

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

Thursday, December 15, 2016

Hearing Room 304

10:00 AM

6:16-19876 Peggy Irene Clelland and Joel Douglas Clelland

Chapter 7

#1.00 Motion for relief from stay

LAKEVIEW LOAN SERVICING, LLC VS DEBTORS

Property:1339 Alta Avenue, Upland, CA 91786
[Real Prop] Christina J.O, attorney/movant

Docket 14

Tentative Ruling:

12/15/2016:

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)(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.

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

Thursday, December 15, 2016

Hearing Room 304

10:00 AM

CONT... Peggy Irene Clelland and Joel Douglas Clelland Chapter 7

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

(3) The creditor or counsel for the creditor may communicate with the debtors or counsel for the debtors regarding the property that is the subject of this motion and the debt owed to the creditor.

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

Party Information

Debtor(s):

Peggy Irene Clelland

Represented By
Julie J Villalobos

Joint Debtor(s):

Joel Douglas Clelland

Represented By
Julie J Villalobos

Trustee(s):

Lynda T. Bui (TR)

Pro Se

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

Thursday, December 15, 2016

Hearing Room 304

10:00 AM

6:16-20282 Elvira F Perich

Chapter 7

#1.01 Motion for relief from stay

THE BANK OF NEW YORK MELLON VS DEBTOR

Property: 227 East Nevada Street; 622 South Plum Street; and 622 1/2 South Plum Street, Ontario, CA 91761

[UD] Randall D. Naiman, attorney/movant

Docket 10

Tentative Ruling:

12/15/2016:

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):

Elvira F Perich

Pro Se

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

Thursday, December 15, 2016

Hearing Room 304

10:00 AM

CONT... Elvira F Perich

Chapter 7

Trustee(s):

Howard B Grobstein (TR)

Pro Se

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

Thursday, December 15, 2016

Hearing Room 304

10:15 AM

6:16-20595 Abdul Majed

Chapter 13

#1.03 Hrg re status conference

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Abdul Majed

Pro Se

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

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

Thursday, December 15, 2016

Hearing Room 304

10:15 AM

6:16-20638 June B Fausel

Chapter 13

#1.04 Hrg re status conference

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

June B Fausel

Pro Se

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

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

Thursday, December 15, 2016

Hearing Room 304

10:15 AM

6:16-20639 Ruben A Oropeza

Chapter 13

#1.05 Hrg re status conference

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben A Oropeza

Pro Se

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

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

Thursday, December 15, 2016

Hearing Room 304

10:15 AM

6:16-20732 Roy Larry and Susanne Larry

Chapter 13

#1.06 Hrg re status conference

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roy Larry	Pro Se
-----------	--------

Joint Debtor(s):

Susanne Larry	Pro Se
---------------	--------

Trustee(s):

Rod (WJ) Danielson (TR)	Pro Se
-------------------------	--------

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

Thursday, December 15, 2016

Hearing Room 304

10:15 AM

6:16-20761 Jainal Manullang

Chapter 13

#1.07 Hrg re status conference

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jainal Manullang	Pro Se
------------------	--------

Trustee(s):

Rod (WJ) Danielson (TR)	Pro Se
-------------------------	--------

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

Thursday, December 15, 2016

Hearing Room 304

10:30 AM

6:11-20105 Dennis M Burog

Chapter 13

Adv#: 6:16-01246 Burog et al v. Ditech Financial LLC

#2.00 Status conference re: Compliant seeking judgment declaring junior lien on real property invalid, void and unenforceable

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dennis M Burog

Represented By
Eric J Gravel

Defendant(s):

Ditech Financial LLC

Pro Se

Joint Debtor(s):

Maria M Salud

Represented By
Eric J Gravel

Plaintiff(s):

Maria M Salud

Represented By
Eric J Gravel

Dennis M Burog

Represented By
Eric J Gravel

Trustee(s):

Rod (WJ) Danielson (TR)

Represented By
Rod (WJ) Danielson (TR)

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

Thursday, December 15, 2016

Hearing Room 304

10:30 AM

6:11-20139 David Boucher

Chapter 13

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

#3.00 Status conference re: Complaint to avoid junior lien on principal residence

[Property: 15364 Regatta Way, Lake Elsinore, CA 92530]

Docket 1

***** VACATED *** REASON: ORDE GRANTING MOTION FOR
DEFAULT ENTERED 12-8-16**

Tentative Ruling:

- NONE LISTED -

Party Information

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

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

Thursday, December 15, 2016

Hearing Room 304

10:30 AM

CONT... David Boucher

Chapter 13

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

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

Thursday, December 15, 2016

Hearing Room 304

10:30 AM

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

#4.00 Status conference re: Complaint to avoid junior lien on principal residence

[Property: 16302 Misty Hill Drive, Chino, CA 91709]

Docket 1

***** VACATED *** REASON: ORDER GRANTING MOTION FOR
DEFAULT ENTERED 12-8-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Willard M Thomas III

Represented By
Dale Parham - INACTIVE -
Michael Smith

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

Plaintiff(s):

Sandra R Thomas

Represented By
Michael Smith

Willard M Thomas III

Represented By

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

Thursday, December 15, 2016

Hearing Room 304

10:30 AM

CONT... Willard M Thomas, III

Michael Smith

Chapter 13

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

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

Thursday, December 15, 2016

Hearing Room 304

10:30 AM

6:14-14845 Annabel Navarro

Chapter 7

Adv#: 6:16-01221 Daff v. McCulloch et al

#5.00 Status conference re: Complaint for declaratory relief, accounting and objection to secured claims

Docket 1

***** VACATED *** REASON: STIP/JUDGMENT ENTERED 11-21-16**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annabel Navarro

Represented By
Gene E O'Brien

Defendant(s):

Riverside County General Hospital

Pro Se

BANK OF AMERICA, N.A.

Pro Se

Robert McCulloch

Pro Se

Plaintiff(s):

Charles W Daff

Represented By
Kristine A Thagard

Trustee(s):

Charles W Daff (TR)

Represented By
Kristine A Thagard

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

Thursday, December 15, 2016

Hearing Room 304

10:30 AM

6:16-15541 Michael J Morris

Chapter 7

Adv#: 6:16-01245 Schell v. Morris et al

#6.00 Status conference re: Complaint to determine debt to be nondischargeable and to determine community property interests of debtor and spouse to be excepted from discharge

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael J Morris

Represented By
Ronald L Brownson

Defendant(s):

Marlene M Virga-Morris

Pro Se

Michael J Morris

Pro Se

Joint Debtor(s):

Marlene M Virga-Morris

Represented By
Ronald L Brownson

Plaintiff(s):

Gary H Schell

Represented By
Joshua Najemy

Trustee(s):

Karl T Anderson (TR)

Pro Se

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

Thursday, December 15, 2016

Hearing Room 304

1:30 PM

6:11-25866 Joan Marie Klausman

Chapter 13

Adv#: 6:16-01251 Klausman v. San Diego County Credit Union

#7.00 Hrg re motion for default judgment

Docket 5

Tentative Ruling:

12/15/2016:

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 Rick Klausman and Joan M. Klausman in favor of San Diego County Credit Union, dated August 23, 2007, securing a debt in the original principal amount of \$140,000, and recorded on August 29, 2007 as document number 2007-0553158, in the Official Records of Riverside County, is invalid, void and unenforceable.

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

Thursday, December 15, 2016

Hearing Room 304

1:30 PM

CONT... Joan Marie Klausman

Chapter 13

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

Party Information

Debtor(s):

Joan Marie Klausman

Represented By
Dale Parham - INACTIVE -
Michael Smith

Defendant(s):

San Diego County Credit Union

Pro Se

Plaintiff(s):

Joan Marie Klausman

Represented By
Michael Smith

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

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

Thursday, December 15, 2016

Hearing Room 304

1:30 PM

6:16-15541 Michael J Morris

Chapter 7

Adv#: 6:16-01245 Schell v. Morris et al

#8.00 Hrg re motion to dismiss adversary complaint for failure to state claims for relief

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael J Morris

Represented By
Ronald L Brownson

Defendant(s):

Marlene M Virga-Morris

Represented By
Lazaro E Fernandez

Michael J Morris

Represented By
Lazaro E Fernandez

Joint Debtor(s):

Marlene M Virga-Morris

Represented By
Ronald L Brownson

Plaintiff(s):

Gary H Schell

Represented By
Joshua Najemy

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

Thursday, December 15, 2016

Hearing Room 304

1:30 PM

CONT... Michael J Morris

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

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

Thursday, December 15, 2016

Hearing Room 304

2:00 PM

6:14-18984 Paul Merrigan

Chapter 7

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

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

FROM: S/C 10-20-16, 11-10-16, 12-8-16

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

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

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

Thursday, December 15, 2016

Hearing Room 304

2:00 PM

6:14-18984 Paul Merrigan

Chapter 7

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

#10.00 Hrg re motion for summary judgment of defendant

FROM: 10-27-16, 12-8-16

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

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

Thursday, December 15, 2016

Hearing Room 304

2:00 PM

CONT...

Paul Merrigan

Franklin C Adams
Cathy Ta

Chapter 7