

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Peter Carroll, Presiding
Courtroom 201 Calendar**

Tuesday, October 11, 2016

Hearing Room 201

10:00 AM

9:10-11873 Tillie Jahnke

Chapter 7

#1.00 HearingRE: [182] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 44660 Orchid Rd., Hinkley, CA .

Docket 182

Tentative Ruling:

None.

Party Information

Debtor(s):

Tillie Jahnke

Represented By
Charles Shamash
Joseph Caceres

Trustee(s):

Jerry Namba (TR)

Represented By
Timothy J Yoo

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Peter Carroll, Presiding
Courtroom 201 Calendar**

Tuesday, October 11, 2016

Hearing Room 201

10:00 AM

9:13-12563 Ace Exploration & Water Drilling Co., Inc.

Chapter 7

#1.10 HearingRE: [134] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 44660 Orchid Rd., Hinkley, CA .

Docket 134

Tentative Ruling:

None.

Party Information

Debtor(s):

Ace Exploration & Water Drilling

Represented By
Joseph M Sholder
Jill M Himlan

Trustee(s):

Sandra McBeth (TR)

Represented By
Paul F Ready

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Peter Carroll, Presiding
Courtroom 201 Calendar**

Tuesday, October 11, 2016

Hearing Room 201

10:00 AM

9:14-12719 Richard W. Mays and Daphene J. Mays

Chapter 13

#2.00 Hearing
RE: [60] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1013 Briana Circle, Oxnard, CA 93030 .

FR. 9-6-16

Docket 60

Tentative Ruling:

None.

Final Ruling. This motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d) (2). The failure of the debtors, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the motion. LBR 9013-1 (h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, 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). Their defaults are entered and the matter will be resolved without oral argument. LBR 9013-1(j)(3). **No appearance is necessary.**

The motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit the movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the debtors or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant is secured by a deed of trust encumbering the debtors' residence. The plan requires that the post-petition note installments be paid directly to the movant. The debtors have failed to pay 7 post-petition installments. This is cause to terminate the automatic stay. See Ellis v. Parr (In re Ellis), 60 B.R. 432, 434-435 (9th Cir. BAP 1985).

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CONT... Richard W. Mays and Daphene J. Mays

Chapter 13

The trustee must not make any future payments on account of Movant's secured claim after entry of the order granting the motion. The secured portion of Movant's claim will be deemed withdrawn upon entry of the order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant must return to the chapter 13 trustee any payments received from the trustee on account of Movant's secured claim after entry of the order granting the motion.

The stay having been terminated as to the debtors and no opposition having been filed by a co-debtor, the co-debtor stay afforded by 11 U.S.C. § 1201(a) or 11 U.S.C. § 1301(a), as the case may be, is terminated, modified, or annulled as to any co-debtor on the same terms and conditions as the debtors.

The 14-day period specified in FRBP 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

The movant shall submit an appropriate order.

Party Information

Debtor(s):

Richard W. Mays

Represented By
Nathan A Berneman

Joint Debtor(s):

Daphene J. Mays

Represented By
Nathan A Berneman

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 201

10:00 AM

9:14-12773 Amparo Lopez

Chapter 13

#3.00 Hearing
RE: [50] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 447 E View Dr., Santa Paula, California 93060-1620 with Proof of Service. (Estle, Mark)

FR. 9-6-16

Docket 50

Tentative Ruling:

None.

Final Ruling. This motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d) (2). The failure of the debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the motion. LBR 9013-1(h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, 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). Their defaults are entered and the matter will be resolved without oral argument. LBR 9013-1(j)(3). **No appearance is necessary.**

The motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit the movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant is secured by a deed of trust encumbering the debtor's residence. The plan requires that the post-petition note installments be paid directly to the movant. The debtor has failed to pay 5 post-petition installments. This is cause to terminate the automatic stay. See Ellis v. Parr (In re Ellis), 60 B.R. 432, 434-435 (9th Cir. BAP 1985).

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10:00 AM

CONT... Amparo Lopez

Chapter 13

The trustee must not make any future payments on account of Movant's secured claim after entry of the order granting the motion. The secured portion of Movant's claim will be deemed withdrawn upon entry of the order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant must return to the chapter 13 trustee any payments received from the trustee on account of Movant's secured claim after entry of the order granting the motion.

The 14-day period specified in FRBP 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

The movant shall submit an appropriate order.

Party Information

Debtor(s):

Amparo Lopez

Represented By

Michael D Kwasigroch

Michael D Kwasigroch

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Peter Carroll, Presiding
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Hearing Room 201

10:00 AM

9:16-10389 Joseph William Bissell

Chapter 7

#4.00 Hearing
RE: [77] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1144 Alston Road, Santa Barbara, CA 93108 with proof of service. (Vigil, Darlene)

Docket 77

*** VACATED *** REASON: Withdrawal filed by moving party on 9-23-16.

Tentative Ruling:

.

Party Information

Debtor(s):

Joseph William Bissell

Represented By
William C Beall

Trustee(s):

Jeremy W. Faith (TR)

Represented By
Meghann A Triplett

**United States Bankruptcy Court
Central District of California
Northern Division
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Tuesday, October 11, 2016

Hearing Room 201

10:00 AM

9:16-10963 Laura Eileen Sanchez

Chapter 13

#5.00 Hearing

RE: [16] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 400 Rancho Rd, Thousand Oaks, CA 91362-2551 with Proof of Service. (Loftis, Erica)

FR. 9-6-16

Docket 16

***** VACATED *** REASON: Case Dismissed**

Tentative Ruling:

.

Party Information

Debtor(s):

Laura Eileen Sanchez

Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Peter Carroll, Presiding
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Tuesday, October 11, 2016

Hearing Room 201

10:00 AM

9:16-11137 Victor Flores

Chapter 7

#6.00 HearingRE: [12] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 10822 Cord Avenue, Downey, CA 90241 . (Castle, Caren)

Docket 12

Tentative Ruling:

None.

Final Ruling. This motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d) (2). The court has considered the untimely response filed by debtor on October 5, 2016, in which debtor does not object to the relief requested and indicates that debtor has no involvement with, or knowledge of the subject property. The debtor does object to allegations that the bankruptcy was filed in bad faith. The court makes no finding that the bankruptcy was filed in bad faith by the debtor. The failure of the trustee and parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the motion. LBR 9013-1 (h). Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, 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). Their defaults are entered and the matter will be resolved without oral argument. LBR 9013-1(j)(3). **No appearance is necessary.**

The motion is granted pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2). The stay is terminated as to the debtor and the debtor's bankruptcy estate with respect to the movant, its successors, transferees and assigns. Movant may enforce its remedies to obtain possession of the property in accordance with applicable law, but may not pursue a deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

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CONT...

Victor Flores

Chapter 7

Movant completed a nonjudicial foreclosure sale on the real property allegedly occupied by the debtor. Movant served a notice to quit the premises on November 5, 2015. When the occupants failed to vacate the premises, an unlawful detainer action was filed and served February 22, 2016. This motion has been filed to proceed with the unlawful detainer action. This action must go forward because the occupant's right to possess the premises must be determined. This does not change simply because a bankruptcy petition was filed.

The 14-day period specified in FRBP 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

The movant shall submit an appropriate order.

Party Information

Debtor(s):

Victor Flores

Represented By
Charles W Oaks

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Peter Carroll, Presiding
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Tuesday, October 11, 2016

Hearing Room 201

10:00 AM

9:16-11345 Jason Rodas

Chapter 13

#7.00 HearingRE: [24] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 117 Azzuro Dr., Palm Desert, CA 92211 (In Rem) with Proof of Service.

Docket 24

Tentative Ruling:

None.

Final Ruling. This motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d) (2). The failure of the debtor, the trustee, and parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, 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). Their defaults are entered and the matter will be resolved without oral argument. LBR 9013-1(j) (3). **No appearance is necessary.**

The motion is granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(4) to permit the movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501. Movant is secured by a deed of trust encumbering the subject property. The debtor has failed to pay 2 post-petition installments. This is cause to terminate the automatic stay. *See Ellis v. Parr (In re Ellis)*, 60 B.R. 432, 434-435 (9th Cir. BAP 1985). Furthermore, the court finds that the filing of the petition was part of a scheme to delay, hinder, or defraud creditors involving both (a) a transfer of all or part ownership of, or other interest in, the subject property without the consent of the movant or court approval; and (b) multiple bankruptcy filings affecting the subject

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10:00 AM

CONT... Jason Rodas

Chapter 13

property. 11 U.S.C. § 362(d)(4).

The trustee must not make any future payments on account of Movant's secured claim after entry of the order granting the motion. The secured portion of Movant's claim will be deemed withdrawn upon entry of the order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant must return to the chapter 13 trustee any payments received from the trustee on account of Movant's secured claim after entry of the order granting the motion.

The 14-day period specified in FRBP 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. Provided the order is recorded in compliance with applicable state law, the order granting this motion will be binding and effective in any other case under this title purporting to affect the subject property filed not later than 2 years after the date of entry of the order, except that the debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. 11 U.S.C. § 362(d)(4). All other relief is denied.

The movant shall submit an appropriate order.

Party Information

Debtor(s):

Jason Rodas

Pro Se

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
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10:00 AM

9:16-11566 Mary Jean Johnson

Chapter 7

#8.00 Hearing
RE: [8] Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 3132 West Flagstaff Avenue, Visalia, CA 93291 .

Docket 8

***** VACATED *** REASON: Withdrawn by Movant 10-07-16.**

Tentative Ruling:

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Party Information

Debtor(s):

Mary Jean Johnson Pro Se

Trustee(s):

Sandra McBeth (TR) Pro Se

**United States Bankruptcy Court
Central District of California
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Judge Peter Carroll, Presiding
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Tuesday, October 11, 2016

Hearing Room 201

10:00 AM

9:16-11663 Priscilla Griego

Chapter 7

#9.00 HearingRE: [12] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 466 Avenida Gaviota, Camarillo, CA 93012 with Proof of Service.

Docket 12

Tentative Ruling:

None.

Final Ruling. This motion for relief from the automatic stay has been set for hearing on the notice required by LBR 4001(c)(1) and LBR 9013-1(d) (2). The failure of the debtor, the trustee, and parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, 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). Their defaults are entered and the matter will be resolved without oral argument. LBR 9013-1(j) (3). **No appearance is necessary.**

The motion is granted pursuant to 11 U.S.C. § 362(d)(2) to permit movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the property in accordance with applicable law. Movant may not pursue any deficiency claim against the debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501 and/or a timely complaint to determine the nondischargeability of the debt under 11 U.S.C. § 523. Since a chapter 7 case does not contemplate reorganization, the sole issue before the court when stay relief is sought under 11 U.S.C. § 362(d)(2) is whether the debtor has equity in the property. *See e.g., Nev. Nat'l Bank v. Casbul of Nev., Inc. (In re Casgul of Nev., Inc.)*, 22 B.R. 65, 66 (9th Cir. BAP 1982); *Ramco Indus. v. Preuss (In re Preuss)*, 15 B.R. 896 (9th Cir. BAP 1981).

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10:00 AM

CONT...

Priscilla Griego

Chapter 7

The subject real property has a value of \$471,752.00 and is encumbered by a perfected deed of trust or mortgage in favor of the movant. The liens against the property total \$701,603.14. The court finds there is no equity and there is no evidence that the trustee can administer the subject real property for the benefit of creditors. Furthermore, the court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention filed in this case on September 7, 2016 in which the debtor stated an intention to surrender the property to movant.

The 14-day period specified in FRBP 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. All other relief is denied.

The movant shall submit an appropriate order.

Party Information

Debtor(s):

Priscilla Griego

Represented By
Lindsey B Green

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Peter Carroll, Presiding
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Tuesday, October 11, 2016

Hearing Room 201

10:01 AM

9:16-10007 Sung Yoon Song

Chapter 7

#13.00 Hearing

RE: [51] Motion for Turnover of Property Notice of Motion and Motion to Compel Turnover of Estate Real Property and, if Necessary, for the Authority to Forcibly Evict the Debtor and other Occupants; Memorandum of Points and Authorities; Supporting Declarations of Jerry Namba, Bryce Kawata, and Reed H. Olmstead (Olmstead, Reed)

FR. 10-11-16

Docket 51

***** VACATED *** REASON: Resolved by Stipulation**

Tentative Ruling:

.

Party Information

Debtor(s):

Sung Yoon Song

Represented By
David Brian Lally

Trustee(s):

Jerry Namba (TR)

Represented By
Reed H Olmstead

**United States Bankruptcy Court
Central District of California
Northern Division
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Tuesday, October 11, 2016

Hearing Room 201

10:01 AM

9:16-11160 Rosalie Bonoan and Feli Bonoan

Chapter 7

#10.00 Reaffirmation Hearing Date Set
RE: [19] Pro se Reaffirmation Agreement Between Debtor and TD Auto Finance
LLC (2015 Honda CR-V)

Docket 19

Tentative Ruling:

None.

Party Information

Debtor(s):

Rosalie Bonoan	Pro Se
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Joint Debtor(s):

Feli Bonoan	Pro Se
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Trustee(s):

Sandra McBeth (TR)	Pro Se
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**United States Bankruptcy Court
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Northern Division
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Tuesday, October 11, 2016

Hearing Room 201

10:01 AM

9:16-11372 Scott Alan Aichner and Sandra Ann Aichner

Chapter 7

#11.00 Pro Se Reaffirmation Hearing Date Set
RE: [14] Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (Rafferty, John)

Docket 14

Tentative Ruling:

None.

Party Information

Debtor(s):

Scott Alan Aichner	Pro Se
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Joint Debtor(s):

Sandra Ann Aichner	Pro Se
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Trustee(s):

Jeremy W. Faith (TR)	Pro Se
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Tuesday, October 11, 2016

Hearing Room 201

10:01 AM

9:16-11570 James Rocco Dantona

Chapter 7

#12.00 Reaffirmation Hearing Date Set
RE: [10] Pro se Reaffirmation Agreement Between Debtor and Cab West, LLC
(2015 Ford Escape)

Docket 10

Tentative Ruling:

None.

Party Information

Debtor(s):

James Rocco Dantona

Represented By
Jeffrey J Hagen

Trustee(s):

Sandra McBeth (TR)

Pro Se