

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

11:00 AM

**1:16-10655 Sandra B Perez**

**Chapter 7**

Adv#: 1:16-01081 Cesar v. Perez

**#1.00** Status Conference re: Complaint

fr. 8/3/16, 11/9/16

Docket No: 1

**Tentative Ruling:**

The parties should advise as to their availability for a firm trial date on one of the foillowing days at 9:30 am:

Janury 9, 10, 13, 23, 27

Feb. 21

<b>Party Information</b>
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**Debtor(s):**

Sandra B Perez

Represented By  
Chirnese L Liverpool

**Defendant(s):**

Sandra B Perez

Pro Se

**Plaintiff(s):**

Rhodier Cesar

Represented By  
Silvio Nardoni

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**US Trustee(s):**

United States Trustee (SV)

Pro Se

United States Bankruptcy Court  
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11:00 AM

1:16-12791 Menco Pacific, Inc.

Chapter 11

Adv#: 1:16-01140 Menco Pacific, Inc. v. Blumenthal

■  
#2.00 Status Conference re: First Amended Complaint  
For 1. Avoidance, Recovery, and Preservation of  
Intentional Fraudulent Transfers; 2. Avoidance,  
Recovery, and Preservation of Constructive  
Fraudulent Transfers; and 3. Avoidance, Recovery,  
and Preservation of Preferential Transfers

Docket No: 4

\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 12/15/16 at  
11:00 a.m. - jc

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Menco Pacific, Inc.

Represented By  
Jeffrey S Shinbrot

**Defendant(s):**

Jon Blumenthal

Pro Se

**Plaintiff(s):**

Menco Pacific, Inc.

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
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11:00 AM

**1:12-14347 Michael T. Stoller**

**Chapter 7**

Adv#: 1:12-01281 Terino v. Stoller

■  
**#3.00** Pre-Trial Conference on Complaint for  
Nondischargeability of debt pursuant to  
11 USC Sec. 523 (a)(2)(A) and Sec.  
523(a)(4) to bar discharge.

fr. 10/17/2012, 11/28/12, 4/5/13, 5/22/13,  
9/25/13, 1/22/14, 3/26/14, 6/25/14, 10/29/14,  
3/18/15, 7/1/15; 10/21/15; 3/2/16; 6/15/16,  
9/14/16

Docket No: 1

**\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to 3/15/17 at 11 a.m.**

**- hm**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Michael T. Stoller

Represented By  
Michael S Kogan

**Defendant(s):**

Michael T Stoller

Represented By  
Michael S Kogan

**Joint Debtor(s):**

Vanessa Stoller

Represented By  
Michael S Kogan

**Plaintiff(s):**

Edward O Terino

Represented By  
Michael T Harper

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**CONT... Michael T. Stoller**

**Chapter 7**

**Trustee(s):**

Nancy J Zamora (TR) Pro Se

Nancy J Zamora (TR) Pro Se

**US Trustee(s):**

United States Trustee (SV) Pro Se

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11:00 AM

**1:13-11143 Fabian Hernandez and Carmela Valenzuela**

**Chapter 13**

**#4.00** Motion for relief from stay

WELL FARGO BANK, N.A.

Docket No: 53

**Tentative Ruling:**

Petition Date: 2/20/13

Chapter 13 plan confirmed: 9/18/13

Service: Proper. No opposition filed.

Property: 2233 S. Cloverdale Ave., Los Angeles, CA 90016

Property Value: not listed on Debtor's schedules

Amount Owed: \$587,462.72

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: \$36,567.87 (13 payments, ranging between \$2,716.44 and \$2,894.98)

Movant argues that there is cause for relief under § 362(d)(4), alleging multiple transfers of, and bankruptcies affecting, the subject property. Movant alleges that this is (at least) the ninth bankruptcy affecting the subject property. As Debtors did not list this property on their schedules and did not provide for any related claims in their confirmed plan, it does not appear that these Debtors are involved in the alleged scheme to delay, hinder, or defraud this creditor.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); **9** (relief under § 362(d)(4), *with no finding of bad faith as to Debtors*); and **10** (relief binding and effective for 180 days against any debtor)

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

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CONT... Fabian Hernandez and Carmela Valenzuela

Chapter 13

**Debtor(s):**

Fabian Hernandez

Represented By  
Kenumi T Maatafale

**Joint Debtor(s):**

Carmela Valenzuela

Represented By  
Kenumi T Maatafale

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Jenelle C Arnold

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:15-13322 Hilda Escobedo**

**Chapter 13**

**#5.00** Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket No: 30

**Tentative Ruling:**

Petition Date: 10/2/15

Chapter 13 plan confirmed: 2/8/16

Service: Proper. No opposition filed.

Property: 2010 Cadillac SRX

Property Value: \$18,000 (per debtor's schedules)

Amount Owed: \$21,553.79 (leased vehicle)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$1,375.27 (1 payment of \$293.69; 2 payments of \$540.79)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Hilda Escobedo

Represented By  
Luis G Torres

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Erica T Loftis

**United States Bankruptcy Court  
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**CONT... Hilda Escobedo**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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11:00 AM

**1:16-11028 Yvette E Jacobo and Francisco Garcia**

**Chapter 7**

**#6.00** Motion for relief from stay

CITIMORTGAGE, INC.

Docket No: 44

**Tentative Ruling:**

Petition Date: 4/6/16  
Converted 13 → 7: 8/22/16  
Service: Proper. No opposition filed.  
Property: 37554 Park Forest Court, Palmdale, CA 93552  
Property Value: \$184,000 (per debtor's schedules)  
Amount Owed: \$188,349  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Delinquency: \$16,776.50 (13 payments of \$1,290.50)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Yvette E Jacobo

Represented By  
Phillip Myer

**Joint Debtor(s):**

Francisco Garcia

Represented By  
Phillip Myer

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**CONT... Yvette E Jacobo and Francisco Garcia**

**Chapter 7**

**Movant(s):**

CitiMortgage, Inc.

Represented By  
Jenelle C Arnold

**Trustee(s):**

Diane Weil (TR)

Pro Se

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11:00 AM

**1:16-11401 Diane Russomanno**

**Chapter 7**

**#7.00** Motion for relief from stay

WELLS FARGO BANK NA

Docket No: 42

**Tentative Ruling:**

Petition Date: 5/9/16

Chapter: 7

Service: Proper. No opposition filed.

Property: 22824 Dolorosa St., Woodland Hills, CA 91367

Property Value: \$850,000 (per debtor's schedules)

Amount Owed: \$791,422

Equity Cushion: 6.8%

Equity: \$0.00.

Post-Petition Delinquency: \$95,284.96 (34 payments of \$3,174.36)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Diane Russomanno

Represented By  
Stella A Havkin

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Erica T Loftis

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**CONT... Diane Russomanno**

**Chapter 7**

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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11:00 AM

1:16-12777 Salvador Carrillo

Chapter 13

#7.01 Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket No: 22

\*\*\* VACATED \*\*\* REASON: Re-noticed for 1/4/17 at 11:00 a.m. - jc

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Salvador Carrillo

Represented By  
Luis G Torres

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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11:00 AM

**1:16-12814 Norman Cobangbang**

**Chapter 7**

**#8.00** Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

Docket No: 14

**Tentative Ruling:**

Petition Date: 9/28/16

Chapter: 7

Service: Proper; original borrower served. No opposition filed.

Property: 16711 Parthenia St. #8, Los Angeles, CA 91343

Property Value:\$509,000 (per Movant's evidence; no schedules filed)

Amount Owed: \$759,551.77

Equity Cushion: unk.

Equity: unk.

Delinquency: \$193,690.95 (99 payments of \$2,300.73)

Movant argues that there is cause for relief under § 362(d)(4), alleging multiple transfers of, and bankruptcies affecting, the subject property. Movant alleges that this is (at least) the tenth unauthorized transfer and the eleventh bankruptcy affecting the subject property. The original mortgagor is named Trixia Cobangbang, who is alleged to have made all of the unauthorized transfers. Trixia Cobangbang was also the debtor in two of the previous bankruptcies affecting this property (8:12-13840-MW; 1:09-10627-MT). Given that Debtor in this case shares the same distinctive last name as the mortgagor Trixia Cobangbang, it is likely that Debtor is involved in the alleged scheme to delay, hinder, or defraud this creditor.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); **9** (relief under § 362(d)(4)); and **10** (relief binding and effective for 180 days against any debtor).

DENY relief under **6** (no relief from the co-debtor stay because one does not

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CONT... **Norman Cobangbang** Chapter 7

arise in a ch.7 case); and **11** (such relief requires the filing of an adversary complaint under FRBP 7001).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Norman Cobangbang	Pro Se
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**Movant(s):**

Wilmington Savings Fund Society, FSE	Represented By Kristin A Zilberstein
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**Trustee(s):**

Nancy J Zamora (TR)	Pro Se
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1:15-13375 ESTHER OCAMPO

Chapter 13

#8.01 Motion for relief from stay

CAB WEST, LLC

fr. 11/30/16

Docket No: 42

\*\*\* VACATED \*\*\* REASON: Resolved by APO (doc. 46) - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

ESTHER OCAMPO

Represented By  
R Grace Rodriguez

**Movant(s):**

Cab West, LLC

Represented By  
Sheryl K Ith

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**1:16-13437 Lautala Tupou**

**Chapter 13**

**#8.02** Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate .

Docket No: 10

**Tentative Ruling:**

On Dec. 2, 2016, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 15-12716-MT, was a chapter 13 that was filed on 8/14/16 and dismissed on 11/18/16 for failure to make plan payments.

Debtor now moves for an order continuing/imposing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to make plan payments because, at the time the First Filing was dismissed, she was being evicted and needed to pay for moving expenses, as well as a deposit and first month's rent for her new home. Debtor claims that the presumption of bad faith is overcome as to all creditors per 11 U.S.C. 362(c)(3)(C)(i) because there has been a substantial change in his/her financial affairs. Debtor states that since the First Filing was dismissed, she now has a new place to live and can dedicate her income to making plan payments. Debtor claims that the property is necessary for a successful reorganization because she needs her vehicles.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE REQUIRED DUE TO SHORTENED TIME.

<b>Party Information</b>
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**Debtor(s):**

Lautala Tupou

Represented By  
Luis G Torres

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**1:16-13088 Miriam Claudia Munoz**

**Chapter 13**

**#9.00** Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket No: 19

**Tentative Ruling:**

On October 27, 2016, Debtor filed this chapter 13 case. Debtor had two previous bankruptcy case that was dismissed within the previous year. The First Filing, 16-10042-VK, was a chapter 13 that was filed on 1/7/16 and dismissed on 1/29/16 for failure to file required case commencement documents. The Second Filing, 16-10769-MB, was a chapter 13 that was filed on 3/16/16 and dismissed on 4/4/16 for failure to file required case commencement documents

Debtor now moves for an order imposing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to make plan payments because, at the time the First and Second Filings were dismissed, she was being assisted by a Mr. Silva, who said he could help her save her home from foreclosure. Mr. Silva then proceeded to file two bankruptcies on behalf of Debtor, both of which were dismissed for failure to file all schedules. Mr. Silva also filed two bankruptcies for Debtor's husband, while allegedly attempting to help them obtain a loan modification. Debtor's counsel in this case referred Mr. Silva to the United States Trustee for these alleged actions.

Debtor claims that the presumption of bad faith is overcome as to all creditors per 11 U.S.C. 362(c)(3)(C)(i) because she was victimized by Mr. Silva. Debtor states that she can cure the arrears of approx. \$44,000 within 5 years. Debtor claims that the property is necessary for a successful reorganization because it is her primary residence and she has \$70,345 in equity in the property.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING.

NO APPEARANCE REQUIRED.

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CONT... Miriam Claudia Munoz

Chapter 13

**Debtor(s):**

Miriam Claudia Munoz

Represented By  
Michael Avanesian  
W. Sloan Youkstetter

**Movant(s):**

Miriam Claudia Munoz

Represented By  
Michael Avanesian  
W. Sloan Youkstetter

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:14-12485 Rami Bentov and Osnat Bentov

Chapter 7

#9.01 Motion to Avoid Lien Judicial Lien  
with Donald M. Stone

Docket No: 64

**Tentative Ruling:**

On June 10, 2016, Debtors filed four Motions to Avoid Liens recorded against 6200 Corbin Avenue, Tarzana CA 91356 (the "Property"). In violation of the reverse priority lien avoidance order under In re Hanger, 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997), Debtor sought to avoid the senior liens of Ford Motor Credit Company, NCO Financial, and the 2008 and 2009 liens of Shahrock Tavakoli without avoiding the junior liens of Donald Stone (the "Stone Lien") and Mobile Mini.

On October 21, 2016, the Court on its own motion entered order setting hearing on the Motions to Avoid Liens, requesting Debtors to explain their failure to follow the reverse priority rule in Hanger.

Debtors filed a Supplement Memorandum of Points and Authorities in Response to the Court's Order, but again fails to address the Court's concern. Debtors explained that Donald Stone & Mobile Mini Mart liens were recorded post-discharge (but were for prepetition conduct), while the liens that Debtor seeks to avoid here are pre-discharge. The Court maintained that, under § 522(f), liens must be avoided in reverse priority order. The hearing was continued to allow Debtors to file Motions to Avoid the Stone & Mobile Mini Mart liens, so that the Court could review all liens that Debtors seek to avoid.

On November 8, 2016, Debtors filed the Motions to Avoid Liens of Stone (the "Stone Motion") & Mobile Mini, on negative notice under LBR 9013-1(o). On November 23, 2016, Donald Stone filed a *pro se* Objection. On November 26, 2016, Debtors filed a notice of hearing on the Stone Motion for November 30, 2016. Due to the very short notice provided by Debtors, the Court re-noticed all § 522(f) motions for this date.

Standard

The statutory language of § 522(f) yields a four-part test for avoidance of a lien:

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**CONT... Rami Bentov and Osnat Bentov**

**Chapter 7**

- (1) There must be an exemption to which the debtor "would have been entitled" under subsection (b) of § 522;
- (2) The property must be listed on the debtor's schedules and claimed as exempt;
- (3) The lien at issue must impair the claimed exemption; and
- (4) The lien must be either a judicial lien or another type of lien specified by the statute.

In re Mohring, 142 B.R. 389, 392 (Bankr.E.D.Cal.1992).

Section 522(f) allows a debtor to avoid the fixing of certain liens on an interest of the debtor in property to the extent that such liens impair an exemption to which the debtor would have been entitled under Section 522(b). Section 522(b) provides that a debtor may exempt (1) property under the federal exemptions contained in Section 522(d), unless State law does not so authorize, or (2) property exempt under State or local law, or other federal law.

Because California has opted out of the federal exemption scheme, state law governs the right to an exemption in the first instance. In re Higgins, 201 B.R. 965, 967 (B.A.P. 9th Cir. 1996)(internal citations omitted). Under Cal.Civ.Proc.Code § 703.140(b)(1), pursuant to which the Debtors have claimed the Property exempt, debtors are allowed an exemption for their interest in property used as a residence.

Discussion

In this case, the property at issue was listed on Debtors' schedules and claimed as exempt; and the Stone Lien is a judicial lien. Thus, the second and fourth elements of this test are met. The next inquiry is whether Debtor "would have been entitled" to the exemption under § 522(b), and whether the lien at issue impairs the claimed exemption.

The first element of the test described above is that the debtor "would have been entitled" to the exemption under § 522(b). This language requires the Court to find that the debtor is entitled to the exemption under relevant state or federal law in order to authorize the avoiding of a lien under § 522(f). Under § 522(f), the Court must determine whether the debtor would have been entitled to the exemption in the absence of the lien. In re Morgan, 149 B.R. 147, 153 (B.A.P. 9th Cir. 1993). This

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CONT... **Rami Bentov and Osnat Bentov**

Chapter 7

determination is made as of the date the debtor files bankruptcy. In re Herman, 120 B.R. 127, 130 (9th Cir. BAP 1990). The state of affairs considered by the court is hypothetical, not actual. Owen v. Owen, 500 U.S. 305, 311-312, (1991). Thus, the court must essentially treat the judicial lien as non-existent until the date of the bankruptcy at which time there is a hypothetical attempt to levy on the property by the trustee. See Herman, 120 B.R. at 130.

All property owners have an automatic exemption, which does not arise absent a forced judicial sale. In re Knudsen, 80 B.R. 193, 195 (Bankr.C.D.Cal.1987). Should a forced lien sale occur, a debtor will receive his statutory homestead exemption before payment of the judgment lien "because a debtor's homestead exemption is senior in priority to a judgment lien." In re Wilson, 90 F.3d 347, 351 (9th Cir.1996); Cal.Civ.Proc.Code § 704.850. According to the automatic homestead provisions, the property cannot be sold in a forced sale unless the proceeds are used to satisfy a judgment debtor's homestead exemption before being applied to satisfy a judicial lien. See In re Pike, 243 B.R. 66, 69-70 (9th Cir BAP 1999); Cal.Civ.Proc.Code § 704.800(a).

Section 522(f)(2) provides a formula for calculating the extent to which a lien impairs an exemption: add the lien, all other liens on the property, and the "amount of the exemption that the debtor could claim if there were no liens on the property" and then subtract from that amount the value of the debtor's interest in the property in the absence of any liens. See Pike, 243 B.R. at 71. The liens on the Property, valued at \$740,000, are listed below and organized by the dates of recordation.

Lienholder	Date Recorded	Original Amount	Current Amount
1.			
Wells Fargo Bank	7/10/07	\$830,000	\$927,570
2.			
Franchise Tax Board	3/12/08	\$2,718	\$5,500
3.			
Los Angeles County	11/24/08	\$114.39	\$200
4.			
Shahrock Tavakoli	12/2/08	\$1,240	\$2,000
5.			

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CONT... **Rami Bentov and Osnat Bentov**

Chapter 7

Shahrock Tavakoli	1/5/09	\$175,583	\$195,000
6.			
Los Angeles County	11/17/09	\$101.31	\$150
7.			
Internal Revenue Service	5/17/10	\$7,394.85	\$10,000
8.			
Los Angeles County	11/18/10	\$88.72	\$100
9.			
NCO Financial	11/21/10	\$7,246	\$8,500
10.			
Los Angeles County	1/10/12	\$88.25	\$100
11.			
Los Angeles County	11/21/12	\$85.20	\$100
12.			
Ford Motor Credit Company	3/11/13	\$25,355	\$26,500
13.			
Donald Stone	5/4/15	\$17,458	\$18,000
14.			
Mobile Mini	7/2/15	\$6,141	\$6,500

In this case, the calculation would be as follows:

<b>Mobile Mini's lien:</b>	\$6,500
<u>Plus</u> prior liens:	\$1,193,720
<u>Plus</u> homestead exemption:	\$100
<hr/>	
	<\$1,200,320>
 <u>Less:</u> property value:	 \$740,000
<hr/>	
	<\$460,320>

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CONT... **Rami Bentov and Osnat Bentov**

Chapter 7

The exemption is impaired by \$460,320, and the Mobile Mini lien is less than the impairment amount. The Mobile Mini lien should be avoidable in its entirety.

<b>The Stone Lien:</b>	\$18,000
<u>Plus</u> prior liens (not including Mobile Mini):	\$1,175,720
<u>Plus</u> homestead exemption:	\$100
<hr/>	
	<\$1,193,820>
 <u>Less:</u> property value:	 \$740,000
<hr/>	
	<\$453,820>

The exemption is impaired by \$453,820, and the Stone Lien is less than the impairment amount. The Stone Lien should be avoidable in its entirety.

<b>The Ford Motor Lien:</b>	\$26,500
<u>Plus</u> prior liens (not including Mobile Mini & Stone):	\$1,149,220
<u>Plus</u> homestead exemption:	\$100
<hr/>	
	<\$1,175,820>
 <u>Less:</u> property value:	 \$740,000
<hr/>	
	<\$435,820>

The exemption is impaired by \$435,820, and the Ford Motor Lien is less than the impairment amount. The Ford Motor Lien should be avoidable in its entirety.

<b>The NCO Financial Lien:</b>	\$8,500
<u>Plus</u> prior liens (not including Mobile Mini, Stone & Ford):	\$1,140,520
<u>Plus</u> homestead exemption:	\$100
<hr/>	
	<\$1,149,120>
 <u>Less:</u> property value:	 \$740,000
<hr/>	
	<\$409,120>

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**CONT... Rami Bentov and Osnat Bentov**

**Chapter 7**

The exemption is impaired by \$409,120, and the NCO Financial Lien is less than the impairment amount. The NCO Financial Lien should be avoidable in its entirety.

<b>The Tavakoli Lien (1/5/09):</b>	\$195,000
<u>Plus</u> prior liens (not including avoided liens*):	\$935,270
<u>Plus</u> homestead exemption:	\$100
<hr/>	
	<\$1,130,370>
 <u>Less:</u> property value:	 \$740,000
<hr/>	
	<\$390,370>

\* Mobile Mini; Stone; Ford Motor; and NCO Financial

The exemption is impaired by \$390,370, and the Tavakoli Lien of 1/5/09 is less than the impairment amount. The Tavakoli Lien of 1/5/09 should be avoidable in its entirety.

<b>The Tavakoli Lien (12/2/08):</b>	\$2,000
<u>Plus</u> prior liens (not including avoided liens*):	\$933,270
<u>Plus</u> homestead exemption:	\$100
<hr/>	
	<\$935,370>
 <u>Less:</u> property value:	 \$740,000
<hr/>	
	<\$195,370>

\* Mobile Mini; Stone; Ford Motor; NCO Financial; and Tavakoli Lien 1/5/09

The exemption is impaired by \$195,370, and the Tavakoli Lien of 12/2/08 is less than the impairment amount. The Tavakoli Lien of 12/2/08 should be avoidable in its entirety.

Stone also argues that Debtors cannot avoid his lien if there is not equity in the Property for his lien to impair. The Bankruptcy Appellate Panel of the Ninth Circuit explained in In re Higgins:

Congress has made it clear in amending Section 522 that a lien will be deemed to impair an exemption, even when there is no equity in the property, if the sum of all the liens on the

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**Rami Bentov and Osnat Bentov**

**Chapter 7**

property and the hypothetical value of the exemption without liens exceeds the value of the debtor's interest in the property in the absence of liens.

In re Higgins, 201 B.R. 965, 967-68 (B.A.P. 9th Cir. 1996)

For the reasons stated above, the Motions to Avoid Liens of (1) Donald Stone; (2) Mobile Mini (3) Ford Motor Credit Company, (4) NCO Financial, (5) the 2008 lien of Shahrock Tavakoli; and (6) the 2009 lien of Shahrock Tavakoli are **GRANTED** in their entirety.

Debtors to lodge orders in accordance with this ruling for the Motion to Avoid Lien of Donald Stone and the Motion to Avoid Lien of Mobile Mini. Debtors' previously lodged Orders were retained by the Court pending the resolution of these matters.

**Party Information**

**Debtor(s):**

Rami Bentov

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Osnat Bentov

Represented By  
Stella A Havkin

**Movant(s):**

Osnat Bentov

Represented By  
Stella A Havkin  
Stella A Havkin

Rami Bentov

Represented By  
Stella A Havkin

**Trustee(s):**

Diane Weil (TR)

Represented By  
Diane C Weil

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**1:14-12485 Rami Bentov and Osnat Bentov**

**Chapter 7**

**#9.02** Motion to Avoid Lien Judicial  
Lien with Mobile Mini, Inc.

Docket No: 65

**Tentative Ruling:**

see ruling in 9.01

**Party Information**

**Debtor(s):**

Rami Bentov

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Osnat Bentov

Represented By  
Stella A Havkin

**Movant(s):**

Osnat Bentov

Represented By  
Stella A Havkin  
Stella A Havkin

Rami Bentov

Represented By  
Stella A Havkin

**Trustee(s):**

Diane Weil (TR)

Represented By  
Diane C Weil

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**1:14-12485 Rami Bentov and Osnat Bentov**

**Chapter 7**

**#9.03** Motion to Avoid Lien Judgment Lien  
with Ford Motor Credit Company, LLC

fr. 11/2/16, 11/30/16

Docket No: 37

**Tentative Ruling:**

see 9.01

**Party Information**

**Debtor(s):**

Rami Bentov

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Osnat Bentov

Represented By  
Stella A Havkin

**Movant(s):**

Osnat Bentov

Represented By  
Stella A Havkin  
Stella A Havkin

Rami Bentov

Represented By  
Stella A Havkin

**Trustee(s):**

Diane Weil (TR)

Pro Se

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**1:14-12485 Rami Bentov and Osnat Bentov**

**Chapter 7**

**#9.04** Motion to Avoid Lien Judgment Lien  
with Shahrock Tavakoli

fr. 11/2/16, 11/30/16

Docket No: 35

**Tentative Ruling:**

see 9.01

**Party Information**

**Debtor(s):**

Rami Bentov

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Osnat Bentov

Represented By  
Stella A Havkin

**Movant(s):**

Osnat Bentov

Represented By  
Stella A Havkin  
Stella A Havkin

Rami Bentov

Represented By  
Stella A Havkin

**Trustee(s):**

Diane Weil (TR)

Pro Se

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**1:14-12485 Rami Bentov and Osnat Bentov**

**Chapter 7**

**#9.05** Motion to Avoid Lien Judgment Lien  
with NCO Financial Systems

fr. 11/2/16, 11/30/16

Docket No: 36

**Tentative Ruling:**

see 9.01

**Party Information**

**Debtor(s):**

Rami Bentov

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Osnat Bentov

Represented By  
Stella A Havkin

**Movant(s):**

Osnat Bentov

Represented By  
Stella A Havkin  
Stella A Havkin

Rami Bentov

Represented By  
Stella A Havkin

**Trustee(s):**

Diane Weil (TR)

Pro Se

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**1:14-12485 Rami Bentov and Osnat Bentov**

**Chapter 7**

**#9.06** Motion to Avoid Lien Judgment Lien  
for \$1,240 with Shahrock Tavakoli

fr. 11/2/16, 11/30/16

Docket No: 38

**Tentative Ruling:**

see 9.01

**Party Information**

**Debtor(s):**

Rami Bentov

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Osnat Bentov

Represented By  
Stella A Havkin

**Movant(s):**

Osnat Bentov

Represented By  
Stella A Havkin  
Stella A Havkin

Rami Bentov

Represented By  
Stella A Havkin

**Trustee(s):**

Diane Weil (TR)

Pro Se

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**1:16-12146 Marta Elizabeth Serrano**

**Chapter 13**

**#10.00** Motion to Avoid Lien Junior Lien  
with West Coast Servicing, Inc.

fr. 10/25/16

Docket No: 20

**Tentative Ruling:**

Service: Proper. Opposition filed by West Coast Svc.  
Property Address: 10529 Hayvenhurst Ave., Granada Hills, CA 91344  
First trust deed (Select Portfolio Svc.): \$433,484.18  
Second trust deed (West Coast Svc., to be avoided): \$102,179.70  
Fair market value per **Debtor's** appraisal: \$431,000  
Fair market value per Creditor's opposing appraisal: \$460,000

Do the parties wish to submit and argue on the written appraisals or to schedule an  
evdentiary hearing?

**Party Information**

**Debtor(s):**

Marta Elizabeth Serrano

Represented By  
Elena Steers

**Movant(s):**

Marta Elizabeth Serrano

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:12-20324 Gary Lee Hewitt**

**Chapter 7**

**#11.00** Second Interim Application for Approval of  
Compensation and Reimbursement of Costs for  
SLBiggs, Accountant

Period: 10/1/2015 to 10/31/2016  
Fees: \$148,867.00 Expenses: \$318.12

Docket No: 272

**Tentative Ruling:**

Service proper. Having reviewed the fee application filed by SLBiggs, the Court finds that the fees and costs are reasonable and are approved as requested.

*APPEARANCES WAIVED ON 12/14/16.*

**Party Information**

**Debtor(s):**

Gary Lee Hewitt

Represented By  
Louis J Esbin  
Gary E Klausner  
Jeffrey S Kwong

**Movant(s):**

SLBiggs

Pro Se

SLBiggs

Pro Se

**Trustee(s):**

David Seror (TR)

Represented By  
David Seror (TR)  
Richard Burstein  
Robyn B Sokol  
David Seror  
Ezra Brutzkus Gubner LLP  
Robert K Sall

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**Gary Lee Hewitt**

**Chapter 7**

Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Steven T Gubner

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**1:12-20324 Gary Lee Hewitt**

**Chapter 7**

**#12.00** Application for Interim Compensation  
by David Seror, Chapter 7 Trustee

Period: 7/23/2013 to 11/22/2016  
Fees: \$12,000.00 Expenses: \$312.99

Docket No: 274

**Tentative Ruling:**

Service proper. Having reviewed the fee application filed by Chapter 7 Trustee Seror, the Court finds that the fees and costs are reasonable and are approved as requested.

*APPEARANCES WAIVED ON 12/14/16.*

**Party Information**

**Debtor(s):**

Gary Lee Hewitt

Represented By  
Louis J Esbin  
Gary E Klausner  
Jeffrey S Kwong

**Trustee(s):**

David Seror (TR)

Represented By  
David Seror (TR)  
Richard Burstein  
Robyn B Sokol  
David Seror  
Ezra Brutzkus Gubner LLP  
Robert K Sall  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Steven T Gubner

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**CONT... Gary Lee Hewitt**

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**1:12-20324 Gary Lee Hewitt**

**Chapter 7**

**#13.00** Second Interim Application for Brutzkus Gubner,  
Counsel for Chapter 7 Trustee, for Compensation  
of fees and Expenses;

Period: 8/9/2013 to 9/30/2015,  
Fee: \$113641.00,  
Expenses: \$2,921.67.

Docket No: 276

**Tentative Ruling:**

Having reviewed the fee application filed by Trustee's counsel, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 12/14/16.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gary Lee Hewitt

Represented By  
Louis J Esbin  
Gary E Klausner  
Jeffrey S Kwong

**Movant(s):**

Brutzkus Gubner

Represented By  
Steven T Gubner

**Trustee(s):**

David Seror (TR)

Represented By  
David Seror (TR)  
Richard Burstein  
Robyn B Sokol  
David Seror  
Ezra Brutzkus Gubner LLP

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**Gary Lee Hewitt**

**Chapter 7**

Robert K Sall  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Steven T Gubner

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**1:12-20324 Gary Lee Hewitt**

**Chapter 7**

**#14.00** Motion for Order Authorizing Chapter 7 Trustee  
to Make Interim Distributions

Docket No: 279

**Tentative Ruling:**

Having reviewed the Motion for Authority to Make Interim Distributions, filed by Trustee, and finding that the interim distributions proposed in the Motion are proper and in the best interests of the Estate and its creditors, the Motion is granted.

No appearance required on 12/14/16

**Party Information**

**Debtor(s):**

Gary Lee Hewitt

Represented By  
Louis J Esbin  
Gary E Klausner  
Jeffrey S Kwong

**Trustee(s):**

David Seror (TR)

Represented By  
David Seror (TR)  
Richard Burstein  
Robyn B Sokol  
David Seror  
Ezra Brutzkus Gubner LLP  
Robert K Sall  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Steven T Gubner

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**1:12-20325 Doug Edwin Gravink**

**Chapter 7**

**#15.00** Third Interim Fee Application of Chapter 7 Trustee  
for Approval of Compensation and Reimbursement  
of Expenses for Nancy J Zamora, Chapter 7 Trustee

Period: 11/12/2015 to 11/15/2016  
Fees: \$15843.04 Expenses: \$1579.43

Docket No: 367

**Tentative Ruling:**

Having reviewed the fee application filed by Chapter 7 Trustee Zamora, the Court finds that the fees and costs are reasonable and are approved as requested.  
No appearance required on 12/14/16

**Party Information**

**Debtor(s):**

Doug Edwin Gravink

Represented By  
Louis J Esbin  
Richard Burstein  
Gary E Klausner  
Jeffrey S Kwong

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
Reagan E Boyce  
Robyn B Sokol  
David Seror  
Ezra Brutzkus Gubner LLP  
Robert K Sall  
Richard Burstein  
Brandon N Krueger  
Jessica L Bagdanov  
Reed Bernet  
Steven T Gubner

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**1:12-20325 Doug Edwin Gravink**

**Chapter 7**

**#16.00** Third Interim Application for Approval of  
Compensation and Reimbursement of Costs  
for SLBiggs, Accountant

Period: 10/1/2015 to 10/31/2016,  
Fee: \$138,609.50,  
Expenses: \$300.56.

Docket No: 371

**Tentative Ruling:**

Having reviewed the fee application filed by SLBiggs, the Court finds that the fees and costs are reasonable and are approved as requested.  
No appearance required 12/14/16

**Party Information**

**Debtor(s):**

Doug Edwin Gravink

Represented By  
Louis J Esbin  
Richard Burstein  
Gary E Klausner  
Jeffrey S Kwong

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
Reagan E Boyce  
Robyn B Sokol  
David Seror  
Ezra Brutzkus Gubner LLP  
Robert K Sall  
Richard Burstein  
Brandon N Krueger  
Jessica L Bagdanov  
Reed Bernet

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**Doug Edwin Gravink**

Steven T Gubner

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**1:12-20325 Doug Edwin Gravink**

**Chapter 7**

**#17.00** Third Interim Application of Brutzkus Gubner,  
Special Litigation Counsel for the Chapter 7  
Trustee, for Compensation of Fees and  
Expenses;

Period: 10/1/2015 to 10/31/2016,  
Fee: \$152,516.00,  
Expenses: \$2,991.61.

Docket No: 373

**Tentative Ruling:**

Service proper. Having reviewed the fee application filed by Trustee's Special Litigation counsel, the Court finds that the fees and costs are reasonable and are approved as requested.

No appearance required on 12/14/16

**Party Information**

**Debtor(s):**

Doug Edwin Gravink

Represented By  
Louis J Esbin  
Richard Burstein  
Gary E Klausner  
Jeffrey S Kwong

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
Reagan E Boyce  
Robyn B Sokol  
David Seror  
Ezra Brutzkus Gubner LLP  
Robert K Sall  
Richard Burstein  
Brandon N Krueger  
Jessica L Bagdanov

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**Doug Edwin Gravink**

Reed Bernet  
Steven T Gubner

**Chapter 7**

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**1:12-20325 Doug Edwin Gravink**

**Chapter 7**

**#18.00** Motion for Order Authorizing Chapter 7 Trustee  
to Make Second Interim Distribution to Creditors.

Docket No: 376

**Tentative Ruling:**

Service proper. Having reviewed the Motion for Authority to Make Interim Distributions, filed by Trustee, and finding that the interim distributions proposed in the Motion are proper and in the best interests of the Estate and its creditors, the Motion is granted.

No appearance required on 12/14/16

**Party Information**

**Debtor(s):**

Doug Edwin Gravink

Represented By  
Louis J Esbin  
Richard Burstein  
Gary E Klausner  
Jeffrey S Kwong

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
Reagan E Boyce  
Robyn B Sokol  
David Seror  
Ezra Brutzkus Gubner LLP  
Robert K Sall  
Richard Burstein  
Brandon N Krueger  
Jessica L Bagdanov  
Reed Bernet  
Steven T Gubner

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**1:15-10101 David Brent Joseph**

**Chapter 7**

**#19.00** First Interim Application For Allowance and Payment of Fees and Reimbursement of Expenses of Trustee's Counsel, The Law Office of John D. Ott, A Professional Corporation;

Period: 2/12/2015 to 11/2/2016,  
Fee: \$37,313.88,  
Expenses: \$2,410.86.

Docket No: 115

**Tentative Ruling:**

Service proper. Having reviewed the fee application filed by Trustee's counsel, the Court finds that the fees and costs are reasonable and are approved as requested.  
No appearance required on 12/14/16

**Party Information**

**Debtor(s):**

David Brent Joseph

Represented By  
Todd J Roberts

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
John D Ott

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**1:16-11814 Paul Allen Smith**

**Chapter 7**

**#20.00** Motion For Monetary Sanctions and Punitive Damages for Violation of the Automatic Stay

Docket No: 31

\*\*\* VACATED \*\*\* **REASON: Will be heard today at 2:00 p.m. - jc**

**Tentative Ruling:**

Moved to 2 pm due to conflict

This motion is procedurally improper as LBR 9020 has not been followed. In addition, there is no explanation for how this is violation where RFS was granted. Debtor was asked to pay out of post-petition income, so any objection must be raised with the Superior court.

**Party Information**

**Debtor(s):**

Paul Allen Smith

Represented By  
John F Nicholson

**Movant(s):**

Paul Allen Smith

Represented By  
John F Nicholson

**Trustee(s):**

David Seror (TR)

Pro Se

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1:15-11232 Susanne Renee Williams

Chapter 7

#22.00 Debtor's Motion To Compel Abandonment of Trust Asset a  
and Income

Docket No: 65

**Tentative Ruling:**

The debtor's estate does have standing to bring this motion under FRBP 1016. The motion to abandon seems to be based on the theory that there is a spendthrift trust protecting the Quarterbridge Trust Asset dividend checks. While trustee argues that a motion under 554 is incorrect procedurally because that section only controls motions to abandon *property of the estate*, if the court determines that the property does not belong to the estate, it is the same result - the trustee may not administer the property. So, that issue seems to be fairly presented and should be decided so that all sides can move on with this complicated situation.

The trustee argues that only **true** spendthrift trusts are excluded from a bankruptcy estate. See *In re Moses*, 167 F.3d 470 (9th Cir. 1999); *In re Kincaid*, 917 F.2d 1162 (9th Cir. 1990); *In re Metz*, 225 B.R.173 (BAP 9th Cir. 1998) , and since the debtor had excessive control, the trust was rendered invalid as a spendthrift trust. *Nelson v. California Trust Co.*, 33 Cal.2d 501 (Cal.1949). See also *In re Witwer*, 148 B.R. 930 (Bankr. C.D. Cal. 1992). Trustee also argues that debtor was Trustee, beneficiary and settlor of the trust, and this rendered the trust void. *Nelson v Cal. Trust co.*, 33 Cal. 2d 501 (Cal 1949)

Debtor's estate argues that her distributions were effectively limited because the trust only pays out small incremental amounts to begin with, and debtor was incapacitated and effectively not in charge of the trust in any case. Provisions that restrict the voluntary or involuntary transfer of a debtor's beneficial interest in a trust, sometimes referred to as "spendthrift" provisions, if enforceable under applicable nonbankruptcy law, are enforceable in bankruptcy proceedings, thus excluding the interest from the bankruptcy estate. Bankruptcy Code Section 541(c)(2); *U.S. I.R.S. v. Snyder*, 343 F3d 1171, 1178 (9th Cir. 2003); *Wetzel v. Regions Bank*, 649 F3d 831, 837-39 (8th Cir. 2011). Income from a spendthrift trust deemed necessary for the

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**CONT... Susanne Renee Williams**

**Chapter 7**

debtor's support is not estate property. In re Reynolds, 479 BR 67, 74-75, 77 (9th Cir. BAP 2012).

It appears the debtor did not have much control despite the trust provisions. The parties did not really discuss whether the trust provisions or the realities of the situation control. The debtor does seem to have been sufficiently divorced from control to render this a spendthrift trust in actuality. It may be that an evidentiary hearing is required, but that may be problematic, so let's discuss at the hearing.

**Party Information**

**Debtor(s):**

Susanne Renee Williams

Represented By  
Michael F Chekian

**Trustee(s):**

Diane Weil (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

11:00 AM

**1:16-12042 Kathleen Bortolete**

**Chapter 7**

**#21.00** Motion for Order Authorizing Trustee to Sell  
Real Property Free and Clear of Liens, Subject  
to Overbid.

Docket No: 30

**Tentative Ruling:**

Sale is unopposed, so hearing will be to see if any overbidders.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kathleen Bortolete

Represented By  
Daniel King

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

11:00 AM

**1:14-12547 Priscilla Renae Hamilton**

**Chapter 7**

**#23.00** Trustee's Final Report and Application for  
Compensation and Deadline to Object.

Docket No: 138

**Tentative Ruling:**

No opposition filed. Costs and fees are approved. No appearance required.

**Party Information**

**Debtor(s):**

Priscilla Renae Hamilton

Represented By  
Alan W Forsley

**Trustee(s):**

Diane Weil (TR)

Represented By  
James Cornell Behrens  
C John M Melissinos

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

11:00 AM

**1:16-10350 Roger O. Guzman and Jessie R. Guzman**

**Chapter 7**

**#24.00** Trustee's Final Report and Application for  
Compensation and Deadline to Object

Docket No: 29

**Tentative Ruling:**

No opposition filed. Costs and fees are approved. No appearance required.

**Party Information**

**Debtor(s):**

Roger O. Guzman

Represented By  
Shirlee L Bliss

**Joint Debtor(s):**

Jessie R. Guzman

Represented By  
Shirlee L Bliss

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

1:00 PM

**1:12-19998 Process America, Inc.**

**Chapter 11**

**#25.00** Cynergy's Motion to Confirm Recoupment Rights  
or for Relief from Automatic Stay to Effect Setoff

fr. 9/9/15, 2/24/16, 5/25/16, 7/27/16, 9/28/16

Docket No: 363

**\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to 2/8/17 at 1 p.m. -  
hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Movant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

1:00 PM

**1:12-19998 Process America, Inc.**

**Chapter 11**

**#26.00** Cynergy's Motion to Confirm Recoupment Rights  
or for Relief from Automatic Stay to Effect Setoff

fr. 9/9/15, 2/24/16, 5/25/16, 7/27/16, 9/28/16

Docket No: 363

**\*\*\* VACATED \*\*\* REASON: duplicate of cal. no. 25 - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Movant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

1:00 PM

**1:12-19998 Process America, Inc.**

**Chapter 11**

**#27.00** Status and Case Management Conference

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13,  
12/5/13, 3/13/14, 4/24/14, 6/5/14, 11/6/14, 3/19/15;  
6/4/15, 7/22/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16  
9/28/16

Docket No: 1

**Tentative Ruling:**

Having considered the status report filed by Debtor regarding the status of the 2nd Cir. appeal and finding good cause, this status conference is continued to **February 8, 2017 at 1:00 p.m.**

Debtor to give notice of the continued status conference.  
NO APPEARANCE REQUIRED ON 12/14/16.

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**Movant(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

1:00 PM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:12-01421 Tigrent Group Inc. v. Process America, Inc. et al

▪  
**#28.00** Status Conference re: Complaint for Damages and Equitable Relief

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13,  
12/5/13, 4/24/14, 6/5/14, 11/6/14, 3/19/15,  
6/4/15, 7/22/15, 8/12/15, 9/9/15, 2/24/16,  
5/25/16, 7/27/16, 9/28/16

Docket No: 1

**Tentative Ruling:**

Having considered the status report filed by Plaintiff regarding the status of the 2nd Cir. appeal and finding good cause, this status conference is continued to **February 8, 2017 at 1:00 p.m.**

Plaintiff to give notice of the continued status conference.  
NO APPEARANCE REQUIRED ON 12/14/16.

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz

**Defendant(s):**

Applied Funding, Inc.

Pro Se

C2K Group, LLC

Pro Se

KBS Dreams, Inc.

Pro Se

Stripe Entertainment Group, Inc.

Pro Se

Like Zebra, LLC

Pro Se

Kimberly S Ricketts

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

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1:00 PM

**CONT... Process America, Inc. Chapter 11**

Process America, Inc. Pro Se

Craig Rickard Pro Se

Gwendolyn Phillips Pro Se

KEITH PHILLIPS Pro Se

**Plaintiff(s):**

Tigrent Group Inc. Represented By  
Thomas F Koegel

**US Trustee(s):**

United States Trustee (SV) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

1:00 PM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:13-01025 Tigrent Group Inc. v. Process America, Inc et al

**#29.00** Status Conference re: Notice of Removal from District Court

fr. 3/21/2013, 5/23/13, 8/29/13, 11/7/13, 12/5/13,  
3/13/14, 4/24/14, 6/5/14, 11/6/14, 3/19/15, 6/4/15  
7/22/15, 8/12/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16  
9/28/16

Docket No: 1

**Tentative Ruling:**

Having considered the status report filed by Plaintiff regarding the status of the 2nd Cir. appeal and finding good cause, this status conference is continued to **February 8, 2016 at 1:00 p.m.**

Plaintiff to give notice of the continued status conference.  
NO APPEARANCE REQUIRED ON 12/14/16.

**Party Information**

**Counter-Claimant(s):**

Process America, Inc

Represented By  
Mitchell C Shapiro

**Counter-Defendant(s):**

Tigrent Group Inc.

Represented By  
Tai H. Park

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**Defendant(s):**

Applied Funding, Inc.

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

---

1:00 PM

CONT...

**Process America, Inc.**

**Chapter 11**

Mitchell C Shapiro

C2K Group, LLC

Represented By  
Mitchell C Shapiro

KBS Dreams, Inc.

Represented By  
Mitchell C Shapiro

Stripe Entertainment Group, Inc.

Represented By  
Mitchell C Shapiro

Like Zebra, LLP

Represented By  
Mitchell C Shapiro

Kim Ricketts

Represented By  
Mitchell C Shapiro

Process America, Inc

Represented By  
Mitchell C Shapiro

Craig Rickard

Represented By  
Mitchell C Shapiro

Gwendolyn Phillips

Represented By  
Mitchell C Shapiro

Keith Phillips

Represented By  
Mitchell C Shapiro

**Plaintiff(s):**

Tigrent Group Inc.

Represented By  
Nathanial J Wood

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

1:00 PM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

■  
**#30.00** Motion to Dismiss Complaint or, Alternatively,  
to Stay Adversary Proceeding

fr. 12/10/14, 12/18/14; 3/18/15, 5/27/15; 7/22/15,  
9/9/15; 2/24/16, 5/25/16, 7/27/16, 9/28/16

Docket No: 8

**\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to 2/8/17 at 1 p.m. -  
hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**Plaintiff(s):**

Process America, Inc., a Nevada corpor

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

1:00 PM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

▪  
**#31.00** Status Conference re: Complaint for  
Declaratory Relief and Turnover of  
Property of the Estate.

fr. 11/5/14, 12/10/14; 12/18/14; 3/18/15, 5/27/15;  
7/22/15, 9/9/15; 2/24/16, 5/25/16, 7/27/16, 9/28/16

Docket No: 1

**\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to 2/8/17 at 1 p.m. -  
hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**Defendant(s):**

Cynergy Holdings, LLC

Pro Se

**Plaintiff(s):**

Process America, Inc., a Nevada corpor

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

1:00 PM

**1:16-12791 Menco Pacific, Inc.**

**Chapter 11**

Adv#: 1:16-01140 Menco Pacific, Inc. v. Blumenthal

■

**#32.00** Motion to Dismiss Amended Complaint, Or, in the Alternative,  
For a More Definite Statement; Motion to Strike

Docket No: 13

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 12/15/16 at  
11:00 a.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Menco Pacific, Inc.

Represented By  
Jeffrey S Shinbrot

**Defendant(s):**

Jon Blumenthal

Represented By  
William P Fennell

**Plaintiff(s):**

Menco Pacific, Inc.

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 14, 2016

Hearing Room 302

2:00 PM

**1:16-11814 Paul Allen Smith**

**Chapter 7**

**#33.00** Motion For Monetary Sanctions and Punitive Damages for Violation of the Automatic Stay

Docket No: 31

**Tentative Ruling:**

Moved to 2 pm due to conflict

This motion is procedurally improper as LBR 9020 has not been followed. In addition, there is no explanation for how this is violation where RFS was granted. Debtor was asked to pay out of post-petition income, so any objection must be raised with the Superior court.

**Party Information**

**Debtor(s):**

Paul Allen Smith

Represented By  
John F Nicholson

**Movant(s):**

Paul Allen Smith

Represented By  
John F Nicholson

**Trustee(s):**

David Seror (TR)

Pro Se