

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 1, 2020

Hearing Room 303

11:00 AM

6:16-17737 Oraib Innabi

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1550 Bison St., Upland, CA 91784-9234

MOVANT: WILMINGTON TRUST, NATIONAL ASSOCIATION

EH__

Docket 88

***** VACATED *** REASON: ORDER GRANTING RELIEF ENTERED
ON 11/17/20 (DOC. 92)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oraib Innabi

Represented By
Julie J Villalobos

Movant(s):

Wilmington Trust, National

Represented By
Dipika Parmar
Dane W Exnowski
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:18-12727 Maria Perez

Chapter 13

#2.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 909 Zola Circle Las Vegas, Nevada 89145

MOVANT: U.S. BANK NATIONAL ASSOCIATION

From: 11/24/20

EH__

(Tele. appr. Kirsten Martinez rep. creditor, U.S. Bank National Association)

Docket 48

Tentative Ruling:

12/1/2020

Service: Proper

Opposition: None

Parties to apprise the Court of the status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Maria Perez

Represented By
Christopher J Langley
Michael Smith

Movant(s):

U.S. Bank National Association, as

Represented By
Austin P Nagel

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CONT... Maria Perez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 303

11:00 AM

6:18-17886 Ricky Antonio Scott and Shemida Shiloni Scott

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1657 Via Verde Drive, Rialto, CA 92377 Under 11 U.S.C. § 362.

MOVANT: WELLS FARGO BANK, NATIONAL ASSOCIATION

EH__

Docket 55

Tentative Ruling:

12/1/2020

Service: Proper

Opposition: None

There being no opposition filed, service appearing proper, the Court, finding cause shown, is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT requests under ¶ 2;
- GRANT waiver of Rule 4001(a)(3) stay;
- DENY alternative request under ¶ 13 as MOOT;

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Ricky Antonio Scott

Represented By
Eva M Hollands

Joint Debtor(s):

Shemida Shiloni Scott

Represented By
Eva M Hollands

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CONT... Ricky Antonio Scott and Shemida Shiloni Scott

Chapter 13

Movant(s):

Wells Fargo Bank, National

Represented By
Joseph C Delmotte
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

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11:00 AM

6:19-16979 Flor Aguilar

Chapter 13

#4.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Honda Civic VIN No.2HGFC4B03GH308986

MOVANT: JPMORGAN CHASE BANK

From: 11/3/20

EH__

Docket 59

***** VACATED *** REASON: ORDER GRANTING STIPULATION
ENTERED 11/23/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Flor Aguilar

Represented By
Rabin J Pournazarian

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Joseph C Delmotte

Trustee(s):

Rod Danielson (TR)

Pro Se

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Hearing Room 303

11:00 AM

6:19-18080 Jose C Aguiar and Maria Fatima Aguiar

Chapter 13

#5.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 25283 Minnetonka Court, Moreno Valley, CA 92553

MOVANT: FREEDOM MORTGAGE CORPORATION

From 10/20/20

EH__

(Tele. appr. Donna Travis, rep. Debtors)

Docket 30

Tentative Ruling:

10/20/2020

Service: Proper

Opposition: Yes

Parties to apprise the Court of the status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose C Aguiar

Represented By
Dana Travis

Joint Debtor(s):

Maria Fatima Aguiar

Represented By
Dana Travis

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CONT... Jose C Aguiar and Maria Fatima Aguiar

Chapter 13

Movant(s):

Freedom Mortgage Corporation

Represented By
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

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11:00 AM

6:20-11253 Jennifer Isabella Solares

Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Toyota Camry, VIN: 4T1BF1FK8HU308636

MOVANT: AMERICREDIT FINANCIAL SERVICES

EH__

(Tele. appr. Sheryl Ith, rep. creditor GM Financial)

Docket 62

Tentative Ruling:

12/1/2020

Service: Proper

Opposition: None

For the reasons set forth in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT waiver of FRBP 4001(a)(3) stay;
- GRANT request under ¶ 2;
- DENY alternative request under ¶ 6 as MOOT;

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jennifer Isabella Solares

Represented By
Rabin J Pournazarian

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By

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CONT... Jennifer Isabella Solares

Sheryl K Ith

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

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11:00 AM

6:20-11946 Michelle Cadena Quinn

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3656 N Valley Court, San Bernardino, California 92407

MOVANT: U.S. BANK TRUST NATIONAL ASSOCIATION

EH__

(Tele. appr. Jennifer Tanios, rep. Debtor)

Docket 52

Tentative Ruling:

12/1/2020

**Service: Proper
Opposition: None**

Parties to apprise the Court of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michelle Cadena Quinn

Represented By
Steven A Alpert

Movant(s):

U.S. Bank Trust National

Represented By
Erica T Loftis Pacheco

Trustee(s):

Rod Danielson (TR)

Pro Se

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11:00 AM

6:20-12194 Claudia P. Contreras

Chapter 13

#8.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 49072 Pluma Verde Place, Coachella, CA 92236

MOVANT: HSBC BANK USA

From 10/20/20

EH__

(Tele. appr. Sean Ferry, rep. creditor HSBC Bank USA)

Docket 38

Tentative Ruling:

10/20/2020

Service: Proper

Opposition: Yes

Parties to apprise Court of status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Claudia P. Contreras

Represented By
Daniel C Sever

Movant(s):

HSBC Bank USA, N.A.

Represented By
Sean C Ferry

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CONT... Claudia P. Contreras

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

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11:00 AM

6:20-15559 Jaime Benitez-Lugo

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Kia Sorento

MOVANT: FLAGSHIP CREDIT ACCEPTANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Flagship Credit Acceptance)

Docket 8

Tentative Ruling:

12/1/2020

Service: Proper

Opposition: None

11 U.S.C. § 362(h) provides in part:

(h)(1) In a case in which the debtor is an individual, *the stay provided by subsection (a) is terminated with respect to personal property* of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate *if the debtor fails within the applicable time set by section 521(a)(2)—*

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

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CONT... Jaime Benitez-Lugo

Chapter 7

(B) to take timely the action specified in such statement, as it may be amended before expiration of the period for taking action, unless such statement specifies the debtor's intention to reaffirm such debt on the original contract terms and the creditor refuses to agree to the reaffirmation on such terms.

11 U.S.C. § 362(h)(1)(A),(B) (emphasis added).

11 U.S.C. §521(a)(2)(B) sets forth the applicable time to perform the action specified in the statement of intention:

(B) within 30 days after the first date set for the meeting of creditors under section 341(a), or within such additional time as the court, for cause, within such 30-day period fixes, perform his intention with respect to such property, as specified by subparagraph (A) of this paragraph;

11 U.S.C. §521(a)(2)(B). (emphasis added).

Here, although Debtor has selected to retain the Kia by entering into a reaffirmation agreement, there is no evidence of a reaffirmation agreement on the record. As the deadline to perform such intention has passed pursuant to 11 U.S.C. § 521(a)(2)(B), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jaime Benitez-Lugo

Represented By
Carey C Pickford

Movant(s):

Flagship Credit Acceptance LLC

Represented By
Sheryl K Ith

Trustee(s):

Larry D Simons (TR)

Pro Se

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CONT... Jaime Benitez-Lugo

Chapter 7

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6:20-16100 Jesus Solis

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Toyota Prius

MOVANT: TOYOTA LEASE TRUST

EH__

(Tele. appr. Kirsten Martinez, rep. creditor, Toyota Lease Trust)

Docket 17

Tentative Ruling:

12/1/2020

Service: Proper

Opposition: None

11 U.S.C. § 365 governs the assumption of leases. 11 U.S.C. 365(d)(1) provides that if a lease is not assumed within sixty days of filing the petition, it is deemed rejected. Specifically, the statute states:

In a case under chapter 7 of this title, *if the trustee does not assume* or reject an executory contract or *unexpired lease* of residential real property or *of personal property of the debtor within 60 days after the order for relief*, or within such additional time as the court, for cause, within such 60-day period, fixes, then such contract or *lease is deemed rejected*.

11 U.S.C. 365(d)(1) (emphasis added).

Consequently, 11 U.S.C. 365(p)(1) provides that such leased property is no longer subject to the stay:

If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the

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CONT...

Jesus Solis

Chapter 7

stay under [section 362\(a\)](#) is automatically terminated.

11 U.S.C. 365(p)(1).

Debtor filed his petition on September 4, 2020. As the deadline to assume the lease expired on November 3, 2020, the Toyota is no longer property of the estate. Accordingly, the stay as to the Toyota is automatically terminated pursuant to 11 U.S.C. 365(p)(1). Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jesus Solis

Represented By
Edgar P Lombera

Movant(s):

Toyota Lease Trust, as serviced by

Represented By
Kirsten Martinez

Trustee(s):

Steven M Speier (TR)

Pro Se

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6:20-16491 Renisha Rena Riggs

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 Nissan Altima

MOVANT: HLS OF NEVADA

EH__

(Tele. appr. Christina Khil, rep. creditor, HLS of Nevada)

Docket 12

Tentative Ruling:

12/1/2020

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request for adequate protection as MOOT;

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Renisha Rena Riggs

Represented By
Hector Vega

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CONT... Renisha Rena Riggs

Chapter 7

Movant(s):

HLS of Nevada d.b.a. Nevada West

Represented By
Christina J Khil

Trustee(s):

Charles W Daff (TR)

Pro Se

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11:00 AM

6:20-16753 Bertha Alicia Aguilera

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2020 Toyota Corolla

MOVANT: TOYOTA LEASE TRUST

EH__

(Tele. appr. Kirsten Martinez, rep. creditor, Toyota Lease Trust)

Docket 7

Tentative Ruling:

12/1/2020

Service: Proper

Opposition: None

For the reasons set forth in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Bertha Alicia Aguilera

Represented By
Ricardo Gomez

Movant(s):

Toyota Lease Trust, as serviced by

Represented By
Austin P Nagel

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CONT... Bertha Alicia Aguilera

Chapter 7

Trustee(s):

Howard B Grobstein (TR)

Pro Se

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11:00 AM

6:20-16768 Roderick Harlan Friloux and Rebecca Andrade-Friloux

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Honda Accord, VIN: 1HGCR2F57EA267284

MOVANT: AMERICREDIT FINANCIAL SERVICES INC

EH__

(Tele. appr. Sheryl Ith, rep. creditor GM Financial)

Docket 8

Tentative Ruling:

12/1/2020

Service: Proper

Opposition: None

For the reasons set forth in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request for adequate protection as MOOT;

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Roderick Harlan Friloux

Represented By
Tina H Trinh

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CONT... Roderick Harlan Friloux and Rebecca Andrade-Friloux

Chapter 7

Joint Debtor(s):

Rebecca Andrade-Friloux

Represented By
Tina H Trinh

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Sheryl K Ith

Trustee(s):

Howard B Grobstein (TR)

Pro Se

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Hearing Room 303

11:00 AM

6:20-17102 Michel M. Gerges and Meryan A. Soliman

Chapter 7

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Honda Pilot, VIN: 5FNY F5H3 9HB0 38580

MOVANT: HONDA LEASE TRUST

EH__

(Tele. appr. Vincent Frounjian, rep. creditor, Honda Lease Trust)

Docket 8

Tentative Ruling:

12/1/2020

**Service: Proper
Opposition: None**

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Michel M. Gerges

Represented By
Stuart G Steingraber

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CONT... Michel M. Gerges and Meryan A. Soliman

Chapter 7

Joint Debtor(s):

Meryan A. Soliman

Represented By
Stuart G Steingraber

Movant(s):

Honda Lease Trust

Represented By
Vincent V Frounjian

Trustee(s):

Karl T Anderson (TR)

Pro Se

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11:00 AM

6:20-17128 Bertha Liza Higareda

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Honda Civic, VIN: 2HGF C3B3 9JH3 56536

MOVANT: HONDA LEASE TRUST

EH__

(Tele. appr. Vincent Frounjan, rep. creditor, Honda Lease Trust)

Docket 8

Tentative Ruling:

12/1/2020

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request for adequate protection as MOOT;

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Bertha Liza Higareda

Represented By
Daniel King

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CONT... Bertha Liza Higareda

Chapter 7

Movant(s):

Honda Lease Trust

Represented By
Vincent V Frounjian

Trustee(s):

Robert Whitmore (TR)

Pro Se

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Hearing Room 303

2:00 PM

6:10-40660 Raymond Babcock and Susan Babcock

Chapter 11

#16.00 Motion for Entry of Discharge

EH__

Also #17

Docket 246

Tentative Ruling:

Hearing: 12/1/2020

Service: None

Opposition: None

BACKGROUND:

Raymond and Susan Babcock ("Debtors") filed a chapter 11 voluntary petition on December 9, 2010. The Court entered the order confirming Debtors' fourth amended chapter 11 plan (the "Plan") on July 19, 2012. Dkt. No. 166. On June 28, 2012, the Court entered an order conditioning a discharge on the completion of all plan payments. Debtors filed a motion on June 6, 2013 seeking to modify the Court's discharge terms. Dkt. No. 185. At the hearing on June 25, 2013, the motion was denied without prejudice. Dkt. No. 197.¹

On April 11, 2014, the Court entered a final decree and closed the case.

Debtors reopened the case on November 7, 2020. Now, in the instant motion, Debtors move for a discharge. Dkt. No. 246. The Court notes Debtors have not included a proof of service.

With respect to obtaining a discharge, the Plan, in Section II, page 4 states:

Under this Plan, the Babcocks shall be discharged of liability for payment of debts incurred before confirmation of the Plan, to the greatest extent possible

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CONT...

Raymond Babcock and Susan Babcock

Chapter 11

as specified in 11 U.S.C. § 1141, unless such liabilities are specified for treatment under this Plan, and then only to the extent of the treatment hereunder. Discharge will be entered with regard to each claim upon the completion of all payments due under this Plan on account of such claim. The Babcocks reverse the right to move the Court, after notice and hearing, for entry of discharge for cause on an alternative basis and timetable. To the extent that the Babcocks do not currently have *in personam* liability for such a claim, this Plan does not create any such liability.

Debtors have completed almost all the plan payments. With respect to class 5, payments will be satisfied with the pending sale of the property located at 32815 Kendal Court, Menifee, CA ("Kendal Property") (the subject of Dkt. No. 247). All that remains, thereafter, is the class 4 claim, belonging to Bank of N.Y. Mellon, which consists of mortgage payments amortized over a thirty-year period since 2012 on the property located at 30761 Young Dove Street, Menifee, CA ("Young Dove Property"). Regardless of the outstanding mortgage payments, Debtors assert two alternative grounds in support of an early discharge. Debtors contend they have shown cause pursuant to 11 U.S.C. § 1141(d)(5)(A), and in addition, they have met all the elements under 11 U.S.C. § 1141(d)(5)(B).

DISCUSSION:

11 U.S.C. § 1141(d)(5)(A) provides:

- (5) In a case in which the debtor is an individual--
(A) **unless after notice and a hearing the court orders otherwise for cause, confirmation of the plan does not discharge any debt** provided for in the plan until the court grants a discharge on completion of all payments under the plan;

11 U.S.C. § 1141(d)(5)(A) (emphasis added).

As an initial matter, there being no proof of service, the Court determines that the requirement for "notice" has not been met. Accordingly, the Court cannot grant this motion. Notwithstanding, the Court discusses whether Debtors have satisfied the

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CONT... Raymond Babcock and Susan Babcock

Chapter 11

requirement for "cause" pending proof of notice.

Scant case law exists to determine what constitutes "cause" under Section 1141(d)(5) (A). The Court has identified two cases that are the most relevant to the issue. First, there is the decision by the court in *In re Shreidan*, 391 B.R. 287 (Bankr. E.D.N.C. 2008) to grant an early discharge. In doing so, the court stated it was persuaded that cause existed based on "the likelihood that the debtors will make all of their plan payments and the assurance, in the form of collateral, that creditors will receive the amount they have been promised even if the plan payments are not made." *Id.* at 291.

Additionally, in *In re Belcher*, the court discusses the legislative intent underlying the "cause" requirement:

More in keeping with the intent of this section would be a determination of "cause" for granting a discharge after payment of the sixty payments to the Distribution Fund to satisfy the obligation of the Plan to general unsecured creditors with dischargeable claims against the debtor, *see, e.g., In re Brown*, 2008 WL 4817505, *1 (Bankr.D.D.C. October 29, 2008) ("[T]he plan provides for monthly mortgage payments to continue on the debtor's various mortgage debts. Those payments might last for many years, and ... I do not believe that [§ 1141(d)(5)(A)] was written with those types of payments to mortgagees in mind."), but prior to completion of payments due on the educational loans or the Debtors' long term mortgage obligations. Such a conclusion avoids the patently unreasonable result noted in *Johnson*, 402 B.R. at 855, that individual chapter 11 debtors could not obtain a discharge until all such long term obligations had been satisfied, a result which would not conform with chapter 13 practice concerning the timing of the issuance of an order of discharge, but fly directly in its face. Such a determination also protects those creditors whose interests are impaired by the confirmed plan without endangering the interests of those creditors not needing such protection.

In re Belcher, 410 B.R. 206, 217–18 (Bankr. W.D. Va. 2009) (quotations and citations in original).

Here, Debtors present a scenario much like the one discussed by the *Belcher* court and

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CONT... **Raymond Babcock and Susan Babcock**

Chapter 11

referred to in *Johnson*. Although Debtors only discuss the need for Susan Babcock to move forward in its showing for cause, it is apparent the contention to move forward rests on the fact that discharge cannot be granted until after all mortgage payments amortized over thirty-years are paid to the class 4 creditor. Debtors have already completed their payments to unsecured creditors; only payments on a mortgage to a secured creditor remain. Like the creditors in *In re Sheridan*, Bank of N.Y. Mellon is secured by collateral. Additionally, the class 5 creditor remains secured pending the sale of the Kendal Property. Furthermore, it appears Debtors have consistently paid their mortgage. On these facts, the Court finds cause sufficient to grant a discharge pursuant to 11 U.S.C. § 1141(d)(5)(A), and therefore will not consider discharge under 11 U.S.C. § 1141(d)(5)(B).

TENTATIVE RULING:

Debtors to address the "notice" issue.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Raymond Babcock

Represented By

Ali E Galam - DISBARRED -
Stuart J Wald

Joint Debtor(s):

Susan Babcock

Represented By

Ali E Galam - DISBARRED -
Stuart J Wald

Movant(s):

Susan Babcock

Represented By

Ali E Galam - DISBARRED -
Stuart J Wald

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6:10-40660 Raymond Babcock and Susan Babcock

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#17.00 Motion for Order in Aid of Consummation of Plan

EH ____

Also #16

Docket 247

Tentative Ruling:

Hearing: 12/1/2020

Service: Proper

Opposition: None

BACKGROUND:

Raymond and Susan Babcock ("Debtors") filed a chapter 11 voluntary petition on December 9, 2010. The Court entered the order confirming Debtors' fourth amended chapter 11 plan (the "Plan") on July 19, 2012. Dkt. No. 166. On June 28, 2012, the Court entered an order conditioning a discharge on the completion of all plan payments. On April 11, 2014, the Court entered a final decree and closed the case.

Debtors reopened the case on November 7, 2020 and moved for a discharge (Dkt. No. 246) simultaneously with the filing of the instant motion, *For Order In Aid of Consummation of Plan*. Dkt. No. 247. Debtors have completed almost all the plan payments. Debtors are in the process of satisfying the class 5 secured creditor by selling its security, the property located at 32815 Kendal Court, Menifee, CA ("Kendal Property"). The title company seeks assurance that the junior lien on the Kendal Property, which is held and secured by a deed of trust in Residential Funding Company, LLC ("Creditor") is avoided.

The Court takes judicial notice of a stipulation entered into on December 29, 2011 between Debtors and Creditor, which states, in relevant part:

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The avoidance of Creditor's Second Deed of Trust is contingent upon the Debtors' completion of their Chapter 11 plan with regard to Creditor and the Debtors' receipt of a Chapter 11 discharge.

Dkt. No. 77. An order approving the stipulation was entered on January 18, 2012.

Under the Plan, Creditor's claim is treated as a Class 7 unsecured claim, bifurcated pursuant to 11 U.S.C. § 506(a), and entitled to a pro rata share of the \$60,000 intended for unsecured creditors. This amount has since been distributed.

TENTATIVE RULING:

There being no opposition filed, notice appearing proper, the Court is inclined to GRANT the motion and confirm that upon discharge, as it is the Court's intention to grant such discharge (*See* Matter 16 before the Court), the Creditor's junior lien is AVOIDED.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Raymond Babcock

Represented By

Ali E Galam - DISBARRED -
Stuart J Wald

Joint Debtor(s):

Susan Babcock

Represented By

Ali E Galam - DISBARRED -
Stuart J Wald

Movant(s):

Susan Babcock

Represented By

Ali E Galam - DISBARRED -
Stuart J Wald

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6:17-15816 Integrated Wealth Management Inc

Chapter 11

Adv#: 6:19-01177 Issa v. Pisano

#18.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01177. Complaint by J. Michael Issa against Anthony Pisano. (13 (Recovery of money/property - 548 fraudulent transfer)) (Ignatuk, Joseph)

From: 2/25/20, 4/28/20, 6/9/20, 7/21/20, 8/25/20, 9/29/20, 11/24/20

EH__

Docket 1

***** VACATED *** REASON: ORDER TO 1/20/21 BY ORDER
ENTERED ON 11/17/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Defendant(s):

Anthony Pisano

Represented By
Scott P Schomer

Plaintiff(s):

J. Michael Issa

Represented By
Joseph R Ignatuk

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6:18-10155 Jose De Jesus Hernandez

Chapter 11

#19.00 CONT. Debtor's Motion for Entry of Final Decree (Federal Bankruptcy Rule 3022)

From: 10/13/20, 11/24/20

EH_____

Docket 253

***** VACATED *** REASON: CONTINUED TO 12/15/20 AT 2:00 P.M. BY
ORDER ENTERED ON 11/12/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose De Jesus Hernandez

Represented By
Eric Bensamochan

Movant(s):

Jose De Jesus Hernandez

Represented By
Eric Bensamochan
Eric Bensamochan
Eric Bensamochan
Eric Bensamochan
Eric Bensamochan

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6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#20.00 Debtor's Motion for Approval of Global Settlement and Release Between Debtor, Greg Del Gado, Bruce Gordon, Stuart Furman, Lois Beckman, Gema Ptasinski, Mary Anne Benzakein, Mike Rusnak, Maria Lozzano, Karen Emery, Jean Kryger, Oscar Brambila, Markel American Insurance Company and Allied World Specialty Insurance Company

Also #21

EH__

(Tele. appr Joshua Franklin rep. Bruce Gordon and Oscar Brambila)

(Tele. appr. Jason Komorsky, rep

Docket 816

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall
Steven T Gubner
Jason B Komorsky

Movant(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
David M Goodrich
Beth Gaschen
Beth Gaschen

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CONT...

Visiting Nurse Association of the Inland Counties

Chapter 11

Jennifer Vicente
Jennifer Vicente
Ryan W Beall
Ryan W Beall
Steven T Gubner
Steven T Gubner
Jason B Komorsky
Jason B Komorsky

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6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#21.00 Debtor's Motion For Good Faith Determination Regarding Global Settlement And Release Between Debtor, Greg Del Gado, Bruce Gordon, Stuart Furman, Lois Beckman, Gema Ptasinski, Mary Anne Benzakein, Mike Rusnak, Maria Lozzano, Karen Emery, Jean Kryger, Oscar Brambila, Markel American Insurance Company And Allied World Specialty Insurance Company [Cal. Civ. Proc. Code § 877.6]

Also #20

EH__

Docket 822

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall
Steven T Gubner
Jason B Komorsky

Movant(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
David M Goodrich
Beth Gaschen
Beth Gaschen
Jennifer Vicente
Jennifer Vicente

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Visiting Nurse Association of the Inland Counties

Chapter 11

Ryan W Beall

Ryan W Beall

Steven T Gubner

Steven T Gubner

Jason B Komorsky

Jason B Komorsky

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6:20-15400 Fasttrak Foods, LLC

Chapter 11

#22.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 9/29/20, 11/24/20

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fasttrak Foods, LLC

Represented By
Crystle Jane Lindsey
James R Selth
Daniel J Weintraub

Trustee(s):

Caroline Renee Djang

Pro Se