raskey

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 20, 2021

Hearing Room 304

1:30 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

#4.00 Hrg re first and final application for allowance of final fees by Fitzgerald & Mule LLP

FROM: 5-18-21

Docket 472

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw
Cionca IP Law P C
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 20, 2021

Hearing Room 304

1:30 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

#5.00 Hrg re application to employ FitzGerald & Mule LLP as special labor and employment counsel

FROM: 2-9-21, 5-18-21

Docket 126

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw
Cionca IP Law P C
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 20, 2021

Hearing Room 304

1:30 PM

6:20-16434 Rebecca Serrato

Chapter 7

#6.00 Hrg re application for order authorizing employment of Downtown L.A. Law Group as Special Litigation

FROM: 5-18-21

Docket 20

Tentative Ruling:

The Court has reviewed the supplement filed by the moving party on July 9, 2021 [docket #28]. The Court thanks the trustee for providing the additional information and the revised terms of employment. Those revised terms are approved and the trustee may submit an order granting the motion on that basis. No appearances are necessary today.

Party Information

Debtor(s):

Rebecca Serrato

Represented By
Sundee M Teeple

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 20, 2021

Hearing Room 304

1:30 PM

6:20-17506 Gary Outzen

Chapter 7

#7.00 Hrg re motion to quash subpoena and for a protective order for the title 2004 examination of Linda E. Bechtold and compelling the production of documents

FROM: 5-18-21

Docket 96

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-19-21; CONT'D TO 7-27-21 AT 1:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Outzen

Represented By
Todd L Turoci

Trustee(s):

Lynda T. Bui (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 20, 2021

Hearing Room 304

1:30 PM

6:21-13859 Dinorah Cruz Reyes

Chapter 7

#7.01 Hrg re dismissal of case for failure to make required payments

Docket 0

***** VACATED *** REASON: FEE INSTALLMENT PAID 7-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dinorah Cruz Reyes

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 20, 2021

Hearing Room 304

2:00 PM

6:21-13625 Mia Suzanne Moyer

Chapter 13

#8.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay as the court deems appropriate

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mia Suzanne Moyer

Represented By
Norma Duenas

Movant(s):

Mia Suzanne Moyer

Represented By
Norma Duenas
Norma Duenas
Norma Duenas
Norma Duenas
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 20, 2021

Hearing Room 304

2:30 PM

6:18-16326 Alta Home Care, Inc.

Chapter 7

#9.00 Hrg re trustee's final report and applications for compensation

FROM: 5-18-21

Docket 119

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-19-21; CONT'D TO 8-3-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alta Home Care, Inc.

Represented By
Justin E Rawlins

Trustee(s):

Arturo Cisneros (TR)

Represented By
Leonard M Shulman
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 21, 2021

Hearing Room 304

1:00 PM

6:20-13005 TTBGM, Inc

Chapter 7

#1.00 Hrg re motion for an order disallowing claims

Claim number 14 filed by Steve Cornaglia
Claim number 15 filed by Patrick & Pamela Courtney
Claim number 16 filed by Richard Besone

FROM: 5-4-21, 5-18-21, 6-15-21

Docket 166

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-20-21; CONT'D TO 9-22-21 at 1:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

TTBGM, Inc

Represented By
Thomas C Corcovelos

Trustee(s):

Arturo Cisneros (TR)

Represented By
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 21, 2021

Hearing Room 304

2:00 PM

6:17-19345 Magaly Farias

Chapter 13

#2.00 Hrg re motion for order denying discharge and dismissing case

FROM: 6-30-21

Docket 60

Tentative Ruling:

The hearing today will occur by video using Zoom. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1617785652>

Meeting ID: 161 778 5652

Password: 166375

Party Information

Debtor(s):

Magaly Farias

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 22, 2021

Hearing Room 304

10:30 AM

6:21-13403 Samuel Temanutai Coromandel

Chapter 7

#1.00 Hrg re dismissal of case for failure to make required payments

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6-28-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Samuel Temanutai Coromandel	Pro Se
-----------------------------	--------

Trustee(s):

Howard B Grobstein (TR)	Pro Se
-------------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 22, 2021

Hearing Room 304

1:00 PM

6:12-37113 Tamela Rochelle Cash-Curry

Chapter 13

#2.00 Hrg re motion to avoid lien with Equable Ascent Financial, LLC

FROM: 2-24-21, 4-7-21, 5-13-21

Docket 96

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-21-21; CONT'D TO 9-3-21 AT 1:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tamela Rochelle Cash-Curry

Represented By
Andrew Moher

Movant(s):

Tamela Rochelle Cash-Curry

Represented By
Andrew Moher

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 22, 2021

Hearing Room 304

1:30 PM

6:20-12705 Lance Benedict

Chapter 7

Adv#: 6:20-01124 Step Ahead Music, LLC v. Benedict

#3.00 Pre-Trial conference re: Complaint of Step Ahead Music, LLC for non dischargeability of debt

FROM S/C 10-8-20, 2-25-21, P/T 3-25-21, 7-1-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lance Benedict

Represented By
William J Howell

Defendant(s):

Lance Benedict

Pro Se

Plaintiff(s):

Step Ahead Music, LLC

Represented By
Steven A Lamb

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 22, 2021

Hearing Room 304

1:30 PM

6:20-12705 Lance Benedict

Chapter 7

Adv#: 6:20-01124 Step Ahead Music, LLC v. Benedict

#4.00 Hrg re motion for default judgment

FROM: 7-1-21

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lance Benedict

Represented By
William J Howell

Defendant(s):

Lance Benedict

Pro Se

Plaintiff(s):

Step Ahead Music, LLC

Represented By
Steven A Lamb

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 22, 2021

Hearing Room 304

2:00 PM

6:11-16843 JOSE ALBERTO GUTIERREZ

Chapter 7

#5.00 Hrg re (1) Motion to reopen case and (2) For extension of time to file forms required for discharge

FROM: 6-30-20, 9-15-20, 11-17-20, 1-26-21, 3-23-21, 5-13-21

Docket 22

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-21-21; CONT'D TO 9-3-21 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

JOSE ALBERTO GUTIERREZ

Represented By
James M Powell - DISBARRED -
Giovanni Orantes

Movant(s):

JOSE ALBERTO GUTIERREZ

Represented By
James M Powell - DISBARRED -
Giovanni Orantes

Trustee(s):

Patricia J Zimmermann (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 22, 2021

Hearing Room 304

2:30 PM

6:20-11457 David Allen Cramer

Chapter 7

Adv#: 6:20-01172 Lake v. Cramer

#6.00 Pre-trial conference re: Complaint for revocation of debtor's discharge

FROM: S/C 1-14-21, P/T 6-17-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Allen Cramer

Represented By
Michael A Cisneros

Defendant(s):

David Allen Cramer

Pro Se

Plaintiff(s):

Peter Lake

Represented By
Thomas J Polis

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 22, 2021

Hearing Room 304

3:00 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:18-01249 Karl T. Anderson CPA, Inc. v. Director, Division of Taxation of the State of

#7.00 Pre-Trial conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfers; (3) Disallowance of claims held by defendants

FROM: S/C 4-11-19, 4-18-19, 5-2-19, 5-30-19, 6-13-19, 7-15-19, 7-30-19, 6-25-20, P/T 9-17-20, 6-17-21, 7-8-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

Director, Division of Taxation of the

Pro Se

Plaintiff(s):

Karl T. Anderson CPA, Inc.

Represented By
Judith E Marshack

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 23, 2021

Hearing Room 304

2:00 PM

6:21-12907 Belmont Farms, Inc.

Chapter 12

#1.00 Hrg re motion for interim and final orders: Authorizing debtor to obtain post-petition financing and use of cash collateral; Granting liens and superpriority claims; Granting adequate protection to pre-petition secured creditors

Docket 30

Party Information

Debtor(s):

Belmont Farms, Inc.

Represented By
Jenny L Doling
Meredith A Jury
Veronica E Ruiz

Movant(s):

Belmont Farms, Inc.

Represented By
Jenny L Doling
Jenny L Doling
Meredith A Jury
Meredith A Jury
Veronica E Ruiz
Veronica E Ruiz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

10:00 AM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:18-01246 Karl T. Anderson CPA, Inc. v. State of Illinois Department of Revenue

#1.00 Trial re complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfers; (3) Disallowance of claims held by defendants

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 6-10-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

State of Illinois Department of

Represented By
Charles Tsai
James D Newbold

Plaintiff(s):

Karl T. Anderson CPA, Inc.

Represented By
Judith E Marshack

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw
Cionca IP Law P C

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10322 Reginald F. Stark

Chapter 13

#2.00 Confirmation of Chapter 13 Plan

FROM: 3-24-21

Docket 2

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Reginald F. Stark

Chapter 13

therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On February 9, 2021, the Court entered a scheduling order [docket #19] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for July 26, 2021 at 1:30 p.m.

On July 7, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #28] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on January 25, 2021 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on July 7, 2021 [docket #29] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On July 26, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Reginald F. Stark

Chapter 13

the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on July 26, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting February 25, 2021, the monthly plan payment is \$640.

Starting March 25, 2021, the monthly plan payment is \$3,749.

The due date for each payment is the 25th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$221,831. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Reginald F. Stark

Chapter 13

until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$4,000; having previously received \$4,000, counsel for the debtors shall refund \$1,500 to the Trustee within seven days of confirmation of the Plan and \$1,500 shall be added to the base. Counsel is entitled to payment of the remaining \$1,500 from the estate at a rate no more than \$150 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Reginald F. Stark

Chapter 13

3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$603.95 at a rate no less than \$15.10 per month for 40 months.
2. The Trustee shall pay the secured claim of Select Portfolio Servicing in the amount of \$37,423.73 at a rate no less than \$623.73 per month for 60 months.
3. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
4. Debtors shall directly pay student loan creditors and relief from

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Reginald F. Stark

Chapter 13

the automatic stay is hereby granted in favor of all such creditors.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Reginald F. Stark

Chapter 13

timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Reginald F. Stark

Chapter 13

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2011 Mercedes S550 in the approximate amount of \$599 per month. (Creditor: Capital One Auto Finance).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in April of 2021 in the approximate amount of \$2,833.63 per month to the creditor Select Portfolio Servicing. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Reginald F. Stark

Chapter 13

Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Reginald F. Stark

Chapter 13

which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, the 2014 Dodge Ram ("Abandoned Property") is hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Reginald F. Stark
non-debtor co-obligor in any manner.

Chapter 13

Party Information

Debtor(s):

Reginald F. Stark

Represented By
Keith Q Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10322 Reginald F. Stark

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-10-21

Docket 2

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Reginald F. Stark

Chapter 13

Debtor(s):

Reginald F. Stark

Represented By
Keith Q Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10405 Daisy Tobilla

Chapter 13

#4.00 Confirmation of Chapter 13 Plan

FROM: 3-24-21

Docket 2

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Daisy Tobilla

Chapter 13

therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On February 9, 2021, the Court entered a scheduling order [docket #16] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for July 26, 2021 at 1:30 p.m.

On July 1, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #33] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on March 9, 2021 [docket #24] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on July 14, 2021 [docket #34] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On July 26, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Daisy Tobilla

Chapter 13

the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on July 26, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting February 28, 2021, the monthly plan payment is \$885.

Starting April 28, 2021, the monthly plan payment is \$4,783.

Starting July 28, 2021, the monthly plan payment is \$4,095.

The due date for each payment is the 28th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$241,344. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Daisy Tobilla

Chapter 13

unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$4,000; having previously received \$4,000, counsel for the debtors shall refund \$1,500 to the Trustee within seven days of confirmation of the Plan and \$1,500 shall be added to the base. Counsel is entitled to payment of the remaining \$1,500 from the estate at a rate no more than \$150 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Daisy Tobilla

Chapter 13

Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$5,723.65 at a rate no less than \$95.39 per month for 60 months.
2. The Trustee shall pay the secured claim of Nationstar Mortgage in the amount of \$38,330.82 at a rate no less than \$638.85 per month for 60 months.
3. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Daisy Tobilla

Chapter 13

made by the Trustee within seven days of Plan confirmation.

4. Debtors must pay at least \$9,825 to the unsecured creditors per the liquidation analysis.

4. Additional provisions:

- a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

- b. No claims listed in Class 3B (or any other class) shall be bifurcated.

- c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

- d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

- e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Daisy Tobilla

Chapter 13

be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Daisy Tobilla

Chapter 13

attachment), that attachment is hereby disapproved and stricken.

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2006 Mercedes S500 in the approximate amount of \$120.49 per month. (Creditor: Navy Federal Credit Union).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in May of 2021 in the approximate amount of \$3,065.99 per month to the creditor Nationstar Mortgage. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Daisy Tobilla

Chapter 13

away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Daisy Tobilla

Chapter 13

of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Daisy Tobilla

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10405 Daisy Tobilla

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-10-21

Docket 2

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Daisy Tobilla

Chapter 13

Debtor(s):

Daisy Tobilla

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10439 LaRon M Hall

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

FROM: 3-24-21

Docket 1

*** VACATED *** REASON: CASE DISMISSED 2-16-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LaRon M Hall

Represented By
Stephen R Wade

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10439 LaRon M Hall

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-10-21

Docket 1

*** VACATED *** REASON: CASE DISMISSED 2-16-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LaRon M Hall

Represented By
Stephen R Wade

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10511 Julie Ann Hathaway

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

FROM: 3-24-21

Docket 16

***** VACATED *** REASON: CASE DISMISSED 7-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julie Ann Hathaway

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10511 Julie Ann Hathaway

Chapter 13

#9.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-10-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 7-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julie Ann Hathaway

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10537 James Valenzuela Del Villar and Rosa Elia Del Villar

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

FROM: 3-24-21

Docket 6

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... James Valenzuela Del Villar and Rosa Elia Del Villar Chapter 13

therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On February 9, 2021, the Court entered a scheduling order [docket #16] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for July 26, 2021 at 1:30 p.m.

On July 7, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #33] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on February 11, 2021 [docket #19] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on July 9, 2021 [docket #34] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On July 26, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... James Valenzuela Del Villar and Rosa Elia Del Villar Chapter 13

the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on July 26, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting March 2, 2021, the monthly plan payment is \$1,233.

Starting July 2, 2021, the monthly plan payment is \$1,765.

The due date for each payment is the 2nd day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$103,772. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... James Valenzuela Del Villar and Rosa Elia Del Villar Chapter 13

until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,197, counsel is entitled to payment of \$3,803 from the estate at a rate no more than \$380.30 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

James Valenzuela Del Villar and Rosa Elia Del Villar

Chapter 13

if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$2,129.95 at a rate no less than \$35.50 per month for 60 months.
2. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$1,570.57 at a rate no less than \$26.18 per month for 60 months.
3. The Trustee shall pay the secured claim of Capital One Auto Finance in the amount of \$36.06 at a rate no less than \$36.06 per month for one month.
4. The Trustee shall pay the secured claim of Freedom Mortgage in the amount of \$2,377.03 at a rate no less than \$39.62 per

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

James Valenzuela Del Villar and Rosa Elia Del Villar
month for 60 months.

Chapter 13

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... James Valenzuela Del Villar and Rosa Elia Del Villar

Chapter 13

this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... **James Valenzuela Del Villar and Rosa Elia Del Villar**
shall not apply in this case.

Chapter 13

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$2,306.52 per month. (Creditor: Freedom Mortgage).

All payments for the automobile loan for the 2016 Toyota Tacoma in the approximate amount of \$721.32 per month. (Creditor: Capital One Auto Finance).

All payments for the automobile loan for the 2019 Kia Sorento in the approximate amount of \$665.27 per month. (Creditor: Kia Motor Finance).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... James Valenzuela Del Villar and Rosa Elia Del Villar Chapter 13

abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... James Valenzuela Del Villar and Rosa Elia Del Villar Chapter 13

Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

James Valenzuela Del Villar

Represented By
Sundee M Teeple

Joint Debtor(s):

Rosa Elia Del Villar

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10537 James Valenzuela Del Villar and Rosa Elia Del Villar

Chapter 13

#11.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-10-21

Docket 6

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... James Valenzuela Del Villar and Rosa Elia Del Villar

Chapter 13

Debtor(s):

James Valenzuela Del Villar

Represented By
Sundee M Teeple

Joint Debtor(s):

Rosa Elia Del Villar

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10538 Paul Joseph Elwart and Angela Elli Elwart

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

FROM: 3-24-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 7-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Joseph Elwart

Represented By
Paul Y Lee

Joint Debtor(s):

Angela Elli Elwart

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10538 Paul Joseph Elwart and Angela Elli Elwart

Chapter 13

#13.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-10-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 7-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Joseph Elwart

Represented By
Paul Y Lee

Joint Debtor(s):

Angela Elli Elwart

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10541 Martin J Salgado, Sr. and Adela G Salgado

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

FROM: 3-24-21

Docket 2

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Martin J Salgado, Sr. and Adela G Salgado Chapter 13

therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On February 9, 2021, the Court entered a scheduling order [docket #17] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for July 26, 2021 at 1:30 p.m.

On July 7, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #29] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on February 3, 2021 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on July 7, 2021 [docket #30] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On July 26, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Martin J Salgado, Sr. and Adela G Salgado Chapter 13

the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on July 26, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting March 3, 2021, the monthly plan payment is \$700.

Starting May 3, 2024, the monthly plan payment is \$1,102.

The due date for each payment is the 3rd day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 64% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$50,844. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Martin J Salgado, Sr. and Adela G Salgado

Chapter 13

until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$990, counsel is entitled to payment of \$4,010 from the estate at a rate no more than \$401 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Martin J Salgado, Sr. and Adela G Salgado

Chapter 13

if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$1,535 at a rate no less than \$25.58 per month for 60 months.
2. The Trustee shall pay the secured claim of Quicken Loans in the amount of \$2,060.05 at a rate no less than \$34.33 per month for 60 months.
3. The Trustee shall pay the secured claim of Toyota Motor Credit in the amount of \$935.53 at a rate no less than \$17.23 per month for 60 months with interest at the rate of 4% per annum.
4. Debtors must pay at least \$36,759 to the unsecured creditors per the liquidation analysis.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Martin J Salgado, Sr. and Adela G Salgado

Chapter 13

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Martin J Salgado, Sr. and Adela G Salgado

Chapter 13

location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Martin J Salgado, Sr. and Adela G Salgado

Chapter 13

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the approximate amount of \$2,028.68 per month. (Creditor: Quicken Loans).

All payments for the junior mortgage against the residence of the Debtors. (Creditor: CALHFA/Keep Your Home).

All payments for the automobile loan for the 2013 Toyota Sienna in the approximate amount of \$401.46 per month. (Creditor: Toyota Motor Credit).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Martin J Salgado, Sr. and Adela G Salgado

Chapter 13

otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Martin J Salgado, Sr. and Adela G Salgado

Chapter 13

The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

As discussed on the record and as set forth in the Procedures Order, the 2017 Dodge Journey ("Abandoned Property") is hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The automatic stay is hereby lifted as to the Abandoned Property and, therefore, no motion for relief from stay is necessary. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Martin J Salgado, Sr. and Adela G Salgado

Chapter 13

Debtor(s):

Martin J Salgado Sr.

Represented By
Paul Y Lee

Joint Debtor(s):

Adela G Salgado

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10541 Martin J Salgado, Sr. and Adela G Salgado

Chapter 13

#15.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-10-21

Docket 2

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Martin J Salgado, Sr. and Adela G Salgado

Chapter 13

Debtor(s):

Martin J Salgado Sr.

Represented By
Paul Y Lee

Joint Debtor(s):

Adela G Salgado

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10560 Anthony T. Hakimian

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

FROM: 3-24-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony T. Hakimian

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10560 Anthony T. Hakimian

Chapter 13

#17.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-10-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony T. Hakimian

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10587 Edward David Cross and Mary Ann Elizabeth Cross

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

FROM: 3-24-21

Docket 7

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Edward David Cross and Mary Ann Elizabeth Cross Chapter 13

therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On February 9, 2021, the Court entered a scheduling order [docket #18] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for July 26, 2021 at 1:30 p.m.

On July 1, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #50] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on June 28, 2021 [docket #47] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on July 1, 2021 [docket #51] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #12] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On July 26, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Edward David Cross and Mary Ann Elizabeth Cross Chapter 13

the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on July 26, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting March 5, 2021, the monthly plan payment is \$1,599.

Starting August 5, 2021, the monthly plan payment is \$2,183.

Starting April 5, 2023, the monthly plan payment is \$2,557.

The due date for each payment is the 5th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$141,150. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Edward David Cross and Mary Ann Elizabeth Cross

Chapter 13

unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$242, counsel is entitled to payment of \$4,758 from the estate at a rate no more than \$475.80 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Edward David Cross and Mary Ann Elizabeth Cross

Chapter 13

3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$35,184.84 at a rate no less than \$586.41 per month for 60 months.
2. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$2,337.35 at a rate no less than \$38.96 per month for 60 months.
3. The Trustee shall pay the secured claim of Capital One Auto Finance in the amount of \$752.01 at a rate no less than \$189.96 per month for four months with interest at the rate of 5% per annum.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Edward David Cross and Mary Ann Elizabeth Cross

Chapter 13

4. The Trustee shall pay the secured claim of Capital One Auto Finance in the amount of \$1,559.67 at a rate no less than \$394.07 per month for four months with interest at the rate of 5% per annum.
5. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Edward David Cross and Mary Ann Elizabeth Cross Chapter 13

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Edward David Cross and Mary Ann Elizabeth Cross Chapter 13

no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2011 Lexus IS250 in the approximate amount of \$374.73 per month. (Creditor: Capital One Auto Finance).

All payments for the automobile loan for the 2013 Lexus LS460 in the approximate amount of \$774.11 per month. (Creditor: Capital One Auto Finance).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Edward David Cross and Mary Ann Elizabeth Cross

Chapter 13

advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Edward David Cross and Mary Ann Elizabeth Cross Chapter 13

Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

6. Abandoned Property.

On March 24, 2021, the Court entered an order granting relief from the automatic stay as to the 2012 Chevy Tahoe ("Abandoned Property"). It is deemed abandoned and the automatic stay has been lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property. The automatic stay has been lifted as to the Abandoned Property and the Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property has been lifted including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case does not stay any creditor

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... **Edward David Cross and Mary Ann Elizabeth Cross** **Chapter 13**
holding a claim secured in whole or in part by the Abandoned Property from
collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Edward David Cross

Represented By
M. Wayne Tucker

Joint Debtor(s):

Mary Ann Elizabeth Cross

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10587 Edward David Cross and Mary Ann Elizabeth Cross

Chapter 13

#19.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-10-21

Docket 7

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Edward David Cross and Mary Ann Elizabeth Cross

Chapter 13

Debtor(s):

Edward David Cross

Represented By
M. Wayne Tucker

Joint Debtor(s):

Mary Ann Elizabeth Cross

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10588 Christopher Michael Kittleson and Diana Lynn Kittleson

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

FROM: 3-24-21

Docket 2

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Christopher Michael Kittleson and Diana Lynn Kittleson Chapter 13

therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On February 9, 2021, the Court entered a scheduling order [docket #16] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for July 26, 2021 at 1:30 p.m.

On July 1, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #26] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on February 5, 2021 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on July 7, 2021 [docket #28] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On July 26, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Christopher Michael Kittleson and Diana Lynn Kittleson Chapter 13

the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on July 26, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$1,780 commencing on March 5, 2021. The due date for each payment is the 5th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$106,800. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,300, counsel is entitled to payment of \$3,700 from the estate at a rate no more than \$370 per month commencing forthwith. Using available funds, the Trustee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Christopher Michael Kittleson and Diana Lynn Kittleson

Chapter 13

shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT...

Christopher Michael Kittleson and Diana Lynn Kittleson
enters an order regarding such objection.

Chapter 13

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Christopher Michael Kittleson and Diana Lynn Kittleson Chapter 13

automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Christopher Michael Kittleson and Diana Lynn Kittleson Chapter 13
provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2019 Kia Sorento in the approximate amount of \$643.31 per month. (Creditor: Kia Motors Finance).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Christopher Michael Kittleson and Diana Lynn Kittleson Chapter 13

other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Christopher Michael Kittleson and Diana Lynn Kittleson Chapter 13

shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Christopher Michael Kittleson	Represented By Paul Y Lee
-------------------------------	------------------------------

Joint Debtor(s):

Diana Lynn Kittleson	Represented By Paul Y Lee
----------------------	------------------------------

Trustee(s):

Rod Danielson (TR)	Pro Se
--------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

6:21-10588 Christopher Michael Kittleson and Diana Lynn Kittleson

Chapter 13

#21.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-10-10

Docket 2

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

1:30 PM

CONT... Christopher Michael Kittleson and Diana Lynn Kittleson

Chapter 13

Debtor(s):

Christopher Michael Kittleson

Represented By
Paul Y Lee

Joint Debtor(s):

Diana Lynn Kittleson

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10623 Cecilia Leonard

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

FROM: 4-7-21

Docket 15

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Cecilia Leonard

Chapter 13

therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On February 22, 2021, the Court entered a scheduling order [docket #20] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for July 26, 2021 at 2:30 p.m.

On July 7, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #43] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on March 17, 2021 [docket #34] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on July 7, 2021 [docket #44] agreeing with the Trustee's terms in the Statement and the worksheet.

The Debtors have not objected to the Court's procedures order [docket #6] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On July 26, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Cecilia Leonard

Chapter 13

hearing and, on the record on July 26, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting March 8, 2021, the monthly plan payment is \$1,799.

Starting May 8, 2021, the monthly plan payment is \$3,246.

The due date for each payment is the 8th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$191,866. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Cecilia Leonard

Chapter 13

Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$0, counsel is entitled to payment of \$5,000 from the estate at a rate no more than \$500 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Cecilia Leonard

Chapter 13

Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$10,328.91 at a rate no less than \$172.15 per month for 60 months.
2. The Trustee shall pay the secured claim of Fay Servicing in the amount of \$44,600.07 at a rate no less than \$743.33 per month for 60 months.
4. The Trustee shall pay the secured claim of Ally Financial in the amount of \$17,454 at a rate no less than \$321.44 per month for 60 months with interest at the rate of 4% per annum.
4. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$1,111.97 at a rate no less than \$18.53 per month for 60 months.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Cecilia Leonard

Chapter 13

5. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
6. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Cecilia Leonard

Chapter 13

any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Cecilia Leonard

Chapter 13

an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors except to the following limited extent:

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in May of 2021 in the approximate amount of \$1,327.69 per month to the creditor Fay Servicing. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor. Other than those few payments by the Debtors prior to May of 2021, this case does not involve any other direct payments by the Debtors to creditors and, therefore, the Debtors need only file reports pursuant to paragraph 5(e) for the limited period of time during which they are responsible for making Direct Payments.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Cecilia Leonard

Chapter 13

other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Cecilia Leonard

Chapter 13

shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Cecilia Leonard

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10623 Cecilia Leonard

Chapter 13

#23.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-24-21

Docket 1

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... Cecilia Leonard

Chapter 13

Debtor(s):

Cecilia Leonard

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10625 Henry Frederick Ramey, Jr

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

FROM: 4-7-21

Docket 1

*** VACATED *** REASON: CASE DISMISSED 4-5-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henry Frederick Ramey Jr

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10625 Henry Frederick Ramey, Jr

Chapter 13

#25.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-24-21

Docket 11

***** VACATED *** REASON: CASE DISMISSED 4-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henry Frederick Ramey Jr	Pro Se
--------------------------	--------

Trustee(s):

Rod Danielson (TR)	Pro Se
--------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10646 Mary L Lee

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

FROM: 4-7-21

Docket 6

***** VACATED *** REASON: CASE DISMISSED 4-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary L Lee

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10646 Mary L Lee

Chapter 13

#27.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-24-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 4-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary L Lee

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10647 Glenda Renee Murphy

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

FROM: 4-7-21

Docket 5

***** VACATED *** REASON: CASE DISMISSED 4-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Glenda Renee Murphy

Pro Se

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10647 Glenda Renee Murphy

Chapter 13

#29.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-24-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 4-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Glenda Renee Murphy	Pro Se
---------------------	--------

Trustee(s):

Rod (WJ) Danielson (TR)	Pro Se
-------------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10693 Maria Arellano

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

FROM: 4-7-21

Docket 1

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Maria Arellano

Chapter 13

therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On February 22, 2021, the Court entered a scheduling order [docket #11] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for July 26, 2021 at 2:30 p.m.

On July 7, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #30] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on February 25, 2021 [docket #18] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on July 14, 2021 [docket #32] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #4] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On July 26, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Maria Arellano

Chapter 13

the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on July 26, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$336 commencing on March 11, 2021. The due date for each payment is the 11th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$20,160. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$4,000; having previously received \$500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$300 per month commencing forthwith. Using available funds, the Trustee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Maria Arellano

Chapter 13

shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Maria Arellano

Chapter 13

enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Maria Arellano

Chapter 13

automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... Maria Arellano

Chapter 13

provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2018 Toyota Camry in the approximate amount of \$531.58 per month. (Creditor: Toyota Motor Credit).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Maria Arellano

Chapter 13

other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Maria Arellano

Chapter 13

shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Maria Arellano

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10693 Maria Arellano

Chapter 13

#31.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-24-21

Docket 1

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... Maria Arellano

Chapter 13

Debtor(s):

Maria Arellano

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10749 Diane Kay Backovich

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

FROM: 4-7-21

Docket 2

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Diane Kay Backovich

Chapter 13

therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On February 22, 2021, the Court entered a scheduling order [docket #17] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for July 26, 2021 at 2:30 p.m.

On July 1, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #27] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on February 15, 2021 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on July 19, 2021 [docket #28] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On July 26, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... Diane Kay Backovich Chapter 13

hearing and, on the record on July 26, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting March 15, 2021, the monthly plan payment is \$664.

Starting July 15, 2021, the monthly plan payment is \$703.

The due date for each payment is the 15th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$42,024. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... Diane Kay Backovich

Chapter 13

Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$4,997; having previously received \$1,497, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$350 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Diane Kay Backovich

Chapter 13

Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Diane Kay Backovich

Chapter 13

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. All language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... Diane Kay Backovich

Chapter 13

without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors. (Creditor: Finance of America Reverse Mortgage).

All payments for the automobile loan for the 2015 Hyundai Genesis in the approximate amount of \$278.31 per month. (Creditor: Fifth Third Bank).

All payments for the solar panels in the approximate amount of \$277 per month. (Creditor: Tesla).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Diane Kay Backovich

Chapter 13

are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

Diane Kay Backovich

Chapter 13

then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... Diane Kay Backovich

Chapter 13

Debtor(s):

Diane Kay Backovich

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10749 Diane Kay Backovich

Chapter 13

#33.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-24-21

Docket 2

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... Diane Kay Backovich

Chapter 13

Debtor(s):

Diane Kay Backovich

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10754 Agustin Martin

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

FROM: 4-7-21

Docket 1

*** VACATED *** REASON: CASE DISMISSED 3-22-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Agustin Martin

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10754 Agustin Martin

Chapter 13

#35.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-24-21

Docket 1

*** VACATED *** REASON: CASE DISMISSED 3-22-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Agustin Martin

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10781 Maxine J. Levander

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

FROM: 4-7-21

Docket 2

*** VACATED *** REASON: CASE DISMISSED 3-25-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maxine J. Levander

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10781 Maxine J. Levander

Chapter 13

#37.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-24-21

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maxine J. Levander

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10805 Jerome C. Adamo

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

FROM: 4-7-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 7-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerome C. Adamo

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10805 Jerome C. Adamo

Chapter 13

#39.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-24-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 7-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerome C. Adamo

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10811 James Henry Achuff, Jr.

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

FROM: 4-7-21

Docket 2

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

James Henry Achuff, Jr.

Chapter 13

therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On February 22, 2021, the Court entered a scheduling order [docket #16] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for July 26, 2021 at 2:30 p.m.

On July 1, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #30] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on February 18, 2021 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on July 6, 2021 [docket #31] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #10] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On July 26, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... James Henry Achuff, Jr.

Chapter 13

the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on July 26, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting March 18, 2021, the monthly plan payment is \$1,580.

Starting May 18, 2021, the monthly plan payment is \$2,980.

The due date for each payment is the 18th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 36 months. General unsecured claims shall be paid 12% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$104,480. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... James Henry Achuff, Jr.

Chapter 13

until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$300, counsel is entitled to payment of \$4,700 from the estate at a rate no more than \$425 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

James Henry Achuff, Jr.

Chapter 13

if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$20,777.12 at a rate no less than \$577.14 per month for 36 months.
2. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$7,172.62 at a rate no less than \$199 per month for 36 months.
3. The Trustee shall pay the secured claim of Arvest Central Mortgage in the amount of \$7,423.70 at a rate no less than \$206.21 per month for 36 months.
4. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

James Henry Achuff, Jr.

Chapter 13

made by the Trustee within seven days of Plan confirmation.

5. All gambling winnings, without any offset for gambling losses, is pledged to the Plan.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

- b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

- e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... James Henry Achuff, Jr.

Chapter 13

be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... James Henry Achuff, Jr.

Chapter 13

attachment), that attachment is hereby disapproved and stricken.

1. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the homeowners association for the residence of the Debtors in the approximate amount of \$120.55 per month. (Creditor: Indian Palms Country Club Association).

All payments for the homeowners association for the residence of the Debtors in the approximate amount of \$31 per month. (Creditor: Indian Palms Community Association).

All payments for the automobile loan for the 2018 Ford Escape in the approximate amount of \$309.02 per month. (Creditor: Ford Motor Credit Company).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in May of 2021 in the approximate amount of \$1,283.96 per month to the creditor Arvest Central Mortgage. Until that time, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT...

James Henry Achuff, Jr.

Chapter 13

required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021, then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... James Henry Achuff, Jr.

Chapter 13

January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

James Henry Achuff Jr.

Represented By
Rabin J Pournazarian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... James Henry Achuff, Jr.

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

6:21-10811 James Henry Achuff, Jr.

Chapter 13

#41.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 3-24-21

Docket 1

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:30 PM

CONT... James Henry Achuff, Jr.

Chapter 13

Debtor(s):

James Henry Achuff Jr.

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

6:20-14915 Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

#42.00 Confirmation of Chapter 13 Plan

FROM: 1-27-21, 5-10-21

Docket 30

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

CONT... Carlos Valdovinos and Geovanna A. Valdovinos Chapter 13

therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On May 10, 2021, the Court entered a scheduling order [docket #70] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for July 26, 2021 at 2:45 p.m.

On July 1, 2021, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #79] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on May 12, 2021 [docket #76] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on July 6, 2021 [docket #80] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #32] ("Procedures Order") and the deadline to so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On July 26, 2021, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

CONT... Carlos Valdovinos and Geovanna A. Valdovinos Chapter 13

the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on July 26, 2021, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting January 7, 2021, the monthly plan payment is \$1,999.

Starting February 7, 2021, the monthly plan payment is \$4,247.

The due date for each payment is the 7th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$252,572. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

CONT... Carlos Valdovinos and Geovanna A. Valdovinos Chapter 13

until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$0, counsel is entitled to payment of \$5,000 from the estate at a rate no more than \$500 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

CONT...

Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$3,143.98 at a rate no less than \$52.40 per month for 60 months.
2. The Trustee shall pay the secured claim of Quantum3 Group LLC (Aqua Finance) in the amount of \$6,945.37 at a rate no less than \$131.06 per month for 60 months with interest at the rate of 5% per annum.
3. The Trustee shall pay the secured claim of American Express in the amount of \$5,586 at a rate no less than \$106 per month for 60 months with interest at the rate of 5% per annum.
4. The Trustee shall pay the priority claim of Lynda Bui, Chapter 7 Trustee, in the amount of \$3,500 at a rate no less than \$58.33

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

CONT...

Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

per month for 60 months.

5. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
6. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.
7. Debtors must pay 100% to the unsecured creditors per the liquidation analysis.
8. In accordance with section IV(D) of the Plan and with the paragraph 3 of the stipulation between the parties filed on May 12, 2021 [docket #75], if the Debtors default under the terms of this confirmed plan or are unable to obtain a discharge, the case will be converted to chapter 7 (as opposed to dismissed). And the Debtors agree that any request to dismiss this case by the Debtors (whether or not any default exists) will be treated as a request to convert the case to chapter 7.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

CONT... Carlos Valdovinos and Geovanna A. Valdovinos Chapter 13

the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

CONT... Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

and, in particular, the provisions governing post-confirmation matters.

i. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

j. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

k. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2014 Lexus CT200 in the approximate amount of \$416.38 per month. (Creditor: Toyota Motor Credit Corporation).

All payments for the solar panels in the approximate amount of \$50 per month. (Creditor: Sun Street).

With respect to the residence of the Debtors, the Trustee shall commence making the monthly mortgage payments for the senior mortgage in November of 2020 in the approximate amount of \$2,062.56 per month to the creditor U.S. Bank Home Mortgage. The payment amount increases to \$2,184.63 per month in July of 2021 and then decreases to \$2,073.42 per month in August of 2021 and thereafter. Prior to November of 2020, the Debtors shall timely make the post-petition mortgage payments directly to the creditor.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

CONT...

Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. **Yearly Reports.** Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2021,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

CONT...

Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

then between January 1, 2022 and January 31, 2022, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2021. Likewise, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

CONT... **Carlos Valdovinos and Geovanna A. Valdovinos**
6. Abandoned Property.

Chapter 13

On April 28, 2021, the Court entered an order granting relief from the automatic stay as to the 2017 GMC Sierra 2500 ("Abandoned Property"). It is deemed abandoned and the automatic stay has been lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property. The automatic stay has been lifted as to the Abandoned Property and the Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property has been lifted including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case does not stay any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Carlos Valdovinos

Represented By
Sundee M Teeple

Joint Debtor(s):

Geovanna A. Valdovinos

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

6:20-14915 Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

#43.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 1-13-21, 5-10-21

Docket 30

Tentative Ruling:

This hearing will occur by video using Zoom (not CourtCall). No appearances by debtors are required today but attorneys for debtors do need to appear.

Courtroom 304 does not have the equipment to facilitate appearances simultaneously by video and in person. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing will occur by Zoom only. No appearances will be possible in the courtroom for this matter. Counsel should attend this hearing by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1604285637>

Meeting ID: 160 428 5637

Password: 714226

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

CONT... Carlos Valdovinos and Geovanna A. Valdovinos

Chapter 13

Debtor(s):

Carlos Valdovinos

Represented By
Sundee M Teeple

Joint Debtor(s):

Geovanna A. Valdovinos

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

6:20-17950 Maria Del Rosario Jimenez

Chapter 13

#44.00 Confirmation of Chapter 13 Plan

FROM: 2-10-21, 5-10-21

Docket 7

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-21-21; CONT'D TO 11-22-21 AT 1:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Maria Del Rosario Jimenez

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

2:45 PM

6:20-17950 Maria Del Rosario Jimenez

Chapter 13

#45.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 1-27-21, 5-10-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-21-21; CONT'D TO 11-22-21 AT 1:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Maria Del Rosario Jimenez

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

3:30 PM

6:20-11537 Asif Aziz

Chapter 7

Adv#: 6:20-01108 NextGear Capital v. Aziz

#46.00 Pre-Trial conference: re complaint to determine dischargeability of debt

FROM: S/C 9-3-20, P/T 5-13-20, 6-3-21, 6-9-21, 6-16-21, 7-7-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Asif Aziz

Represented By
Dominic Afzali

Defendant(s):

Asif Aziz

Represented By
Dominic Afzali
Matthew Abbasi

Plaintiff(s):

NextGear Capital

Represented By
Tom Roddy Normandin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

3:30 PM

6:20-11537 Asif Aziz

Chapter 7

Adv#: 6:20-01108 NextGear Capital v. Aziz

#47.00 Hrg re order to show cause regarding why the answer of the defendant should not be stricken and judgment entered in favor of the plaintiff

FROM: 6-3-21, 6-9-21, 6-16-21, 7-7-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Asif Aziz

Represented By
Dominic Afzali

Defendant(s):

Asif Aziz

Represented By
Dominic Afzali
Matthew Abbasi

Plaintiff(s):

NextGear Capital

Represented By
Tom Roddy Normandin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, July 26, 2021

Hearing Room 304

4:00 PM

6:18-11111 Universal Surveillance Systems, LLC Chapter 7

Adv#: 6:18-01249 Karl T. Anderson CPA, Inc. v. Director, Division of Taxation of the State of

#48.00 Pre-Trial conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfers; (3) Disallowance of claims held by defendants

FROM: S/C 4-11-19, 4-18-19, 5-2-19, 5-30-19, 6-13-19, 7-15-19, 7-30-19, 6-25-20, P/T 9-17-20, 6-17-21, 7-8-21, 7-22-21

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 7-23-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

Director, Division of Taxation of the

Pro Se

Plaintiff(s):

Karl T. Anderson CPA, Inc.

Represented By
Judith E Marshack

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, July 27, 2021

Hearing Room 304

11:00 AM

6:16-12192 Mark Technologies Corporation

Chapter 7

#1.00 Hrg re mtn for stay pending appeal of order on final fee application and related chapter 7 trustee's final report

Docket 640

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL OF
MOTION FILED 7-14-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Technologies Corporation

Represented By
Eve H Karasik

Trustee(s):

Helen R. Frazer (TR)

Represented By
Elissa Miller
Sulmeyer Kupetz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 27, 2021

Hearing Room 304

1:00 PM

6:19-13413 Lucia Francia

Chapter 7

#2.00 Hrg re trustee's final report and applications for compensation

Docket 64

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4). **No appearance is necessary.**

The Court thanks the trustee and his professionals for their efforts in this case and, in particular, for administering the case efficiently. Pursuant to the trustee's final report, the following administrative claims will be allowed:

- (1) Trustee: fees of \$11,750 and expenses of \$104.77;
- (2) Reid & Hellyer, APC: fees of \$9,238 and expenses of \$356.84; and
- (3) Hahn Fife & Company, LLP: fees of \$1,890 and expenses of \$273.80.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Lucia Francia

Represented By
Neil R Hedtke

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 27, 2021

Hearing Room 304

1:00 PM

6:19-19710 Jason Therman Uhles and Jennifer Leigh Uhles

Chapter 7

#2.01 Hrg re trustee's final report and applications for compensation

Docket 69

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jason Therman Uhles

Represented By
Marc A Duxbury

Joint Debtor(s):

Jennifer Leigh Uhles

Represented By
Marc A Duxbury

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 27, 2021

Hearing Room 304

1:00 PM

6:20-12067 Raul Carrillo and Acela Carrillo

Chapter 7

#3.00 Hrg re motion objecting to debtor's claimed homestead exemption

Docket 124

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raul Carrillo

Represented By
W. Derek May

Joint Debtor(s):

Acela Carrillo

Represented By
W. Derek May

Trustee(s):

Larry D Simons (TR)

Represented By
Tinho Mang
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 27, 2021

Hearing Room 304

1:00 PM

6:20-14160 Gilbert C Ramirez, Jr. and Patricia M Ramirez

Chapter 7

#4.00 Hrg re chapter 7 trustee's motion for order: (A) Authorizing sale of assets of the debtors bankruptcy estate, free and clear of liens, claims and encumbrances; and (B) Approving compromise of controversy

Docket 178

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert C Ramirez Jr.

Represented By
Summer M Shaw

Joint Debtor(s):

Patricia M Ramirez

Represented By
Summer M Shaw

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo Cisneros
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 27, 2021

Hearing Room 304

1:00 PM

6:20-16447 Gregory K Gilbert

Chapter 7

#5.00 Hrg re motin to convert case to chapter 13

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory K Gilbert

Represented By
Rhonda Walker

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 27, 2021

Hearing Room 304

1:00 PM

6:20-17506 Gary Outzen

Chapter 7

#6.00 Hrg re motion to disallow claim number 9 filed by Linda Bechthold

Docket 130

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-19-21; CONT'D TO 9-7-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Outzen

Represented By
Todd L Turoci

Trustee(s):

Lynda T. Bui (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 27, 2021

Hearing Room 304

1:00 PM

6:20-17551 CNC Puma Corporation

Chapter 11

#7.00 Hrg re motion to reject auto lease

Docket 71

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, creditors and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

CNC Puma Corporation

Represented By
J. Luke Hendrix

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 27, 2021

Hearing Room 304

1:00 PM

6:21-10576 FORTUNAUTO 13, LLC

Chapter 7

#8.00 Hrg re motion to approve compromise of controversy between chapter 7 trustee with Woodside Credit LLC

Docket 84

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

FORTUNAUTO 13, LLC

Represented By
Robert B Rosenstein

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 27, 2021

Hearing Room 304

1:00 PM

6:21-10576 FORTUNAUTO 13, LLC

Chapter 7

#9.00 Hrg re motion for authority to withdraw as counsel of record for debtor

Docket 96

Tentative Ruling:

Final Ruling. This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

No appearance is necessary.

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion.

Counsel for the moving party shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

FORTUNAUTO 13, LLC

Represented By
Robert B Rosenstein

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 27, 2021

Hearing Room 304

1:30 PM

6:20-11234 Dani Transport Service, Inc.

Chapter 7

#10.00 Hrg re motion for allowance and payment of administrative expense claim
FROM: 3-9-21, 5-4-21, 6-29-21

Docket 249

***** VACATED *** REASON: ORDER CONT ENTERED 7-20-21;
CONT'D TO 9-14-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dani Transport Service, Inc.

Represented By
Todd L Turoci
Amelia Puertas-Samara

Movant(s):

JPMORGAN CHASE BANK, N.A.

Represented By
Cheryl S Chang

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 27, 2021

Hearing Room 304

1:30 PM

6:21-10576 FORTUNAUTO 13, LLC

Chapter 7

#11.00 Hrg re motion to approve compromise of controversy between chapter 7 trustee and Stanley Perkins

FROM: 6-15-21

Docket 65

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

FORTUNAUTO 13, LLC

Represented By
Robert B Rosenstein

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, July 27, 2021

Hearing Room 304

3:00 PM

6:19-17152 Andres Sanchez, Jr.

Chapter 7

#12.00 Hrg re motion for order approving compromise of controversy
FROM: 7-6-21

Docket 66

***** VACATED *** REASON: NTC OF WITHDRAWAL FILED 7-23-21**

Tentative Ruling:

Party Information

Debtor(s):

Andres Sanchez Jr.

Pro Se

Trustee(s):

Karl T Anderson (TR)

Represented By
Michelle A Marchisotto

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

1:15 PM

6:20-15925 Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

#1.00 Hrg re objection to claim of County of San Bernrdino claim number 8 and motion for order disallowing claim

FROM: 11-18-20, 5-19-21

Docket 28

***** VACATED *** REASON: NTC OF WITHDRAWAL FILED 7-22-21**

Party Information

Debtor(s):

Richard Allen Rodgers

Represented By
Paul Y Lee

Joint Debtor(s):

Judith Anne Rodgers

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

1:30 PM

6:21-13364 Rodolfo Paredes Robles and Erica Paredes

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Party Information

Debtor(s):

Rodolfo Paredes Robles

Represented By
Dana Travis

Joint Debtor(s):

Erica Paredes

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, July 28, 2021

Hearing Room 304

1:30 PM

6:21-13488 Charles S. Dice

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.

Party Information

Debtor(s):

Charles S. Dice

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, July 28, 2021

Hearing Room 304

1:30 PM

6:21-13494 Kiedryn D. Carter

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.

Party Information

Debtor(s):

Kiedryn D. Carter

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:19-10294 Ivan Cebreros-Lopez and Deissy Montoya-Camacho

Chapter 13

#5.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 79

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-21-21

Party Information

Debtor(s):

Ivan Cebreros-Lopez

Represented By
Sundee M Teeple

Joint Debtor(s):

Deissy Montoya-Camacho

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:18-10341 Brenda Simon

Chapter 13

#5.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 0

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-12-21

Party Information

Debtor(s):

Brenda Simon

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:16-19844 Oscar Ortega Guerrero and Lidia Hernandez Ortega

Chapter 13

#5.02 Hrg re trustee's motion to dismiss case regarding infeasibility of plan

Docket 111

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-14-21**

Party Information

Debtor(s):

Oscar Ortega Guerrero

Represented By
Andy C Warshaw

Joint Debtor(s):

Lidia Hernandez Ortega

Represented By
Andy C Warshaw

Movant(s):

Rod Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:20-15925 Richard Allen Rodgers and Judith Anne Rodgers

Chapter 13

#5.03 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 64

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-21-21**

Party Information

Debtor(s):

Richard Allen Rodgers

Represented By
Paul Y Lee

Joint Debtor(s):

Judith Anne Rodgers

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:20-15702 Nyesha D. Williams

Chapter 13

#6.00 Hrg re objection to claim number 11 filed by Wells Fargo Bank, N.A.

Docket 71

***** VACATED *** REASON: NTC OF WITHDRAWAL FILED 6-18-21**

Party Information

Debtor(s):

Nyesha D. Williams

Represented By
Terrence Fantauzzi

Movant(s):

Nyesha D. Williams

Represented By
Terrence Fantauzzi
Terrence Fantauzzi
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:21-12951 Eric Flores and Briza Flores

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-3-21;
CONT'D TO 10-25-21 AT 3:30 P.M.**

Party Information

Debtor(s):

Eric Flores

Represented By
Andy Nguyen

Joint Debtor(s):

Briza Flores

Represented By
Andy Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:21-12974 Jerry Allen Holland

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-3-21;
CONT'D TO 10-25-21 AT 3:30 P.M.**

Party Information

Debtor(s):

Jerry Allen Holland

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:21-12997 Benigno Gonzalez Fuentes

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-3-21;
CONT'D TO 10-25-21 AT 3:30 P.M.**

Party Information

Debtor(s):

Benigno Gonzalez Fuentes

Represented By
Heather J Canning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:21-13028 Stuart Gerald Oden

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 11-22-21 AT 1:30 P.M.**

Party Information

Debtor(s):

Stuart Gerald Oden

Represented By
Richard L. Sturdevant

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:21-13050 Moiselio Naranjo and Casilda Naranjo

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 11-22-21 AT 1:30 P.M.**

Party Information

Debtor(s):

Moiselio Naranjo

Represented By
Daniel C Sever

Joint Debtor(s):

Casilda Naranjo

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:21-13079 Glennis Edwin Wurr, Jr.

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 11-22-21 AT 1:30 P.M.**

Party Information

Debtor(s):

Glennis Edwin Wurr Jr.

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:21-13083 Francisco Perez Ruiz

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 11-22-21 AT 1:30 P.M.

Party Information

Debtor(s):

Francisco Perez Ruiz

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:21-13085 Ana I Huling Sandoval

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 11-22-21 AT 1:30 P.M.

Party Information

Debtor(s):

Ana I Huling Sandoval

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, July 28, 2021

Hearing Room 304

2:00 PM

6:21-13088 Maria R Limon

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-8-21;
CONT'D TO 11-22-21 AT 1:30 P.M.

Party Information

Debtor(s):

Maria R Limon

Represented By
Richard L. Sturdevant

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

2:30 PM

6:17-14231 David L. Perkins and Gina L. Perkins

Chapter 13

#16.00 Motion for relief from stay

PENNYMAC LOAN SERVICES VS DEBTORS

Property: 7801 Halbrook Terrance, Jurupa Valley, CA 92509
[Real Prop] Robert P. Zahradka, attorney/movant

Docket 54

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-22-21

Party Information

Debtor(s):

David L. Perkins

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Gina L. Perkins

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

PennyMac Loan Services, LLC

Represented By
Robert P Zahradka

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

2:30 PM

6:21-11015 Michelle F. Allan

Chapter 13

#17.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY VS DEBTOR

Property: 4315 Roosevelt Court, Chino, CA 91710
[Real Prop] Erin M. McCartney, attorney/movant

Docket 27

***** VACATED *** REASON: ORDER CONT ENTERED 7-23-21;
CONT'D TO 9-1-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Michelle F. Allan

Represented By
Paul Y Lee

Movant(s):

Wilmington Savings fund Society,

Represented By
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, July 28, 2021

Hearing Room 304

2:30 PM

6:21-11229 Lillian Baker

Chapter 13

#18.00 Motion for relief from stay

TOWD POINT MORTGAGE VS DEBTOR

Property: 7949-7949 ½ Sunnyside Avenue, San Bernardino, CA 92410
[Real Prop] Robert P. Zahradka, attorney/movant

Docket 30

***** VACATED *** REASON: CASE DISMISSED 7-20-21**

Party Information

Debtor(s):

Lillian Baker

Represented By
James D. Hornbuckle

Movant(s):

Towd Point Mortgage Trust 2017-

Represented By
Robert P Zahradka

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, July 28, 2021

Hearing Room 304

2:30 PM

6:21-10094 Patricia Ann Doublet

Chapter 7

#19.00 Hrg re application for supplemental fees

Docket 69

*** VACATED *** REASON: SCHEDULING ORDER CONT ENTERED
7-26-21; CONT'D TO 7-29-21 AT 2:00 P.M.

Party Information

Debtor(s):

Patricia Ann Doublet

Represented By
Benjamin R Heston

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

10:00 AM

6:21-12981 David Gordon Bayles, Jr. and Janelle Lynne Warren-

Chapter 7

#1.00 Motion for relief from stay

LBS FINANCIAL CREDIT UNION VS DEBTORS

Property: 2017 Ford F-150
[Personal Prop] Karel Rocha, attorney/movant

Docket 13

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-22-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Gordon Bayles Jr.

Represented By
Daniel C Sever

Joint Debtor(s):

Janelle Lynne Warren-Bayles

Represented By
Daniel C Sever

Movant(s):

LBS Financial Credit Union

Represented By
Karel G Rocha

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

10:00 AM

6:21-13058 Mitchell Charles McMurtry

Chapter 7

#2.00 Motion for relief from stay

FORD MOTOR CREDIT VS DEBTOR

Property: 2016 Ford F150
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 8

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-22-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mitchell Charles McMurtry

Represented By
Christopher P Walker

Movant(s):

Ford Motor Credit Company LLC

Represented By
Sheryl K Ith

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

10:00 AM

6:21-13149 Clara A Alvarez

Chapter 7

#3.00 Motion for relief from stay

TOYOTA MOTOR CREDIT VS DEBTOR

Property: 2018 Toyota RAV4
[Personal Prop] Austin P. Nagel, attorney/movant

Docket 8

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clara A Alvarez

Represented By
Juan Castillo-Onofre

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

10:00 AM

6:21-13248 Lorena Elizabeth Vasquez

Chapter 7

#4.00 Motion for relief from stay

KIA MOTORS FINANCE VS DEBTOR

Property: 2019 Kia Sportage
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 7

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-22-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lorena Elizabeth Vasquez

Represented By
Priscilla C Solario

Movant(s):

Kia Motors Finance

Represented By
Sheryl K Ith

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

10:00 AM

6:21-13248 Lorena Elizabeth Vasquez

Chapter 7

#5.00 Motion for relief from stay

KIA MOTORS FINANCE VS DEBTOR

Property: 2018 Kia Soul
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 8

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-22-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lorena Elizabeth Vasquez

Represented By
Priscilla C Solario

Movant(s):

Kia Motors Finance

Represented By
Sheryl K Ith

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

10:00 AM

6:21-13320 Linda Elaine Stites-Mounts

Chapter 7

#6.00 Motion for relief from stay

FORD MOTOR CREDIT COMPANY VS DEBTOR

Property: 2018 Ford F150
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 8

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-22-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Elaine Stites-Mounts

Represented By
Robert T Chen

Movant(s):

Ford Motor Credit Company LLC

Represented By
Sheryl K Ith

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

11:00 AM

6:20-11199 Laura Elsa Aguilar-Recendez

Chapter 7

Adv#: 6:20-01183 Daff v. Avilez

#7.00 Status conference re: (1) Avoidance of interentional fraudulent transfers and recovery of same; (2) Avoidance of constructive fraudulent transfers and recovery of same; (3) Imposition of constructive trust or resulting trust; (4) Unjust enrichment; (5) Declaration relief; (6) Turnover of property of the estate; and (7) Disallowance of claims

FROM: S/C 2-11-21, 5-13-21, 6-17-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Elsa Aguilar-Recendez

Represented By
Marcella Lucente

Defendant(s):

Elsa Avilez

Pro Se

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

11:00 AM

6:20-17744 Robert Alexander Miller

Chapter 7

Adv#: 6:21-01039 Frealy v. Miller

#8.00 Status conference re: Complaint for (1) Avoidance of fraudulent transfer [11 U.S.C. § 544(b) and Cal. Civ Code §§ 3439.04(a) and 3439.07]; (2) Avoidance of fraudulent transfer [11 U.S.C. § 548 (a)(1)(A)]; (3) Avoidance of fraudulent transfer [11 U.S.C. § 548 (a)(B)(i) and (ii)(I)]; (4) Turnover and accounting of estate's property [11 U.S.C. § 542]; (5) Recovery of avoided transfer [11 U.S.C. § 550 (a)]; and (6) Automatic preservation of avoided transfer [11 U.S.C. § 551]

FROM: S/C 6-3-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Alexander Miller

Represented By
Ethan Kiwhan Chin

Defendant(s):

Ronda S. Miller

Pro Se

Plaintiff(s):

Todd A. Frealy

Represented By
Michelle A Marchisotto

Trustee(s):

Todd A. Frealy (TR)

Represented By
Michelle A Marchisotto

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

2:00 PM

6:19-16555 Miguel A Nigo

Chapter 7

Adv#: 6:21-01025 United States Trustee for the Central District of v. Mares

#9.00 Status conference re: Complaint for injunctive relief, damages, and fines against defendant Maria Mares

FROM: 5-6-21

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 7-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel A Nigo Pro Se

Defendant(s):

Maria Mares Pro Se

Plaintiff(s):

United States Trustee for the Central Represented By
Abram Feuerstein esq

Trustee(s):

Charles W Daff (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

2:00 PM

6:19-16555 Miguel A Nigo

Chapter 7

#10.00 Hrg re status conference

FROM: 7-21-20, 10-20-20, 11-17-20, 3-9-21, 5-6-21

Docket 0

Tentative Ruling:

The hearing today will occur by video using Zoom. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1616636530>

Meeting ID: 161 663 6530

Password: 015758

Party Information

Debtor(s):

Miguel A Nigo

Pro Se

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

2:00 PM

6:21-10094 Patricia Ann Doublet

Chapter 7

#10.01 Hrg re application for supplemental fees

FROM: 7-28-21

Docket 69

Tentative Ruling:

The hearing today will occur by video using Zoom. The pertinent hearing link is below:

Meeting URL: <https://cacb.zoomgov.com/j/1616636530>

Meeting ID: 161 663 6530

Password: 015758

Party Information

Debtor(s):

Patricia Ann Doublet

Represented By
Benjamin R Heston

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

2:30 PM

6:20-10170 Juvenal Mora

Chapter 7

Adv#: 6:20-01173 Cisneros (TR) v. Gordon et al

#11.00 Pre-trial conference re: Avoidance, Recovery, and Preservation of: (1) Intentional fraudulent transfer; (2) Constructive fraudulent transfer; (3) Intentional fraudulent transfer; and (4) Constructive fraudulent transfer

FROM: S/C 1-14-21, P/T 6-17-21

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Juvenal Mora

Represented By
James D. Hornbuckle

Defendant(s):

Brandon Gordon

Pro Se

Monica Gordon

Pro Se

Maria Acosta

Pro Se

Michael Mora

Pro Se

David Beas

Pro Se

Joint Debtor(s):

Rosario M. Mora

Represented By
James D. Hornbuckle

Plaintiff(s):

A. Cisneros (TR)

Represented By
Claudia Coleman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

2:30 PM

CONT...

Juvenal Mora

Chapter 7

Tinho Mang
D Edward Hays

Trustee(s):

Arturo Cisneros (TR)

Represented By
D Edward Hays
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

2:30 PM

6:20-10170 Juvenal Mora

Chapter 7

Adv#: 6:20-01173 Cisneros (TR) v. Gordon et al

#12.00 Hrg re motion for order expending discovery cut-off date

FROM: 6-3-21, 6-17-21

Docket 23

Tentative Ruling:

Party Information

Debtor(s):

Juvenal Mora

Represented By
James D. Hornbuckle

Defendant(s):

Brandon Gordon

Represented By
James D. Hornbuckle

Monica Gordon

Represented By
James D. Hornbuckle

Maria Acosta

Represented By
James D. Hornbuckle

Michael Mora

Represented By
James D. Hornbuckle

David Beas

Represented By
James D. Hornbuckle

Joint Debtor(s):

Rosario M. Mora

Represented By
James D. Hornbuckle

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

2:30 PM

CONT... Juvenal Mora

Chapter 7

Plaintiff(s):

A. Cisneros (TR)

Represented By
Claudia Coleman
Tinho Mang
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
D Edward Hays
Tinho Mang
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, July 29, 2021

Hearing Room 304

2:30 PM

6:20-10170 Juvenal Mora and Rosario M. Mora

Chapter 7

#13.00 Hrg re motion to extend time to file additional evidence in support of objection to debtors's claimed homestead exemption

FROM: 7-6-21

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juvenal Mora

Represented By
James D. Hornbuckle

Joint Debtor(s):

Rosario M. Mora

Represented By
James D. Hornbuckle

Movant(s):

Arturo Cisneros (TR)

Represented By
D Edward Hays
Tinho Mang
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
D Edward Hays
Tinho Mang
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

10:00 AM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:18-01249 Karl T. Anderson CPA, Inc. v. Director, Division of Taxation of the State of

#1.00 Trial re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfers; (3) Disallowance of claims held by defendants

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 7-23-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

Director, Division of Taxation of the

Pro Se

Plaintiff(s):

Karl T. Anderson CPA, Inc.

Represented By
Judith E Marshack

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw
Cionca IP Law P C

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:16-12745 Moses McCoy and Robin Denise McCoy

Chapter 13

#2.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 135

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSALE
FILED 7-6-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moses McCoy

Represented By
M. Wayne Tucker
Amelia Puertas-Samara

Joint Debtor(s):

Robin Denise McCoy

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:16-12773 Otoniel Toledo

Chapter 13

#3.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 96

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-21-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Otoniel Toledo

Represented By
Joseph A Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:16-13333 Gabriel Cordeo Herrera, Sr. and Kathryn Ann Herrera

Chapter 13

#4.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 94

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-21-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Cordeo Herrera Sr.

Represented By
Steven A Alpert

Joint Debtor(s):

Kathryn Ann Herrera

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:16-15905 James Laymon Pierce, III and Sheila Ann Pierce

Chapter 13

#5.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 100

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-27-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Laymon Pierce III

Represented By
Carey C Pickford

Joint Debtor(s):

Sheila Ann Pierce

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:16-19091 Mario Zamarripa and Melinda Gay Zamarripa

Chapter 13

#6.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 91

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario Zamarripa

Represented By
Steven A Alpert

Joint Debtor(s):

Melinda Gay Zamarripa

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:16-19521 David Madison Critchlow, II

Chapter 13

#7.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 99

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Madison Critchlow II

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:16-19640 Maria Guadalupe Villalobos and Ricardo Villalobos

Chapter 13

#8.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 140

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Guadalupe Villalobos	Pro Se
----------------------------	--------

Joint Debtor(s):

Ricardo Villalobos	Pro Se
--------------------	--------

Trustee(s):

Rod Danielson (TR)	Pro Se
--------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:16-19951 Melinda Ramos Presco and Felipe Capili Presco

Chapter 13

#9.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melinda Ramos Presco

Represented By
Paul M Allen - SUSPENDED -

Joint Debtor(s):

Felipe Capili Presco

Represented By
Paul M Allen - SUSPENDED -

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:16-20135 Maria Martin del Campo

Chapter 13

#10.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 48

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 6-24-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Martin del Campo

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:16-20207 Rocio Adriana Veltman

Chapter 13

#11.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 59

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-21-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rocio Adriana Veltman

Represented By
Edward G Topolski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:17-10495 Travis Alexander Kaufman

Chapter 13

#12.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 52

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Travis Alexander Kaufman

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:17-10638 Andrea Wright

Chapter 13

#13.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 98

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-14-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrea Wright

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:17-11381 Francis G Benton

Chapter 13

#14.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 48

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-12-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francis G Benton

Represented By
Solomon A Cheifer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:17-11643 Michael Alvarez and Roxanne E Alvarez

Chapter 13

#15.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 150

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Alvarez

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Joint Debtor(s):

Roxanne E Alvarez

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:17-13030 Dennis Clark Cool and Deanna Louise Cool

Chapter 13

#16.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 66

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 6-28-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dennis Clark Cool

Represented By
Paul Y Lee

Joint Debtor(s):

Deanna Louise Cool

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:17-13691 Dory L. Alvarenga

Chapter 13

#17.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 61

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dory L. Alvarenga

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:17-14231 David L. Perkins and Gina L. Perkins

Chapter 13

#18.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 52

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-26-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David L. Perkins

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Gina L. Perkins

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:17-19731 Angel Manuel Rioslaboy and Carmen Esta Rioslaboy

Chapter 13

#19.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 56

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-28-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angel Manuel Rioslaboy

Represented By
Dana Travis

Joint Debtor(s):

Carmen Esta Rioslaboy

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-10013 Elsbeth Palmer-Mills

Chapter 13

#20.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 71

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-26-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elsbeth Palmer-Mills

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-13303 Bradley Jay Best and Cathy Lee Best

Chapter 13

#21.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 70

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bradley Jay Best

Represented By
Steven A Alpert

Joint Debtor(s):

Cathy Lee Best

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-14240 Joe Reyes, Jr. and Caryn Dee Rickett Reyes

Chapter 13

#22.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Reyes Jr.

Represented By
Dana Travis

Joint Debtor(s):

Caryn Dee Rickett Reyes

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-15608 John Charles Guzman and Beatris Castillo Guzman

Chapter 13

#23.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 76

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-14-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Charles Guzman

Represented By
Gregory Ashcraft

Joint Debtor(s):

Beatris Castillo Guzman

Represented By
Gregory Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-16183 Francisco Ruvalcaba and Ana Ruvalcaba

Chapter 13

#24.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Ruvalcaba

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Ana Ruvalcaba

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-16753 Luis G Calleros and Jenene E Calleros

Chapter 13

#25.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 67

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 6-29-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis G Calleros

Represented By
Sundee M Teeple

Joint Debtor(s):

Jenene E Calleros

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-16777 Jett Edmen Weems and Loreyne Weems

Chapter 13

#26.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 100

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-2-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jett Edmen Weems

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Loreyne Weems

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-17541 Bruce Leichty and Kathryn Anne Leichty

Chapter 13

#27.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 77

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce Leichty

Represented By
Paul Y Lee

Joint Debtor(s):

Kathryn Anne Leichty

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-18308 Gerardo Guillermo Hernandez and Dolores Judith

Chapter 13

#28.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 49

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-13-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerardo Guillermo Hernandez

Represented By
Glenn Ward Calsada

Joint Debtor(s):

Dolores Judith Hernandez

Represented By
Glenn Ward Calsada

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-18583 Dennis Brian Young and Rhea Leih Young

Chapter 13

#29.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 64

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dennis Brian Young

Represented By
Dana Travis

Joint Debtor(s):

Rhea Leih Young

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-18861 Nicholas H Coffey and Kathryn J Coffey

Chapter 13

#30.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 112

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-7-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicholas H Coffey

Represented By
Paul Y Lee

Joint Debtor(s):

Kathryn J Coffey

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-19797 Mario Nelson Ramos Portillo

Chapter 13

#31.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 50

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario Nelson Ramos Portillo

Represented By
James G. Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-20451 Joey Manuel Gonzalez and Cindy Lee Gonzalez

Chapter 13

#32.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 71

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-12-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joey Manuel Gonzalez

Represented By
Todd L Turoci

Joint Debtor(s):

Cindy Lee Gonzalez

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:18-20486 Robert Lawrence Furman

Chapter 13

#33.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Lawrence Furman

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-10134 Paul Lewis Krenz and Tricia Marie Krenz

Chapter 13

#34.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 64

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Lewis Krenz

Represented By
Paul Y Lee

Joint Debtor(s):

Tricia Marie Krenz

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-10532 Alicia Mendez

Chapter 13

#35.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 70

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-15-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Mendez

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-10891 Luz Mejia and Manuel Mejia

Chapter 13

#36.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 42

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luz Mejia

Represented By
Jane Cervantes

Joint Debtor(s):

Manuel Mejia

Represented By
Jane Cervantes

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-13668 Michael Joseph Diaz, Jr. and Wendy Lynn Diaz

Chapter 13

#37.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 41

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-18-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Joseph Diaz Jr.

Represented By
Seema N Sood

Joint Debtor(s):

Wendy Lynn Diaz

Represented By
Seema N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-13690 Juan Jose Zambrano and Lorena Zambrano

Chapter 13

#38.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 37

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 6-29-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Jose Zambrano

Represented By
Ronald W Ask

Joint Debtor(s):

Lorena Zambrano

Represented By
Ronald W Ask

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-14076 Paul J Johnson

Chapter 13

#39.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 42

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-12-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul J Johnson

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-14326 Jaime Mercado Oceguedo and Bilma Mendez

Chapter 13

#40.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 54

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-28-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaime Mercado Oceguedo

Represented By
James G. Beirne

Joint Debtor(s):

Bilma Mendez

Represented By
James G. Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-14427 Ubaldo Antonio Rivas and Aura Nineth Rivas

Chapter 13

#41.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 63

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-2-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ubaldo Antonio Rivas

Represented By
Matthew D. Resnik

Joint Debtor(s):

Aura Nineth Rivas

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-14628 Charlene Bolanos

Chapter 13

#42.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 68

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-1-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charlene Bolanos

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-15310 Theresa Wendy Miller

Chapter 13

#43.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 52

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 6-30-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Theresa Wendy Miller

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-17029 Jose A. Hernandez Garcia

Chapter 13

#44.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 70

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-15-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose A. Hernandez Garcia

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-17241 Christina M Lares

Chapter 13

#45.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 61

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-28-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christina M Lares

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-17691 Raymond Perea and Linda Perea

Chapter 13

#46.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 60

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-18-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Perea

Represented By
Nicholas M Wajda

Joint Debtor(s):

Linda Perea

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-18460 Jose Luis Pulido

Chapter 13

#47.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 92

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-15-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Pulido

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-18723 Javier Olmos

Chapter 13

#48.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 53

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-14-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Javier Olmos

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-18783 Thereseann Katherine Olivo

Chapter 13

#49.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 56

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thereseann Katherine Olivo

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-18922 Ishmael Renie Montes

Chapter 13

#50.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 49

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-13-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ishmael Renie Montes

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-19244 Ernest Palmer and Sarah Louise Palmer

Chapter 13

#51.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 72

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-26-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ernest Palmer

Represented By
Scott Kosner

Joint Debtor(s):

Sarah Louise Palmer

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-20862 Geoffrey Pasley

Chapter 13

#52.00 Hearing
RE: [62] Trustee's Motion to Dismiss Case . (Danielson (TR), Rod)

Docket 62

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-15-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Geoffrey Pasley

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-21084 Martin Castellanos Romo and Xochilh J Castellanos

Chapter 13

#53.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 80

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Castellanos Romo

Represented By
Paul Y Lee

Joint Debtor(s):

Xochilh J Castellanos

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:19-21177 Derik A. Dill

Chapter 13

#54.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 83

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 6-24-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Derik A. Dill

Represented By
Christine A Kingston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:20-10815 Tatanisha Juandalynn Player

Chapter 13

#55.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 45

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-6-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tatanisha Juandalynn Player

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:20-10881 Aristides Eliseo Navarrete and Doris Beatriz Navarrete

Chapter 13

#56.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 62

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aristides Eliseo Navarrete

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Doris Beatriz Navarrete

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:20-13153 Francisco Salcedo

Chapter 13

#57.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 50

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-14-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Salcedo

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:20-13164 Shontae Hill

Chapter 13

#58.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shontae Hill

Represented By
M. Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:20-14028 Henry Albert Ramirez and Alison Marie Wright

Chapter 13

#59.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 38

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 6-28-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henry Albert Ramirez

Represented By
Dana Travis

Joint Debtor(s):

Alison Marie Wright

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:20-14135 William Thomas Behrend, Jr. and Tina Marie Behrend

Chapter 13

#60.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 60

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Thomas Behrend Jr.

Represented By
Christopher Hewitt

Joint Debtor(s):

Tina Marie Behrend

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:20-15661 Jose Jesus Nungaray

Chapter 7

#61.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 49

*** VACATED *** REASON: CASE CONVERTED 7-21-21 TO
CHAPTER 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Jesus Nungaray

Represented By
L. Tegan Rodkey

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:20-15875 Rose Ann Bomentre

Chapter 13

#62.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 49

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-18-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rose Ann Bomentre

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:20-16813 Christian Adan Montoya and Iris Magana

Chapter 13

#63.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 40

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-18-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christian Adan Montoya

Represented By
Paul Y Lee

Joint Debtor(s):

Iris Magana

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, July 30, 2021

Hearing Room 304

1:00 PM

6:20-16877 Hugh Alexander Duncan

Chapter 13

#64.00 Hrg re trustee's motion to dismiss case regarding tax returns/refunds

Docket 38

***** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 7-18-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hugh Alexander Duncan

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 2, 2021

Hearing Room 304

11:00 AM

6:21-13781 Jaspreet Singh

Chapter 7

#1.00 Hrg re dismissal of case for failure to make required payments

Docket 1

***** VACATED *** REASON: FEE INSTALLMENT PAID 7-27-21**

Party Information

Debtor(s):

Jaspreet Singh

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 2, 2021

Hearing Room 304

2:00 PM

6:20-11537 Asif Aziz

Chapter 7

Adv#: 6:20-01108 NextGear Capital v. Aziz

#2.00 Pre-Trial conference: re complaint to determine dischargeability of debt

FROM: S/C 9-3-20, P/T 5-13-20, 6-3-21, 6-9-21, 6-16-21, 7-7-21, 7-26-21

Docket 1

Party Information

Debtor(s):

Asif Aziz

Represented By
Dominic Afzali

Defendant(s):

Asif Aziz

Represented By
Dominic Afzali
Matthew Abbasi

Plaintiff(s):

NextGear Capital

Represented By
Tom Roddy Normandin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 2, 2021

Hearing Room 304

2:00 PM

6:20-11537 Asif Aziz

Chapter 7

Adv#: 6:20-01108 NextGear Capital v. Aziz

#3.00 Hrg re order to show cause regarding why the answer of the defendant should not be stricken and judgment entered in favor of the plaintiff

FROM: 6-3-21, 6-9-21, 6-16-21, 7-7-21, 7-26-21

Docket 1

Party Information

Debtor(s):

Asif Aziz

Represented By
Dominic Afzali

Defendant(s):

Asif Aziz

Represented By
Dominic Afzali
Matthew Abbasi

Plaintiff(s):

NextGear Capital

Represented By
Tom Roddy Normandin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

1:00 PM

6:18-19790 Linda Rene Basquez

Chapter 7

#1.00 Hrg re chapter 7 trustee's omnibus motion for order partially disallowing the following claims as unsupported claims, or, alternatively, as excessive

Claim No. 8 - Vanessa Gutierrez
Claim No. 9 - Kevin Thanh Bui
Claim No. 10 - Alisha Cruzan
Claim No. 11 - Diane De George
Claim No. 12 - Bridget Dorn
Claim No. 13 - Tracy Ferris
Claim No. 14 - David Fishbeck
Claim No. 15 - Apelu Douglas Foisaga
Claim No. 16 - Anthony Hapeman
Claim No. 17 - Steven Hill
Claim No. 18 - Robert Klunk
Claim No. 19 - Alisa Koh
Claim No. 20 - Jane Laxamana
Claim No. 21 - Ramon Mascorro
Claim No. 22 - Kent Morgan
Claim No. 23 - Mary Newton
Claim No. 24 - Maria David Panaligan
Claim No. 25 - Tyla Catena
Claim No. 26 - Mariel Saldana
Claim No. 27 - Gagik Shaverdian
Claim No. 28 - Joe Strange
Claim No. 29 - David Randolph Wooster
Claim No. 30 - Hanyu Xie
Claim No. 31 - Danielle Starkman
Claim No. 32 - Christopher Stamas
Claim No. 33 - Sara Jacques

Docket 454

Tentative Ruling:

Prior to the hearing, the parties should review the published cases of In re Heath, 331 B.R. 424 (9th Cir. BAP 2005) and In re Campbell, 336 B.R. 430 (9th Cir.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

1:00 PM

CONT... **Linda Rene Basquez**
2005).

Chapter 7

The parties should be prepared to argue how Heath and Campbell impact the claim objections.

In addition, the Court requests that the trustee be prepared to answer the following questions:

- 1) How much money is the trustee currently holding?
- 2) Are any of the funds held by the trustee encumbered or subject to any exemptions?
- 3) What is the total amount of claims arising under 11 U.S.C. § 726(a)(1)?
- 4) What is the total amount of claims arising under 11 U.S.C. § 726(a)(2)?
- 5) What is the total amount of claims arising under 11 U.S.C. § 726(a)(3)?
- 6) What is the total amount of claims arising under 11 U.S.C. § 726(a)(4)?
- 7) What is the total amount of claims arising under 11 U.S.C. § 726(a)(5)?
- 8) Is there any reason why the trustee cannot proceed forthwith with a motion to pay all claims arising under 11 U.S.C. § 726(a)(2) and (3)?
- 9) Can the trustee itemize the claims arising under 11 U.S.C. § 726(a)(1)?

Party Information

Debtor(s):

Linda Rene Basquez

Represented By
Stuart J Wald

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

1:00 PM

6:19-17430 Christopher Huynh and Sharon Huynh

Chapter 7

#2.00 Hrg re trustee's final report and applications for compensation

Docket 33

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

The Court thanks the trustee for his efforts in this case. The trustee minimized administrative expenses and recovered \$15,000 without hiring counsel. Those efforts maximized the recovery to creditors. Although the percentage to unsecured creditors is not high, creditors would have received nothing but for the efficient work of the trustee. Well done!

Pursuant to the trustee's final report, the following administrative claims will be allowed:

(1) Trustee: fees of \$2,250 and expenses of \$98.70.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Christopher Huynh

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

1:00 PM

CONT... Christopher Huynh and Sharon Huynh

Chapter 7

Marlin Branstetter

Joint Debtor(s):

Sharon Huynh

Represented By

Marlin Branstetter

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

1:00 PM

6:20-15218 Robert Martin Hanson and Wendy Lucille Hanson

Chapter 7

#3.00 Hrg re trustee's final report and applications for compensation

Docket 43

Tentative Ruling:

Final Ruling. No opposition has been filed. This application for compensation has been set for hearing on the notice required by LBR 2016-1(c)(4).
No appearance is necessary.

The Court thanks the trustee for his efforts in this case. The trustee minimized administrative expenses and recovered \$15,000 without hiring counsel. Those efforts maximized the recovery to creditors. Although the percentage to unsecured creditors is not high, creditors would have received nothing but for the efficient work of the trustee. Well done!

Pursuant to the trustee's final report, the following administrative claims will be allowed:

(1) Trustee: fees of \$2,250 and expenses of \$95.47.

The trustee shall prepare and upload a proposed order after the date and time of the hearing but no later than seven days thereafter. *See* LBR 9021-1(b)(1)(B) (stating that proposed orders shall be submitted "within 7 days" of the hearing but "must not be lodged prior to the hearing . . .").

Party Information

Debtor(s):

Robert Martin Hanson

Represented By
Jenny L Doling

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

1:00 PM

CONT... Robert Martin Hanson and Wendy Lucille Hanson

Chapter 7

Joint Debtor(s):

Wendy Lucille Hanson

Represented By
Jenny L Doling

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

1:30 PM

6:18-15514 Roger Frank Wilson and Ernest Dean Spielman

Chapter 7

#4.00 Hrg re motion of cash disbursements by the trustee

FROM: 6-15-21

Docket 0

***** VACATED *** REASON: NOTICE OF WITHDRAWAL FILED 6-17-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roger Frank Wilson

Represented By
Gary J Holt

Joint Debtor(s):

Ernest Dean Spielman

Represented By
Gary J Holt

Trustee(s):

Karl T Anderson (TR)

Represented By
Peter M Schwaetz
R Gibson Pagter Jr.
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

1:30 PM

6:21-10574 Mary Ann Sultan and Howard Allen Sultan

Chapter 7

#5.00 Hrg re motion by chapter 7 trustee to approve compromise of controversy
FROM: 6-15-21

Docket 20

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-2-21;
CONT'D TO 8-31-21 AT 1:30 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Mary Ann Sultan

Represented By
Aaron Lloyd

Joint Debtor(s):

Howard Allen Sultan

Represented By
Aaron Lloyd

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

1:30 PM

6:21-11163 Rhonda Lynn Fletcher

Chapter 7

#6.00 Hrg re motion for redemption

FROM: 6-1-21, 6-15-21

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rhonda Lynn Fletcher

Represented By
Sundee M Teeple

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

1:30 PM

6:21-13859 Dinorah Cruz Reyes

Chapter 7

#7.00 Hrg re dismissal of case for failure to make required payments

Docket 0

***** VACATED *** REASON: FEE INSTALLMENT PAID 7-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dinorah Cruz Reyes

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

1:30 PM

6:20-14160 Gilbert C Ramirez, Jr. and Patricia M Ramirez

Chapter 7

#7.01 Hrg re chapter 7 trustee's motion for order: (A) Authorizing sale of assets of the debtors bankruptcy estate, free and clear of liens, claims and encumbrances; and (B) Approving compromise of controversy

FROM: 7-27-21

Docket 178

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert C Ramirez Jr.

Represented By
Summer M Shaw

Joint Debtor(s):

Patricia M Ramirez

Represented By
Summer M Shaw

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo Cisneros
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

2:00 PM

6:20-17551 CNC Puma Corporation

Chapter 11

#8.00 Hrg re motion for order fixing dates in subchapter V case
FROM: 4-6-21, 4-27-21, 7-20-21

Docket 51

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-2-21;
CONT'D TO 10-15-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CNC Puma Corporation

Represented By
J. Luke Hendrix

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

2:00 PM

6:20-17551 CNC Puma Corporation

Chapter 11

#9.00 Hrg re status conference

FROM: 4-27-21, 7-20-21

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-2-21;
CONT'D TO 10-15-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CNC Puma Corporation

Represented By
J. Luke Hendrix

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

2:30 PM

6:18-16326 Alta Home Care, Inc.

Chapter 7

#10.00 Hrg re trustee's final report and applications for compensation

FROM: 5-18-21, 7-20-21

Docket 119

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alta Home Care, Inc.

Represented By
Justin E Rawlins

Trustee(s):

Arturo Cisneros (TR)

Represented By
Leonard M Shulman
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 3, 2021

Hearing Room 304

3:00 PM

6:18-20185 Carlton P Collins-Cepeda and Charmaine Collins-Cepeda

Chapter 11

#11.00 Hrg re motion closing case on interim basis

FROM: 3-23-21, 6-15-21

Docket 107

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlton P Collins-Cepeda

Represented By
Todd L Turoci

Joint Debtor(s):

Charmaine Collins-Cepeda

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

1:30 PM

6:21-13545 Jason Zepeda and Claudia Zepeda

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 3:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jason Zepeda

Represented By
Andy Nguyen

Joint Debtor(s):

Claudia Zepeda

Represented By
Andy Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

1:30 PM

6:21-13553 Derek Barton

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Derek Barton

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

1:30 PM

6:21-13558 Jose Ibanez Caampued

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Ibanez Caampued

Represented By
Heather J Canning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

1:30 PM

6:21-13582 Justin Gerald Palazzolo

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Justin Gerald Palazzolo

Represented By
Anthony B Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

1:30 PM

6:21-13592 Fabiola del Carmen Chavez

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fabiola del Carmen Chavez

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

1:30 PM

6:21-13625 Mia Suzanne Moyer

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 3

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mia Suzanne Moyer

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, August 4, 2021

Hearing Room 304

2:00 PM

6:18-20242 Stephen Paul Villasenor and Lori Lynn Villasenor

Chapter 13

#7.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 95

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-29-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Paul Villasenor

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Lori Lynn Villasenor

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

2:00 PM

6:19-18783 Thereseann Katherine Olivo

Chapter 13

#8.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 59

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thereseann Katherine Olivo

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

2:00 PM

6:20-12703 Robert Charles Boardman

Chapter 13

#9.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 65

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Charles Boardman

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

2:00 PM

6:19-12977 Jesus Batres Quintero

Chapter 13

#9.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 84

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Batres Quintero

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

2:00 PM

6:19-15112 Josephine Abad Gaerlan

Chapter 13

#9.02 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 68

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Josephine Abad Gaerlan

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

2:00 PM

6:21-13143 Salvador Marron and Maria M Godinez

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 6-14-21; CONT'D TO 11-22-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Marron

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Maria M Godinez

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

2:15 PM

6:18-14391 Mark A. Serrato

Chapter 13

#11.00 Hrg re motion to vacate and set aside order dismissing debtor's chapter 13 case and reinstate the debtor's chapter 12 bankruptcy case nunc pro tunc

FROM: 6-16-21

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark A. Serrato

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

2:15 PM

6:19-17979 Clifford Davis, Sr

Chapter 13

#12.00 Hrg re motion for objection to court claim number five (5-3) filed by Exeter Finance, LLC

FROM: 6-16-21

Docket 59

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clifford Davis

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, August 4, 2021

Hearing Room 304

2:15 PM

6:20-16140 Jose Alejandro Contreras

Chapter 13

#12.01 Hrg re trustee's motion to dismiss case regarding delinquency

ADVANCED FROM 8-14-21

Docket 57

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-30-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Alejandro Contreras

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 4, 2021

Hearing Room 304

2:30 PM

6:21-13707 Sonya Yvonne Wright

Chapter 13

#13.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sonya Yvonne Wright

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

8:30 AM

6:21-11767 Amalia Rivera

Chapter 7

#1.00 Hrg re reaffirmation agreement filed 7-6-21 between Debtor and Santander
COnsumer USA, Inc in the amount of \$4826.84

RE: 14 Toyota Corolla

Docket 9

***** VACATED *** REASON: ORDER CONT ENTERED 7-15-21;
CONT'D TO 8-5-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amalia Rivera

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

8:30 AM

6:21-12092 Johnnie Harper and Carla E. Thomas Harper

Chapter 7

#2.00 Hrg re reaffirmation agreement filed 6-29-21 between Debtor and United Auto Credit Corporation in the amount of \$7,035.97

RE: 2013 Ford Fusion

Docket 20

***** VACATED *** REASON: ORDER DISAPPROVING
REAFFIRMATION AGREEMENT ENTERED 7-30-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Johnnie Harper

Represented By
James D. Hornbuckle

Joint Debtor(s):

Carla E. Thomas Harper

Represented By
James D. Hornbuckle

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

8:30 AM

6:21-12652 Keith Edward Kelley, II

Chapter 7

#3.00 Hrg re reaffirmation agreement filed 6-30-21 between Debtor and Wells Fargo Bank in the amount of \$6,269.00

RE: 2015 Hyundai Elantra

Docket 12

***** VACATED *** REASON: ORDER CONT ENTERED 7-6-21;
CONT'D TO 8-5-21 AT 9:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keith Edward Kelley II	Pro Se
------------------------	--------

Trustee(s):

Robert Whitmore (TR)	Pro Se
----------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

9:00 AM

6:21-11767 Amalia Rivera

Chapter 7

#4.00 Hrg re reaffirmation agreement filed 7-6-21 between Debtor and Santander
COnsumer USA, Inc in the amount of \$4826.84

RE: 14 Toyota Corolla

RESCHEDULED FROM 8:30 A.M. TO 9:00 A.M.

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amalia Rivera

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

9:00 AM

6:21-12652 Keith Edward Kelley, II

Chapter 7

#5.00 Hrg re reaffirmation agreement filed 6-14-21 between Debtor and LBS Financial Credit Union in the amount of \$31,055.07

RE: 2018 Mercedes-Benz

FROM: 7-8-21

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keith Edward Kelley II

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

9:00 AM

6:21-12652 Keith Edward Kelley, II

Chapter 7

#6.00 Hrg re reaffirmation agreement filed 6-30-21 between Debtor and Wells Fargo Bank in the amount of \$6,269.00

RE: 2015 Hyundai Elantra

RESCHEDULED FROM 8:00 A.M. TO 9:00 A.M.

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keith Edward Kelley II

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

10:00 AM

6:20-17506 Gary Outzen

Chapter 7

#7.00 Motion for relief from stay or, in the alternative, for an order compelling abandonment of real property

FRANK AND KARYN OXANDABOURINE VS DEBTOR

Property: 42164 Moonridge Road, Big Bear Lake, A 92315
[Real Prop] Summer Shaw, attorney/movant

Docket 138

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Outzen

Represented By
Todd L Turoci

Trustee(s):

Lynda T. Bui (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

10:30 AM

6:18-20286 Philmar Care, LLC

Chapter 7

Adv#: 6:21-01055 Ehrenberg v. P&M Management, Inc., a California corporation; et

#8.00 Status conference re: Complaint for (1) Recovery of money/property - 542 turnover of property; (2) Recovery of money/property - 547 preference; (3) Recovery of money/property - 548 fraudulent transfer; and (4) Recovery of money/property - other

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philmar Care, LLC

Represented By
Ashley M McDow

Defendant(s):

P&M Management, Inc., a	Pro Se
P and M Healthcare Holdings, Inc.,	Pro Se
P&M Holdings Corporation, a	Pro Se
Mesa Glen Holdings, LLC a	Pro Se
Sela Healthcare, Inc., a California	Pro Se
Silverscreen Healthcare, Inc., a	Pro Se
Philip R Weinberger	Pro Se
Marylynn Mahan	Pro Se

Plaintiff(s):

Howard M Ehrenberg

Represented By
Steven Werth
Asa S Hami
Daniel A Lev

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

10:30 AM

CONT... Philmar Care, LLC

Chapter 7

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Kim O Dincel
Claire K Wu
Asa S Hami

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

10:30 AM

6:19-16968 Leon Richard Mays

Chapter 7

Adv#: 6:21-01052 Anderson v. Mays et al

#9.00 Status conference re: Complaint to revoke discharge

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leon Richard Mays

Represented By
W. Derek May

Defendant(s):

Leon Richard Mays

Pro Se

Darryl W. Daniels

Pro Se

Joint Debtor(s):

Darryl W Daniels

Represented By
W. Derek May

Plaintiff(s):

Karl T. Anderson

Represented By
Claudia Coleman
Tinho Mang

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

10:30 AM

6:19-19620 George Armando Saucedo

Chapter 7

Adv#: 6:21-01049 Bui v. Ramirez

#10.00 Status conference re: Complaint for (1) Declaratory relief; (2) Constructive trust; (3) Quiet title; and (4) Turnover of property of the estate

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

George Armando Saucedo

Represented By
Daniel R Shapiro

Defendant(s):

Jose L. Ramirez

Pro Se

Joint Debtor(s):

Julia Saucedo

Represented By
Daniel R Shapiro

Plaintiff(s):

Lynda T. Bui

Represented By
Brandon J Iskander

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

10:30 AM

6:20-13093 Corey Michael Popik
Adv#: 6:21-01048 Simons (TR) v. Juarez

Chapter 7

#11.00 Status conference re: Complaint to: (1) Obtain declaratory relief as to ownership of real property and (2) Authorize sale of property owned in part by non-debtor

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corey Michael Popik

Represented By
Norma Duenas

Defendant(s):

Dalila Juarez

Pro Se

Plaintiff(s):

Larry D. Simons (TR)

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

10:30 AM

6:20-16331 Eugene Thomas Chan

Chapter 7

Adv#: 6:21-01051 Cisneros, solely in his capacity as the chapter 7 v. Chan et al

#12.00 Status conference re: Complaint: (1) To avoid fraudulent transfer; (2) To avoid unauthorized post-petition transfer; (3) To recover and preserve fraudulent transfer; and (5) To recover and preserve unauthorized post-petition transfer

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eugene Thomas Chan

Represented By
James D. Hornbuckle

Defendant(s):

Eugene Thomas Chan

Pro Se

Rene Caccavale-Zambel

Pro Se

Plaintiff(s):

Arturo M Cisneros, solely in his

Represented By
Nathan F Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Nathan F Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

10:30 AM

6:21-10776 Michael Marts

Chapter 7

Adv#: 6:21-01064 Wadler v. Marts

#13.00 Status conference re: Complaint objecting to entry of discharge

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Marts

Represented By
Ryan S Carrigan

Defendant(s):

Michael Marts

Pro Se

Plaintiff(s):

Wayne Wadler

Represented By
Dawn Kirk

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

10:30 AM

6:21-11746 Allan Wagner

Chapter 13

Adv#: 6:21-01054 Wagner et al v. Hamilton & Associates, APC et al

#14.00 Status conference re: Complaint for damages resulting from willful and continuing violations of the automatic stay

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allan Wagner

Represented By
Jonathan D Doan

Defendant(s):

Hamilton & Associates, APC

Pro Se

Ben-Thomas Hamilton

Pro Se

John Delisi

Pro Se

Plaintiff(s):

Allan Wagner

Represented By
Karen S Spicker

Liang Wang

Represented By
Karen S Spicker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

10:30 AM

6:21-12148 Lisa Rochelle Williams

Chapter 7

Adv#: 6:21-01063 Lucky Group (HK) Limited, Inc. v. Williams

#15.00 Status conference re: Complaint to determine nondischareability of debtor and denial of discharge

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lisa Rochelle Williams

Represented By
Todd L Turoci

Defendant(s):

Lisa Rochelle Williams

Pro Se

Plaintiff(s):

Lucky Group (HK) Limited, Inc.

Represented By
Peter T Steinberg

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

1:30 PM

6:10-16163 Lawrence Eugene Forester

Chapter 13

Adv#: 6:21-01032 Forester et al v. CITIBANK N.A.

#16.00 Hrg re motion to dismiss amended complaint for failure to state a claim upon which relief can be granted

Docket 18

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-4-21;
CONT'D TO 9-2-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Defendant(s):

CITIBANK N.A.

Represented By
Jillian A Benbow

Joint Debtor(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Plaintiff(s):

Vicki Lovell Forester

Represented By
Andrew S Bisom

Lawrence Eugene Forester

Represented By
Andrew S Bisom

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

1:30 PM

CONT... Lawrence Eugene Forester

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

2:00 PM

6:18-19730 Vario Corp.

Chapter 7

Adv#: 6:21-01037 Bui et al v. SPG Advance LLC, a New York Limited Liability Comp

#17.00 Hrg re motion for judgment on the pleadings

FROM: 7-8-21

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Defendant(s):

SPG Advance LLC, a New York

Represented By
Jason B Komorsky

Lazer Preizler

Represented By
Jason B Komorsky

Burech Weinstock

Pro Se

Plaintiff(s):

Lynda Bui

Represented By
Ryan D O'Dea
Elmer D Martin III
Leonard M Shulman

East West Bank

Represented By
Elmer D Martin III
Curtis C. Jung

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 5, 2021

Hearing Room 304

2:00 PM

CONT... Vario Corp.

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, August 6, 2021

Hearing Room 304

10:00 AM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:18-01245 Karl T. Anderson CPA, Inc. v. Georgia Department of Revenue and Lynnette

#1.00 Trial re: Complaint for (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfers; (3) Disallowance of claims held by defendants

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 7-1-21**

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

Georgia Department of Revenue and

Represented By
Charles Tsai
David Carson

Plaintiff(s):

Karl T. Anderson CPA, Inc.

Represented By
Judith E Marshack

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw
Cionca IP Law P C

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, August 6, 2021

Hearing Room 304

11:00 AM

6:21-13781 Jaspreet Singh

Chapter 7

#2.00 Hrg re dismissal of case for failure to make required payments

Docket 1

Party Information

Debtor(s):

Jaspreet Singh

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Friday, August 6, 2021

Hearing Room 304

11:00 AM

6:21-13859 Dinorah Cruz Reyes

Chapter 7

#3.00 Hrg re dismissal of case for failure to make required payments

Docket 0

Party Information

Debtor(s):

Dinorah Cruz Reyes

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 12, 2021

Hearing Room 304

1:30 PM

6:19-18467 Romulo Loera

Chapter 7

Adv#: 6:20-01004 Troy Daul and Andrea Daul Trustees of the Troy Dau v. Loera

#1.00 Pre-trial conference re complaint to determine dischargeability and objecting to discharge

FROM: S/C 4-9-20, 5-7-20, 7-2-20, 7-23-20, 8-6-20, P/T 2-11-21

Docket 1

***** VACATED *** REASON: ORDER CONT ENTERED 4-6-21;
CONT'D TO 10-14-21 AT 1:30 P.M.**

Party Information

Debtor(s):

Romulo Loera

Represented By
Douglas A Crowder

Defendant(s):

Romulo Loera

Pro Se

Plaintiff(s):

Troy Daul and Andrea Daul Trustees

Represented By
Douglas A Plazak

Philip A. Radmer and Rita J.

Represented By
Douglas A Plazak

Mark A. Gilleland and Shirlee I.

Represented By
Douglas A Plazak

Trustee(s):

Larry D Simons (TR)

Represented By
David Seror

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 12, 2021

Hearing Room 304

1:30 PM

6:19-18467 Romulo Loera

Chapter 7

Adv#: 6:20-01004 Troy Daul and Andrea Daul Trustees of the Troy Dau v. Loera

#2.00 Hrg re order to show cause regarding why the answer of the defendant should not be stricken and judgment entered in favor of the plaintiff

FROM: S/C 7-23-20, 8-6-20, 2-11-21

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER 7-19-21; CONT'D
TO 10-14-21 AT 1:30 P.M.**

Party Information

Debtor(s):

Romulo Loera

Represented By
Douglas A Crowder

Defendant(s):

Romulo Loera

Pro Se

Plaintiff(s):

Troy Daul and Andrea Daul Trustees

Represented By
Douglas A Plazak

Philip A. Radmer and Rita J.

Represented By
Douglas A Plazak

Mark A. Gilleland and Shirlee I.

Represented By
Douglas A Plazak

Trustee(s):

Larry D Simons (TR)

Represented By
David Seror

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 12, 2021

Hearing Room 304

1:30 PM

6:20-14390 Long Hung Ha

Chapter 7

Adv#: 6:20-01143 Moon v. Ha

#3.00 Hrg re order to show cause regarding why the answer of the defendant should not be stricken and judgment entered in favor of the plaintiff

FROM: 1-14-21

Docket 0

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-19-21; CONT'D TO 8-26-21 AT 2:00 P.M.**

Party Information

Debtor(s):

Long Hung Ha

Represented By
Leslie A Cohen

Defendant(s):

Long Hung Ha

Represented By
Andrew S Cho

Plaintiff(s):

Jeong Moon

Represented By
Christine Ham
Andrew S Cho

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 12, 2021

Hearing Room 304

1:30 PM

6:20-14390 Long Hung Ha

Chapter 7

Adv#: 6:20-01143 Moon v. Ha

#4.00 Pre-trial conference re: Complaint objecting and seeking exception to discharge of debtor

FROM: S/C 12-3-20, 1-14-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-19-21; CONT'D TO 8-26-21 AT 2:00 P.M.**

Party Information

Debtor(s):

Long Hung Ha

Represented By
Leslie A Cohen

Defendant(s):

Long Hung Ha

Represented By
Andrew S Cho

Plaintiff(s):

Jeong Moon

Represented By
Christine Ham
Andrew S Cho

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 12, 2021

Hearing Room 304

1:30 PM

6:20-14884 Oscar Pillado

Chapter 7

Adv#: 6:20-01161 Bui v. Pillado

#5.00 Pre-Trial conference re: Complaint for (1) Avoidance of intentional fraudulent transfers and recovery of same; (2) Avoidance of constructive fraudulent transfer and recovery of same; (3) Disallowance of claim; (4) Unjust enrichment; and (5) Turnover of property of the estate

FROM: S/C 12-3-20, 3-11-21, 4-15-21

Docket 1

***** VACATED *** REASON: ORDER CONT'D ENTERED 6-3-21;
CONT'D TO 10-14-21 AT 1:30 P.M.**

Party Information

Debtor(s):

Oscar Pillado

Represented By
Eva M Hollands

Defendant(s):

Beatriz Pillado

Pro Se

Plaintiff(s):

Lynda T. Bui

Represented By
Rika Kido

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 12, 2021

Hearing Room 304

2:00 PM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:18-01247 Karl T. Anderson CPA, Inc. v. United States of America, Department of the

#6.00 Pre-Trial conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfers; (3) Disallowance of claims held by defendants

FROM: S/C 4-11-19, P/T 12-5-19, 6-25-25, 9-19-20

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 7-23-21**

Party Information

Debtor(s):

Universal Surveillance Systems,	Represented By Jeffrey I Golden
---------------------------------	------------------------------------

Defendant(s):

United States of America,	Pro Se
---------------------------	--------

Plaintiff(s):

Karl T. Anderson CPA, Inc.	Represented By Judith E Marshack
----------------------------	-------------------------------------

Trustee(s):

Karl T Anderson (TR)	Represented By Richard A Marshack Judith E Marshack Matthew Grimshaw
----------------------	---

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 12, 2021

Hearing Room 304

4:00 PM

6:15-14301 Jose Quines Yolo and Ameurfina Tolentino Yolo

Chapter 13

#7.00 Hrg re motion to continue case administration and appointment of Joahanna Yolo as the representative for deceased debtors and for waiver to complete financial management course due to death of both debtors

FROM: 11-18-20, 1-15-21, 2-26-21, 5-13-21

Docket 75

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED 7-16-21**

Party Information

Debtor(s):

Jose Quines Yolo

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Ameurfina Tolentino Yolo

Represented By
Hasmik Jasmine Papian

Movant(s):

Jose Quines Yolo

Represented By
Hasmik Jasmine Papian
Hasmik Jasmine Papian

Ameurfina Tolentino Yolo

Represented By
Hasmik Jasmine Papian
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 16, 2021

Hearing Room 304

10:00 AM

6:20-16712 Urania Ursa Banks

Chapter 13

#1.00 Confirmation of Chapter 13 Plan

FROM: 12-2-20, 3-8-21, 3-8-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-4-21;
CONT'D TO 8-26-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Urania Ursa Banks

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 16, 2021

Hearing Room 304

10:00 AM

6:20-16712 Urania Ursa Banks

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-18-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-4-21;
CONT'D TO 8-26-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Urania Ursa Banks

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 16, 2021

Hearing Room 304

10:00 AM

6:20-16714 Alma Rosa Amaya

Chapter 13

#3.00 Confirmation of Chapter 13 Plan

FROM: 12-2-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-4-21;
CONT'D TO 8-26-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Alma Rosa Amaya

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 16, 2021

Hearing Room 304

10:00 AM

6:20-16714 Alma Rosa Amaya

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 11-18-20

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-4-21;
CONT'D TO 8-26-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Alma Rosa Amaya

Represented By
Stephen S Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 16, 2021

Hearing Room 304

10:00 AM

6:20-16923 Dennis E. Anderson and Kathleen A. Anderson

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

FROM: 12-9-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-4-21;
CONT'D TO 8-26-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Dennis E. Anderson

Represented By
Joselina L Medrano

Joint Debtor(s):

Kathleen A. Anderson

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 16, 2021

Hearing Room 304

10:00 AM

6:20-16923 Dennis E. Anderson and Kathleen A. Anderson

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 11-18-20

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-4-21;
CONT'D TO 8-26-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Dennis E. Anderson

Represented By
Joselina L Medrano

Joint Debtor(s):

Kathleen A. Anderson

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 16, 2021

Hearing Room 304

10:30 AM

6:18-14772 David Wayne Hillyer and Kathleen Annette Clelland

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

FROM: 7-31-19, 10-4-19, 1-17-20, 2-21-20, 9-8-20, 1-11-21

Docket 79

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-4-21;
CONT'D TO 8-26-21 AT 10:30 A.M.**

Party Information

Debtor(s):

David Wayne Hillyer

Represented By
Douglas A Plazak

Joint Debtor(s):

Kathleen Annette Clelland

Represented By
Douglas A Plazak

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 16, 2021

Hearing Room 304

10:30 AM

6:20-10633 Hyun Joo Thompson

Chapter 13

#8.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 3-4-20, 6-26-20, 9-24-20, 1-11-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-4-21;
CONT'D TO 8-26-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Hyun Joo Thompson

Represented By
Krystina T Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 16, 2021

Hearing Room 304

10:30 AM

6:20-10633 Hyun Joo Thompson

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

FROM: 3-25-20, 6-26-20, 9-24-20, 1-11-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-4-21;
CONT'D TO 8-26-21 AT 10:00 A.M.**

Party Information

Debtor(s):

Hyun Joo Thompson

Represented By
Krystina T Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 17, 2021

Hearing Room 304

1:00 PM

6:16-12192 Mark Technologies Corporation

Chapter 7

#1.00 Hrg re mtn for stay pending appeal of order on final fee application and related chapter 7 trustee's final report

Docket 640

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-15-21; CONT'D TO 8-26-21 AT 1:00 P.M.**

Party Information

Debtor(s):

Mark Technologies Corporation

Represented By
Eve H Karasik

Trustee(s):

Helen R. Frazer (TR)

Represented By
Elissa Miller
Sulmeyer Kupetz

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, August 17, 2021

Hearing Room 304

1:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#2.00 Hrg re objection to claim number 9 filed by Myung-JA Kang

Docket 335

*** VACATED *** REASON: ORDER ENTERED 8-4-21 REGARDING
CLAIM OBJECTION

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe
Todd Curry

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, August 17, 2021

Hearing Room 304

1:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#3.00 Hrg re objection to claim number 10 filed by Kwang-SA Kang AKA Masahi Okamoto

Docket 336

*** VACATED *** REASON: ORDER ENTERED 8-4-21 REGARDING
CLAIM OBJECTION

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe
Todd Curry

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, August 17, 2021

Hearing Room 304

1:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#4.00 Hrg re objection to claim number 11 filed by Choong-Dae Kang

Docket 337

*** VACATED *** REASON: ORDER ENTERED 8-4-21 REGARDING
CLAIM OBJECTION

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe
Todd Curry

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, August 17, 2021

Hearing Room 304

1:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#5.00 Hrg re objection claim number 12 filed by Choon-Dae Kang

Docket 338

*** VACATED *** REASON: ORDER ENTERED 8-4-21 REGARDING
CLAIM OBJECTION

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe
Todd Curry

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, August 17, 2021

Hearing Room 304

1:00 PM

6:17-17472 Aguina Aguina

Chapter 7

#6.00 Hrg re objection to claim number 13 filed by Choong-Dae Kang

Docket 339

*** VACATED *** REASON: ORDER ENTERED 8-4-21 REGARDING
CLAIM OBJECTION

Party Information

Debtor(s):

Aguina Aguina

Represented By
W. Derek May
Melissa Davis Lowe
Todd Curry

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 17, 2021

Hearing Room 304

1:00 PM

6:18-19730 Vario Corp.

Chapter 7

#7.00 Hrg re motion for order approving settlement and compromise

Docket 265

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-2-21;
CONT'D TO 8-26-21 AT 1:00 P.M.**

Party Information

Debtor(s):

Vario Corp.

Represented By
Michael Y Lo

Trustee(s):

Lynda T. Bui (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 17, 2021

Hearing Room 304

1:00 PM

6:19-13044 Accelerating Ministries

Chapter 7

#8.00 Hrg re final fees and or expenses

Docket 309

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-2-21;
CONT'D TO 8-26-21 AT 1:00 P.M.**

Party Information

Debtor(s):

Accelerating Ministries

Represented By
Michael Jay Berger
Amelia Puertas-Samara

Trustee(s):

Todd A. Frealy (TR)

Represented By
Philip A Gasteier
Carmela Pagay
William Brown III

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, August 17, 2021

Hearing Room 304

1:00 PM

6:19-20259 Josue Martinez and Mayra Nataly Martinez

Chapter 7

#9.00 Hrg re trustee's final report and applications for compensation

Docket 32

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-15-21; CONT'D TO 8-26-21 AT 1:00 P.M.

Party Information

Debtor(s):

Josue Martinez

Represented By
Edward G Topolski

Joint Debtor(s):

Mayra Nataly Martinez

Represented By
Edward G Topolski

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 17, 2021

Hearing Room 304

1:00 PM

6:20-14445 Gregory Naulls and Carmen Naulls

Chapter 7

#10.00 Hrg re trustee's final report and application for compensation

Docket 30

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-15-21; CONT'D TO 8-26-21 AT 1:00 P.M.**

Party Information

Debtor(s):

Gregory Naulls

Represented By
Andy Nguyen

Joint Debtor(s):

Carmen Naulls

Represented By
Andy Nguyen

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 17, 2021

Hearing Room 304

1:00 PM

6:20-15543 Keith R Adams and Linda M Adams

Chapter 7

#11.00 Hrg re trustee's final report and application for compensation

Docket 45

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-15-21; CONT'D TO 8-26-21 AT 1:00 P.M.**

Party Information

Debtor(s):

Keith R Adams

Represented By
Paul Y Lee

Joint Debtor(s):

Linda M Adams

Represented By
Paul Y Lee

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 17, 2021

Hearing Room 304

1:00 PM

6:20-15903 Esperanza Salguero

Chapter 7

#12.00 Hrg re trustee's final report and application for compensation

Docket 26

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-15-21; CONT'D TO 8-26-21 AT 1:00 P.M.**

Party Information

Debtor(s):

Esperanza Salguero

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Todd A. Frealy (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Tuesday, August 17, 2021

Hearing Room 304

1:00 PM

6:21-13502 Wilson Gomer MD Professional Medical Corporation

Chapter 11

#13.00 Hrg re application to employ Law Offices of J. Turner Law Group

Docket 29

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-19-21; CONT'D TO 8-26-21 AT 1:00 P.M.

Party Information

Debtor(s):

Wilson Gomer MD Professional

Represented By
Jason E Turner

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Tuesday, August 17, 2021

Hearing Room 304

2:00 PM

6:21-10556 Global Pacific Management, LLC

Chapter 11

#14.00 Hrg re motion to dismiss case for lack of bankruptcy counsel or, alternatively

Docket 27

***** VACATED *** REASON: CASE DISMISSED 8-4-21**

Party Information

Debtor(s):

Global Pacific Management, LLC

Represented By
J. Luke Hendrix

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

1:30 PM

6:20-17399 Clare Bersola Geli

Chapter 13

#1.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-21-21; CONT'D TO 11-22-21 AT 4:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clare Bersola Geli

Represented By
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

1:30 PM

6:21-13707 Sonya Yvonne Wright

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-21-21; CONT'D TO 11-22-21 AT 4:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sonya Yvonne Wright

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

1:30 PM

6:21-13798 Brian Stanley and Susan Stanley

Chapter 13

#3.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-21-21; CONT'D TO 11-22-21 AT 4:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian Stanley

Represented By
Sundee M Teeple

Joint Debtor(s):

Susan Stanley

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

1:30 PM

6:21-13879 Quincy Lamont Taylor

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-21-21; CONT'D TO 11-22-21 AT 4:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Quincy Lamont Taylor

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

1:30 PM

6:21-13873 Lacrezia Carmella Hewitt

Chapter 13

#4.01 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-3-21;
CONT'D TO 11-22-21 AT 4:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lacrezia Carmella Hewitt

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:19-16999 Patrick Sanches and Agripina Sanches

Chapter 13

#5.00 Hrg re trustee's motion for order dismissing chapter 13 proceeding due to infeasibility of plan

Docket 64

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-13-21; CONT'D TO 9-15-21 AT 2:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patrick Sanches

Represented By
Todd L Turoci

Joint Debtor(s):

Agripina Sanches

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:20-16140 Jose Alejandro Contreras

Chapter 13

#6.00 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 57

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-29-21; ADVANCED TO 8-4-21 AT 2:15 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Alejandro Contreras

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:20-12235 Denise Cuevas

Chapter 13

#6.01 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 49

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Denise Cuevas

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:17-15371 Juana Gonzalez

Chapter 13

#6.02 Hrg re trustee's motion to dismiss case regarding delinquency

Docket 87

*** VACATED *** REASON: NTC OF VOLUNTARY DISMISSAL
FILED 8-11-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juana Gonzalez

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:21-13243 Maximino Fragoso

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 6-29-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maximino Fragoso

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:21-13364 Rodolfo Paredes Robles and Erica Paredes

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rodolfo Paredes Robles

Represented By
Dana Travis

Joint Debtor(s):

Erica Paredes

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:21-13374 Esther Reyes

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: CASE DISMISSED 7-7-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Esther Reyes

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:21-13488 Charles S. Dice

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles S. Dice

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:21-13494 Kiedryn D. Carter

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kiedryn D. Carter

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:21-13545 Jason Zepeda and Claudia Zepeda

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jason Zepeda

Represented By
Andy Nguyen

Joint Debtor(s):

Claudia Zepeda

Represented By
Andy Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:21-13553 Derek Barton

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Derek Barton

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:21-13558 Jose Ibanez Caampued

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Ibanez Caampued

Represented By
Heather J Canning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:21-13582 Justin Gerald Palazzolo

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Justin Gerald Palazzolo

Represented By
Anthony B Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:21-13592 Fabiola del Carmen Chavez

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fabiola del Carmen Chavez

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:00 PM

6:21-13625 Mia Suzanne Moyer

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

Docket 3

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-6-21;
CONT'D TO 11-22-21 AT 2:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mia Suzanne Moyer

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:30 PM

6:16-18384 Beverly Mary Langdon

Chapter 13

#18.00 Motion for relief from stay

REVERSE MORTGAGE FUNDING VS DEBTOR

Property: 31242 Orange Ave, Nuevo, CA 92567
[Real Prop] Sean C. Ferry, attorney/movant

Docket 70

***** VACATED *** REASON: ORDER CONT ENTERED 8-12-21;
CONT'D TO 9-29-21 AT 2:45 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Beverly Mary Langdon

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Wednesday, August 18, 2021

Hearing Room 304

2:30 PM

6:21-13740 Salvador Colchado G

Chapter 13

#19.00 Motion for relief from stay

2ND CHANCE MORTGAGES VS DEBTOR

Property: 1097 San Antonio Dr., Suite 23, Colton, CA 92324
[UD] William E. Windham, attorney/movant

Docket 23

***** VACATED *** REASON: ORDER REGARDING THE MOTION
FOR RELIEF FROM THE AUTOMATIC STAY ENTERED 8-16-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Colchado G

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Wednesday, August 18, 2021

Hearing Room 304

2:30 PM

6:21-13882 Tammy Marie Sprague

Chapter 13

#20.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 16

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-16-21; CONT'D TO 9-15-21 AT 2:45 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tammy Marie Sprague

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 19, 2021

Hearing Room 304

10:00 AM

6:20-13919 Donald Ray Paulson

Chapter 7

#1.00 Motion for relief from stay

CITIGROUP MORTGAGE LOAN TRUST VS DEBTOR

Property: 31473 Florida Street, Redlands, CA 92373
[Real Prop] Austin P. Nagel, attorney/movant

Docket 79

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-17-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Ray Paulson

Represented By
Ronald W Ask

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang
Garcia Reed & Ramirez LLP
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 19, 2021

Hearing Room 304

10:00 AM

6:20-18158 Blake Vincent Collins

Chapter 7

#2.00 Motion for relief from stay

WELLS FARGO BANK VS DEBTOR

Property: 2019 Ford Truck F250 Super Duty
[Personal Prop] Joseph C Delmonte, attorney/movant

Docket 34

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-17-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Blake Vincent Collins

Represented By
James P Doan

Movant(s):

Wells Fargo Bank, N.A., d/b/a Wells

Represented By
Josephine E Salmon

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 19, 2021

Hearing Room 304

10:00 AM

6:21-13447 Heun Hee Bae

Chapter 7

#3.00 Motion for relief from stay

CAB WEST VS DEBTOR

Property: 2018 Ford Escape
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 23

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-17-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Heun Hee Bae

Represented By
David Marh

Movant(s):

Cab West, LLC

Represented By
Sheryl K Ith

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 19, 2021

Hearing Room 304

10:00 AM

6:21-13552 Renee Michelle Allred

Chapter 7

#4.00 Motion for relief from stay

AMERICAN HONDA FINANCE VS DEBTOR

Property: 2018 Honda Accord
[Personal Prop] Vincent V. Frounjian, attorney/movant

Docket 9

***** VACATED *** REASON: ORDER REGARDING THE MOTION
ENTERED 8-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Renee Michelle Allred

Represented By
Seema N Sood

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 19, 2021

Hearing Room 304

1:30 PM

6:19-18467 Romulo Loera

Chapter 7

Adv#: 6:20-01144 Simons v. Loera

#5.00 Pre-Trial conference re: Complaint to avoid and recover fraudulent transfer for the benefit of the estate

FROM: S/C 12-3-20, P/T 5-13-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-19-21; CONT'D TO 8-19-21 AT 1:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Romulo Loera

Represented By
Douglas A Crowder

Defendant(s):

Maria Loera

Represented By
Susan Jill Wolf

Plaintiff(s):

Larry D Simons

Represented By
Tamar Terzian

Trustee(s):

Larry D Simons (TR)

Represented By
David Seror

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Thursday, August 19, 2021

Hearing Room 304

1:30 PM

6:20-13093 Corey Michael Popik

Chapter 7

Adv#: 6:21-01048 Simons (TR) v. Juarez

#6.00 Hrg re motion for default judgment

Docket 9

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 8-9-21;
CONT'D TO 8-26-21 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corey Michael Popik

Represented By
Norma Duenas

Defendant(s):

Dalila Juarez

Pro Se

Plaintiff(s):

Larry D. Simons (TR)

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-10875 Kashif Khan and Monica Cruz

Chapter 7

#1.00 Confirmation of Chapter 13 Plan

FROM: 4-21-21

Docket 3

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
7-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kashif Khan

Represented By
Sundee M Teeple

Joint Debtor(s):

Monica Cruz

Represented By
Sundee M Teeple

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-10875 Kashif Khan and Monica Cruz

Chapter 7

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-7-21

Docket 3

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
7-12-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kashif Khan

Represented By
Sundee M Teeple

Joint Debtor(s):

Monica Cruz

Represented By
Sundee M Teeple

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11015 Michelle F. Allan

Chapter 13

#3.00 Confirmation of Chapter 13 Plan

FROM: 4-21-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle F. Allan

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11015 Michelle F. Allan

Chapter 13

#4.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-7-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle F. Allan

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11027 Brian E Scott

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

FROM: 4-21-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian E Scott

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11027 Brian E Scott

Chapter 13

#6.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-7-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian E Scott

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11030 Perry C Robertson

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

FROM: 4-21-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Perry C Robertson

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11030 Perry C Robertson

Chapter 13

#8.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-7-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Perry C Robertson

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11047 Salvador Marron Valadez and Maria Godinez Aceves

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

FROM: 4-21-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 4-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Marron Valadez

Represented By
Clay E Presley

Joint Debtor(s):

Maria Godinez Aceves

Represented By
Clay E Presley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11047 Salvador Marron Valadez and Maria Godinez Aceves

Chapter 13

#10.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-7-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 4-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Marron Valadez

Represented By
Clay E Presley

Joint Debtor(s):

Maria Godinez Aceves

Represented By
Clay E Presley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11050 Rovinski Renter

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

FROM: 4-21-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 4-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rovinski Renter

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11050 Rovinski Renter

Chapter 13

#12.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-7-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 4-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rovinski Renter

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11058 George Pirsko and Rachel Pirsko

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

FROM: 4-21-21

Docket 6

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

George Pirsko

Represented By
Sundee M Teeple

Joint Debtor(s):

Rachel Pirsko

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11058 George Pirsko and Rachel Pirsko

Chapter 13

#14.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-7-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

George Pirsko

Represented By
Sundee M Teeple

Joint Debtor(s):

Rachel Pirsko

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11065 Joseph Robert Carter and Natilee Susanne Carter

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

FROM: 4-21-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Robert Carter

Represented By
Paul Y Lee

Joint Debtor(s):

Natilee Susanne Carter

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11065 Joseph Robert Carter and Natilee Susanne Carter

Chapter 13

#16.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-7-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Robert Carter

Represented By
Paul Y Lee

Joint Debtor(s):

Natilee Susanne Carter

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11067 Cirilo Sahagun Blanche, Jr. and Jocelyn Rebong Blanche

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

FROM: 4-21-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cirilo Sahagun Blanche Jr.

Represented By
Michael E Clark

Joint Debtor(s):

Jocelyn Rebong Blanche

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

1:30 PM

6:21-11067 Cirilo Sahagun Blanche, Jr. and Jocelyn Rebong Blanche

Chapter 13

#18.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-7-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cirilo Sahagun Blanche Jr.

Represented By
Michael E Clark

Joint Debtor(s):

Jocelyn Rebong Blanche

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11184 Pascual Liera, Jr.

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

FROM: 5-5-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pascual Liera Jr.

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11184 Pascual Liera, Jr.

Chapter 13

#20.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-21-21

Docket 2

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 11:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pascual Liera Jr.

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11189 Daniel Allen West and Yokarine West

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

FROM: 5-5-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Allen West

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Yokarine West

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11189 Daniel Allen West and Yokarine West

Chapter 13

#22.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-21-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Allen West

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Yokarine West

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11210 Kevin Hargrove

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

FROM: 5-5-21

Docket 6

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Hargrove

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11210 Kevin Hargrove

Chapter 13

#24.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 4-21-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Hargrove

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11225 Christopher John Uttecht

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

FROM: 5-5-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 5-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher John Uttecht

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11225 Christopher John Uttecht

Chapter 13

#26.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-21-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 5-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher John Uttecht

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11229 Lillian Baker

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

FROM: 5-5-21

Docket 1

*** VACATED *** REASON: CASE DISMISSED 7-20-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lillian Baker

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11229 Lillian Baker

Chapter 13

#28.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-21-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 7-20-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lillian Baker

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11332 Minh The Doan

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

FROM: 5-5-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Minh The Doan

Represented By
Lyly Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11332 Minh The Doan

Chapter 13

#30.00 Hrg re status conference regarding confirmation of the chapter 13 plan

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 7-23-21; CONT'D TO 9-1-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Minh The Doan

Represented By
Lyly Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11381 Keith Alan Fairbrother

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

FROM: 5-5-21

Docket 1

*** VACATED *** REASON: CASE DISMISSED 5-3-21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keith Fairbrother

Represented By
Dennis A Rasmussen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, August 23, 2021

Hearing Room 304

2:30 PM

6:21-11381 Keith Alan Fairbrother

Chapter 13

#32.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 4-21-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 5-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keith Fairbrother

Represented By
Dennis A Rasmussen

Trustee(s):

Rod Danielson (TR)

Pro Se