

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

**Thursday, December 08, 2016**

**Hearing Room 304**

10:00 AM

**6:16-19311 Albert Phillip Rotola, Jr.**

**Chapter 7**

**#1.00** Motion for relief from stay

TODD TUROCI VS DEBTOR

Property: Superior Court Docket Number MVS 1602717  
[Non Bk Forum] Todd Turoci, attorney/movant

Docket 17

**Tentative Ruling:**

**12/8/2016:**

None.

**Final Ruling.** This motion for relief from the automatic stay has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion pursuant to 11 U.S.C. § 362(d)(1) with the following relief:

(1) Annulment of the stay so that the filing of the bankruptcy petition does not affect postpetition acts.

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**CONT...**

**Albert Phillip Rotola, Jr.**

**Chapter 7**

(2) Waiver of the 14-day stay prescribed by Bankruptcy Rule 4001(a)(3).

Counsel for the moving party shall prepare and upload a proposed order within seven days.

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

Albert Phillip Rotola Jr.

Pro Se

**Trustee(s):**

Karl T Anderson (TR)

Pro Se

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**6:16-19355 Jill Simon**

**Chapter 7**

**#2.00** Motion for relief from stay

HONDA LEASE TRUST VS DEBTOR

Property: 2015 Honda Civic  
[Personal Prop] Vincent V. Frounjian, attorney/movant

Docket 8

**Tentative Ruling:**

**12/8/2016:**

None.

**Final Ruling.** This motion for relief from the automatic stay has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3). **No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion pursuant to 11 U.S.C. §§ 362(d)(1) and 362(d)(2) with the following relief:

(1) Termination of the stay to allow movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to obtain possession of the property, foreclose its lien upon the property and to sell the property.

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**CONT... Jill Simon**

**Chapter 7**

(2) Waiver of the 14-day stay prescribed by Bankruptcy Rule 4001(a)(3).

Counsel for the moving party shall prepare and upload a proposed order within seven days.

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

Jill Simon

Represented By  
Christopher Hewitt

**Trustee(s):**

Robert Whitmore (TR)

Pro Se

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**6:16-19953 Calin Lane Young**

**Chapter 7**

**#2.01** Motion for relief from stay

LINDEN COURT VS DEBTOR

Property: 368 South, Ironwood Ave, Rialto, CA 92376  
[UD] R. Scott Andrews, attorney/movant

Docket 13

**Tentative Ruling:**

**12/8/2016:**

The hearing regarding this motion shall be heard on shortened notice and any opposition is due at the hearing. Therefore, appearances are required at the hearing.

The motion requests relief from the automatic stay to complete an eviction. Using a bankruptcy case to delay an eviction is not appropriate. *See, e.g., In re Smith*, 105 B.R. 50, 53 & 55 (Bankr. C.D. Cal. 1989) (describing cases filed to delay an eviction as “abusive” and designed to “delay improperly the landlord from obtaining possession of his property.”). Therefore, the tentative ruling of the court is to grant the motion pursuant to 11 U.S.C. §§ 362(d)(1) and 362(d)(2) with the following relief:

(1) Termination of the stay to allow movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to obtain possession of the property.

(2) Waiver of the 14-day stay prescribed by Bankruptcy Rule 4001(a)(3).

**Party Information**

**Debtor(s):**

Calin Lane Young

Pro Se

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**CONT... Calin Lane Young**

**Chapter 7**

**Trustee(s):**

Larry D Simons (TR)

Pro Se

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**6:10-23393 Alfonso Contreras**

**Chapter 13**

Adv#: 6:16-01240 Contreras et al v. Altura Credit Union its successors and/or assigns

**#3.00** Status conference re: Complaint for judgment to enforce order of valuation motion

Docket 1

**\*\*\* VACATED \*\*\* REASON: DEFAULT JUDGMENT ENTERED 11-1-16**

**Tentative Ruling:**

- NONE LISTED -

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

Alfonso Contreras

Represented By  
Matthew D Resnik  
S Renee Sawyer Blume

**Defendant(s):**

Altura Credit Union its successors

Pro Se

**Joint Debtor(s):**

Jade Contreras

Represented By  
Matthew D Resnik  
S Renee Sawyer Blume

**Plaintiff(s):**

Jade Contreras

Represented By  
S Renee Sawyer Blume

Alfonso Contreras

Represented By  
S Renee Sawyer Blume

**Trustee(s):**

Rod (WJ) Danielson (TR)

Pro Se

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**6:10-35745 Aaron Joshua Leal**

**Chapter 13**

Adv#: 6:16-01237 Leal et al v. Bank of America, N.A. its successors and/or assign

**#4.00** Status conference re: Complaint for judgment to enforce order of valuation motion against junior lien holder

Docket 0

**\*\*\* VACATED \*\*\* REASON: DEFAULT JUDGMENT ENTERED 11-2-16**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Aaron Joshua Leal

Represented By  
Matthew D Resnik  
S Renee Sawyer Blume

**Defendant(s):**

Bank of America, N.A. its

Pro Se

**Joint Debtor(s):**

Charlene Craft Leal

Represented By  
Matthew D Resnik  
S Renee Sawyer Blume

**Plaintiff(s):**

Charlene Craft Leal

Represented By  
S Renee Sawyer Blume

Aaron Joshua Leal

Represented By  
S Renee Sawyer Blume

**Trustee(s):**

Rod (WJ) Danielson (TR)

Pro Se

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**6:11-16790 Jose Ventura Huerta**

**Chapter 13**

Adv#: 6:16-01230 Huerta et al v. Real Time Resolutions, Inc. et al

**#5.00** Status conference re: Complaint to avert lien on real property

[Property: 864 W. Monterey Road, Corona, CA 92882]

Docket 1

**\*\*\* VACATED \*\*\* REASON: NTC OF VOLUNTARY DISMISSAL  
FILED 9-23-16**

**Tentative Ruling:**

- NONE LISTED -

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

Jose Ventura Huerta

Represented By  
Natalie A Alvarado

**Defendant(s):**

JP MORGAN CHASE BANK N.A.,

Pro Se

Real Time Resolutions, Inc.

Pro Se

**Joint Debtor(s):**

Elizabeth Ann Huerta

Represented By  
Natalie A Alvarado

**Plaintiff(s):**

Elizabeth Ann Huerta

Represented By  
Natalie A Alvarado

Jose Ventura Huerta

Represented By  
Natalie A Alvarado

**Trustee(s):**

Rod (WJ) Danielson (TR)

Represented By

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**CONT... Jose Ventura Huerta**

Rod (WJ) Danielson (TR)

**Chapter 13**

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**6:11-29025 Stanley M. Rivera**

**Chapter 13**

Adv#: 6:16-01241 Rivera et al v. Wells Fargo Bank, N.A. its successors and/or assign

**#6.00** Status conference re: Complaint for judgment to enforce order of valuation motion

Docket 1

**\*\*\* VACATED \*\*\* REASON: DEFAULT JUDGMENT ENTE4R4ED 11-2-16**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Stanley M. Rivera

Represented By  
Matthew D Resnik  
S Renee Sawyer Blume

**Defendant(s):**

Wells Fargo Bank, N.A. its

Pro Se

**Joint Debtor(s):**

Susan Ann Rivera

Represented By  
Matthew D Resnik  
S Renee Sawyer Blume

**Plaintiff(s):**

Susan Ann Rivera

Represented By  
S Renee Sawyer Blume

Stanley M. Rivera

Represented By  
S Renee Sawyer Blume

**Trustee(s):**

Rod (WJ) Danielson (TR)

Represented By  
Rod (WJ) Danielson (TR)

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**6:10-44510 David Hoyos**

**Chapter 13**

Adv#: 6:16-01061 Hoyos et al v. Bank of America, N.A.

**#7.00** Hrg re motion for default judgment

FROM: 6-2-16, 6-17-16, 7-7-16, 9-29-16

Docket 5

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

David Hoyos

Represented By  
Dale Parham - INACTIVE -  
Michael Smith

**Defendant(s):**

Bank of America, N.A.

Pro Se

**Joint Debtor(s):**

Virginia M Hoyos

Represented By  
Dale Parham - INACTIVE -  
Michael Smith

**Plaintiff(s):**

Virginia M Hoyos

Represented By  
Michael Smith

David Hoyos

Represented By  
Michael Smith

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**CONT... David Hoyos**

**Chapter 13**

**Trustee(s):**

Rod (WJ) Danielson (TR) Pro Se

Rod (WJ) Danielson (TR) Pro Se

**U.S. Trustee(s):**

United States Trustee (RS) Pro Se

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**6:10-44510 David Hoyos**

**Chapter 13**

Adv#: 6:16-01061 Hoyos et al v. Bank of America, N.A.

**#8.00** Status conference re: Complaint to avoid junior lien on prinipal residence

[Property: 1574 Ridgecrest Court, San Bernardino, CA 92405]

FROM: S/C 6-2-16, 6-17-16, 7-7-16, 9-29-16

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

David Hoyos

Represented By  
Dale Parham - INACTIVE -  
Michael Smith

**Defendant(s):**

Bank of America, N.A.

Pro Se

**Joint Debtor(s):**

Virginia M Hoyos

Represented By  
Dale Parham - INACTIVE -  
Michael Smith

**Plaintiff(s):**

Virginia M Hoyos

Represented By  
Michael Smith

David Hoyos

Represented By  
Michael Smith

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**CONT... David Hoyos**

**Chapter 13**

**Trustee(s):**

Rod (WJ) Danielson (TR) Pro Se

Rod (WJ) Danielson (TR) Pro Se

**U.S. Trustee(s):**

United States Trustee (RS) Pro Se

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**6:11-20139 David Boucher**

**Chapter 13**

Adv#: 6:16-01242 Boucher et al v. Bank of America, N.A. et al

**#9.00** Hrg re motion for default judgment

Docket 5

**Tentative Ruling:**

**12/8/2016:**

None.

**Final Ruling.** This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

**No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion and enter judgment finding that the deed of trust executed by David R. Boucher and Susan Boucher in favor of Bank of America, N.A., dated July 19, 2006, securing a debt in the original principal amount of \$130,000, and recorded on August 3, 2006 as document number 2006-0571350, in the Official Records of Riverside County, is invalid, void and unenforceable.

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**CONT... David Boucher**

**Chapter 13**

Counsel for the moving party shall prepare and upload a proposed order within seven days.

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

David Boucher

Represented By  
Dale Parham - INACTIVE -  
Michael Smith

**Defendant(s):**

BANK OF AMERICA, N.A.

Pro Se

Bank of America, N.A.

Pro Se

**Joint Debtor(s):**

Susan Boucher

Represented By  
Dale Parham - INACTIVE -  
Michael Smith

**Plaintiff(s):**

Susan Boucher

Represented By  
Michael Smith

David Boucher

Represented By  
Michael Smith

**Trustee(s):**

Rod (WJ) Danielson (TR)

Pro Se

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**6:11-24687 Willard M Thomas, III**

**Chapter 13**

Adv#: 6:16-01243 Thomas, III et al v. Bank of America, N.A. et al

**#10.00** Hrg re motion for default judgment

Docket 5

**Tentative Ruling:**

**12/8/2016:**

None.

**Final Ruling.** This motion has been set for hearing on regular notice pursuant to Rule 9013-1(d)(2) of the Local Bankruptcy Rules. Pursuant to Rule 9013-1(h), the failure of the trustee, the debtor and other parties in interest to file written opposition at least fourteen days prior to the hearing is construed as consent to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Furthermore, because the court is granting the relief requested by the moving party and for which a *prima facie* case has been established, an actual hearing is not necessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Parties who have been properly served with the motion are considered in default and, as a consequence, the matter will be resolved without oral argument. *See* Rule 9013-1(j)(3).

**No appearance is necessary.**

For the reasons set forth in the motion, the Court hereby finds that sufficient grounds exist to grant the motion and enter judgment finding that the deed of trust executed by Willard M. Thomas III and Sandra R. Thomas in favor of Countrywide Home Loans, Inc., dated April 25, 2007, securing a debt in the original principal amount of \$64,337, and recorded on May 1, 2007 as document number 2007-0263463, in the Official Records of San Bernardino County, is invalid, void and

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**CONT...** Willard M Thomas, III  
unenforceable.

**Chapter 13**

Counsel for the moving party shall prepare and upload a proposed order within seven days.

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

Willard M Thomas III	Represented By Dale Parham - INACTIVE - Michael Smith
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**Defendant(s):**

Real Time Resolutions, Inc.	Pro Se
Countrywide Home Loans, Inc.	Pro Se
Bank of America, N.A.	Pro Se
REAL TIME RESOLUTIONS, INC.	Pro Se

**Joint Debtor(s):**

Sandra R Thomas	Represented By Dale Parham - INACTIVE - Michael Smith
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**Plaintiff(s):**

Sandra R Thomas	Represented By Michael Smith
Willard M Thomas III	Represented By Michael Smith

**Trustee(s):**

Rod (WJ) Danielson (TR)	Pro Se
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**6:14-18984 Paul Merrigan**

**Chapter 7**

Adv#: 6:16-01196 Sussman v. Image Lab, Inc. et al

**#11.00** Status conference re: Complaint for declaratory relief, fraudulent conveyance

FROM: S/C 10-20-16, 11-10-16

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

Paul Merrigan

Represented By  
Mary Der-Parseghian

**Defendant(s):**

Greystone Fiduciary Services, LLC

Pro Se

Image Lab, Inc.

Pro Se

**Joint Debtor(s):**

Holly Merrigan

Represented By  
Mary Der-Parseghian

**Plaintiff(s):**

Mitchell Reed Sussman

Represented By  
Mitchell R Sussman

**Trustee(s):**

Robert Whitmore (TR)

Represented By  
Franklin C Adams  
Cathy Ta

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**6:14-18984 Paul Merrigan**

**Chapter 7**

Adv#: 6:16-01196 Sussman v. Image Lab, Inc. et al

**#12.00** Hrg re motion for summary judgment of defendant

FROM: 10-27-16

Docket 6

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Paul Merrigan

Represented By  
Mary Der-Parseghian

**Defendant(s):**

Greystone Fiduciary Services, LLC

Represented By  
Joseph J De Kellis

Image Lab, Inc.

Pro Se

**Joint Debtor(s):**

Holly Merrigan

Represented By  
Mary Der-Parseghian

**Plaintiff(s):**

Mitchell Reed Sussman

Represented By  
Mitchell R Sussman

**Trustee(s):**

Robert Whitmore (TR)

Represented By

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**CONT...**

**Paul Merrigan**

Franklin C Adams  
Cathy Ta

**Chapter 7**