

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Tuesday, December 13, 2016

Hearing Room 301

9:00 AM

1:16-11260 Guirla Downes

Chapter 13

#1.00 Debtor's Motion to avoid junior lien on principal residence
with Trojan Capital Investments, LLC

fr. 9/13/16; 10/11/16; 11/22/16;

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guirla Downes

Represented By
Juanita V Miller

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Tuesday, December 13, 2016

Hearing Room 301

9:00 AM

1:16-11948 Sona Arouchian

Chapter 13

#2.00 Debtor's motion to avoid junior lien on principal residence
with Bank of America, NA

Docket 28

Tentative Ruling:

Grant subject to completion of chapter 13 plan. The claim of this junior lienholder is to be treated as an unsecured claim and to be paid through the plan pro rata with all other unsecured claims.

The movant must submit the order using form F 4003-2.4.JR.LIEN.ORDER, posted on the Court's website, located at www.cacb.uscourts.gov, under "Forms/Rules/General Orders" and "Local Bankruptcy Rules & Forms."

Note: No response has been filed. Accordingly, no court appearance by movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Sona Arouchian

Represented By
Charles Shamash
Joseph Caceres

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Courtroom 301 Calendar**

Tuesday, December 13, 2016

Hearing Room 301

9:00 AM

1:16-13118 Gloria Angelica Garcia

Chapter 11

#3.00 Motion for order determining value of collateral
(Wells Fargo Bank, N.A.)

Docket 13

Tentative Ruling:

Grant subject to the debtor timely filing a properly executed appraiser declaration.

On November 10, 2016, using the Court's Case Management/Electronic Case Files (CM/ECF) System, the debtor filed a motion for order determining value of collateral (the "Motion") [doc. 13]. On page 7 of the Motion, the signature of the appraiser Hector Perez is indicated by "/s/" on the "Declaration of Expert Witness in Support of Motion for Order Determining Value of Collateral." No later than seven (7) days after the hearing, the debtor must file an appraiser's declaration that contains a holographic signature for Mr. Perez in order for the attached appraisal to be authenticated.

The debtor must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Gloria Angelica Garcia

Represented By
Anthony Obehi Egbase
Crystle J Lindsey

**United States Bankruptcy Court
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Tuesday, December 13, 2016

Hearing Room 301

9:00 AM

1:16-13190 JeanPaul Reneaux

Chapter 13

#4.00 Motion to determine value of security and creditor
Carrington Mortgage Services, LLC's allowed secured claim

Docket 9

***** VACATED *** REASON: Voluntary dismissal filed 12/01/16.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

JeanPaul Reneaux

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, December 13, 2016

Hearing Room 301

9:30 AM

1:00-00000

Chapter

#0.00 PLEASE BE ADVISED THAT THE CHAPTER 13 CONFIRMATION CALENDAR
CAN BE VIEWED ON THE COURT'S WEBSITE UNDER:
JUDGES >KAUFMAN,V. >CHAPTER 13 > CHAPTER 13 CALENDAR
(WWW.CACB.USCOURTS.GOV)

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Tuesday, December 13, 2016

Hearing Room 301

10:30 AM

1:12-15754 Ubaldo Torres Cepeda and Beatriz Carmen Torres

Chapter 13

#55.10 Trustee's motion to dismiss case for failure to make plan payments

Docket 68

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ubaldo Torres Cepeda

Represented By
Christopher J Langley

Joint Debtor(s):

Beatriz Carmen Torres

Represented By
Christopher J Langley

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Tuesday, December 13, 2016

Hearing Room 301

10:30 AM

1:13-15966 Karen Ramona Trotter

Chapter 13

#56.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 10/11/16

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karen Ramona Trotter

Represented By
Kevin T Simon
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Tuesday, December 13, 2016

Hearing Room 301

10:30 AM

1:14-10211 William Joseph Marshall

Chapter 13

#57.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 8/9/16; 10/11/16

Docket 103

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Joseph Marshall

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Tuesday, December 13, 2016

Hearing Room 301

10:30 AM

1:14-11615 Ramona Ayala

Chapter 13

#58.00 Trustee's motion to dismiss case for failure to make plan payments

Docket 60

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramona Ayala

Represented By
Luis G Torres

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Tuesday, December 13, 2016

Hearing Room 301

10:30 AM

1:14-13448 Victor Wayne Oden and Chrisandra Ruth Horne-Oden

Chapter 13

#59.00 Trustee's motion to dismiss case for failure to make plan payments
fr. 10/11/16

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Wayne Oden

Represented By

Michelle A Marchisotto
Michelle A Marchisotto
Michelle A Marchisotto

Joint Debtor(s):

Chrisandra Ruth Horne-Oden

Represented By

Michelle A Marchisotto
Michelle A Marchisotto

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, December 13, 2016

Hearing Room 301

10:30 AM

1:14-14490 Lilia Santos Morales

Chapter 13

#59.10 Trustee's motion to dismiss case for failure to make plan payments

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lilia Santos Morales

Represented By
Nima S Vokshori

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Tuesday, December 13, 2016

Hearing Room 301

10:30 AM

1:14-14532 Juan Jose Medrano

Chapter 13

#60.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 10/11/16

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Jose Medrano

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Tuesday, December 13, 2016

Hearing Room 301

10:30 AM

1:15-13451 Luwana Ramos Alvarado

Chapter 13

#61.00 Trustee's motion to dismiss case for failure to make plan payments

fr. 11/22/16

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luwana Ramos Alvarado

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Tuesday, December 13, 2016

Hearing Room 301

10:30 AM

1:15-13814 Jennifer Wingert

Chapter 13

#62.00 Trustee's motion to dismiss case for failure to make plan payments
fr. 10/11/16; 11/22/16;

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Wingert

Represented By
Julie J Villalobos

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Tuesday, December 13, 2016

Hearing Room 301

10:30 AM

1:16-10795 Luis Lugo Duenez and Maria Dolores Duenez

Chapter 13

#63.00 Trustee's motion to dismiss case for failure to make plan payments

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Lugo Duenez

Represented By
Luis G Torres

Joint Debtor(s):

Maria Dolores Duenez

Represented By
Luis G Torres

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Tuesday, December 13, 2016

Hearing Room 301

10:30 AM

1:12-12602 Dora R Torres

Chapter 13

#63.10 Trustee's motion to dismiss case for failure to make plan payments

Docket 80

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dora R Torres

Represented By
Michael Jay Berger

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Tuesday, December 13, 2016

Hearing Room 301

11:00 AM

1:15-13861 Lisa Barill

Chapter 13

#64.00 Trustee's notice of intent to file final report and account, obtain discharge of debtor, and close case

Docket 31

Tentative Ruling:

Sustain.

On November 23, 2015, the debtor filed a voluntary chapter 13 petition.

On April 1, 2016, Wells Fargo Bank, N.A. (the "Creditor") filed proof of claim no. 1-1 in the amount of \$492,888.80, including arrearages in the amount of \$66,919.29. Creditor's claim is secured by the real property located at 22838 Roscoe Blvd., Canoga Park, California 91304-3228.

The debtor's chapter 13 plan provides for the payment of the foregoing arrearages over the course of 60 months, with a monthly payment to Creditor of \$1,196.57 per month [doc. 9]. The debtor's plan was confirmed on June 24, 2016 [doc. 26].

On October 14, 2016, the chapter 13 trustee filed a *Notice of Intent to File Trustee's Final Report and Account, Obtain Discharge of Debtor and Close Case* (the "Notice") [doc. 31].

On November 10, 2016, Creditor filed an objection to the Notice (the "Objection") [doc. 34]. In the Objection, Creditor alleges the following:

On or about July 14, 2016, the Trustee tendered a payment to Respondent in the amount of \$4,477.59. The payment was intended to be credited to the pre-petition arrears portion of Respondent's Claim. Respondent inadvertently associated the July 14, 2016 payment with the incorrect loan, held by a borrower holding the same name as the Debtor herein. That loan showed a zero balance at the time. As such, on or about July 25, 2016, Respondent returned the funds with a letter indicating that the subject loan was paid in full. The July 25, 2016 letter was sent in error and related to a different loan. The amounts

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CONT...

Lisa Barill

Chapter 13

included in Respondent's Claim remain due and owing.

(Objection, ¶ 4.)

In light of the foregoing, the Court will sustain Creditor's Objection. Because of Creditor's accounting error, the chapter 13 trustee was erroneously informed that the debtor's account was paid in full. The chapter 13 trustee is instructed to withdraw the Notice and the debtor is to resume payments under her chapter 13 plan.

Party Information

Debtor(s):

Lisa Barill

Represented By
Philomena N Nzegge

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Tuesday, December 13, 2016

Hearing Room 301

11:00 AM

1:16-10343 Aram Yeginyan and Zarui Manukyan

Chapter 13

#65.00 Motion re: objection to claim number 3 by claimant
Department of the Treasury - Internal Revenue Service

fr. 4/12/16; 6/14/16; 8/9/16; 10/11/16

Docket 20

Tentative Ruling:

In light of the status report and Declaration of Aldo Arriola filed by the Internal Revenue Service (the "IRS") on November 23, 2016 (the "Status Report") [doc. 91], the Court will overrule the debtors' objection to the IRS' claim.

11 U.S.C. § 502(a) provides that a proof of claim is deemed allowed, unless a party in interest objects. Federal Rule of Bankruptcy Procedure 3001(f) provides that a proof of claim executed and filed in accordance with the rules constitutes *prima facie* evidence of the validity and amount of the claim. *See also* Local Bankruptcy Rule 3007-1(c) ("An objection to claim must be supported by admissible evidence sufficient to overcome the evidentiary effect of a properly documented proof of claim....").

"To defeat the claim, the objector must come forward with sufficient evidence and show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell v. Anchor Const. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000) (internal citation omitted). "If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence. The ultimate burden of persuasion remains at all times upon the claimant." *Id.* (internal citations omitted); *In re Laptops Etc. Corp.*, 164 B.R. 506, 522 (Bankr. D. Md. 1993) (burden shifts to claimant, who has ultimate burden of persuasion as to validity of its claim, only "upon objection to the claim coupled with the admission of probative evidence which tends to sufficiently rebut the prima facie validity of the claim").

The debtors have not presented any evidence rebutting the IRS' amended proof of

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CONT... Aram Yeginyan and Zarui Manukyan

Chapter 13

claim, filed on June 8, 2016, or the evidence attached to the Status Report.
Consequently, the Court will overrule the debtors' objection to the IRS' claim.

The IRS must submit an order within seven (7) days.

Party Information

Debtor(s):

Aram Yeginyan

Represented By
Donald W Sieveke

Joint Debtor(s):

Zarui Manukyan

Represented By
Donald W Sieveke

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Tuesday, December 13, 2016

Hearing Room 301

11:00 AM

1:16-12236 Gloria Solis

Chapter 13

#66.00 Motion re: objection to claim number 2-1 by claimant Moo Loans, LLC.

Docket 16

Tentative Ruling:

Deny.

11 U.S.C. § 502(a) provides that a proof of claim is deemed allowed, unless a party in interest objects. Federal Rule of Bankruptcy Procedure 3001(f) provides that a proof of claim executed and filed in accordance with the rules constitutes *prima facie* evidence of the validity and amount of the claim. *See also* Local Bankruptcy Rule 3007-1(c) ("An objection to claim must be supported by admissible evidence sufficient to overcome the evidentiary effect of a properly documented proof of claim....").

"To defeat the claim, the objector must come forward with sufficient evidence and show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell v. Anchor Const. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000) (internal citation omitted). "If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence. The ultimate burden of persuasion remains at all times upon the claimant." *Id.* (internal citations omitted); *In re Laptops Etc. Corp.*, 164 B.R. 506, 522 (Bankr. D. Md. 1993) (burden shifts to claimant, who has ultimate burden of persuasion as to validity of its claim, only "upon objection to the claim coupled with the admission of probative evidence which tends to sufficiently rebut the *prima facie* validity of the claim").

Here, the debtor's objection to the claim filed by Moo Loans LLC ("Moo Loans") did not overcome the *prima facie* validity of Moo Loans' claim. The debtor asserts that the chart attached to Moo Loans' proof of claim reflects a balance of \$4,627.19. However, this amount reflects only the balance of *principal*, not interest. This is evident because, under the column titled "Bal. History," the difference between each amount and the amount directly preceding it is the difference between the full amount

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CONT... Gloria Solis

Chapter 13

paid by the debtor and the amount applied to interest, as listed under the column titled "Interest." For instance, the beginning balance of principal is \$5,199. After the debtor's first payment of \$459, the balance is listed as \$5,173.08. The difference between \$5,199 and \$5,173.08 is not \$459, as would be the case if the "Bal. History" column reflected the total balance. Rather, the difference is \$25.92. Because, for that month, the amount applied to interest was \$433.08, and the difference between \$459 (the total paid by the debtor) and \$433.08 (the amount applied to interest) is also \$25.92, it appears the "Bal. History" column reflects *only* the balance of principal.

Adding the total amount of *interest* payments made by the debtor, as listed in the chart attached to Moo Loans' proof of claim, amounts to \$5,396.19. Because the total amount of interest owed was \$11,324.10, the balance of interest would be \$5,927.91. As such, adding the total amount of principal (\$4,627.19) to the total amount of interest (\$5,927.91) yields \$10,555.10, the amount claimed by Moo Loans. Consequently, the Court will deny the debtor's motion to reduce Moo Loans' claim to \$4,627.19.

The Court will prepare the order.

Party Information

Debtor(s):

Gloria Solis

Represented By

S Renee Sawyer Blume

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se