

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

Thursday, December 22, 2016

Hearing Room 304

10:00 AM

6:16-19615 Desiree Wright

Chapter 7

#1.00 Motion for relief from stay

SANTANDER CONSUMER USA INC. VS DEBTOR

Property: 2002 LEXUS ES300
[Personal Prop] Sheryl K. Ith, attorney/movant

Docket 12

Tentative Ruling:

12/22/2016:

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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Desiree Wright

Chapter 7

(2) The 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.

(3) 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.

Party Information

Debtor(s):

Desiree Wright

Pro Se

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, December 22, 2016

Hearing Room 304

10:00 AM

6:16-20624 Zaldy San Jose Abad

Chapter 7

#2.00 Motion for relief from stay

UDR RANCHO CUCAMONGA VS DEBTOR

Property: 8200 Haven Avenue, Suite 12104, Rancho Cucamonga, CA 91730
[UD] Todd A. Brisco & Associates, attorney/movant

Docket 7

Tentative Ruling:

12/22/2016:

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):

Zaldy San Jose Abad

Represented By
Lionel E Giron

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CONT... Zaldy San Jose Abad

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, December 22, 2016

Hearing Room 304

10:15 AM

6:16-20799 Bernard Hernandez

Chapter 13

#3.00 Hrg re status conference

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bernard Hernandez

Pro Se

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, December 22, 2016

Hearing Room 304

10:15 AM

6:16-20801 Margaret L Henkel

Chapter 13

#4.00 Hrg re status conference

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margaret L Henkel

Pro Se

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
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Thursday, December 22, 2016

Hearing Room 304

10:15 AM

6:16-20878 Armando Gonzalez Garcia

Chapter 13

#4.01 Hrg re status conference

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Armando Gonzalez Garcia

Pro Se

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, December 22, 2016

Hearing Room 304

10:30 AM

6:11-25866 Joan Marie Klausman

Chapter 13

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

#5.00 Status conference re: complaint to avoid junior lien of principal residence

[Property: 39772 Mt. Blanc Ave., Murrieta, CA 92562]

Docket 1

Tentative Ruling:

- NONE LISTED -

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
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10:30 AM

6:11-34951 Robert Glenn Gorski

Chapter 13

Adv#: 6:16-01250 Gorski et al v. GMACM Home Equity Loan Trust 2006-HE3 Successors/a

#6.00 Status conference re: Complaint to avoid junior lien on estate real property as unconditional invalid void and unenforceable

[Property: 1750 Electr Drive, Victorville, CA 92395]

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Glenn Gorski

Represented By
Michael R Totaro

Defendant(s):

Green Tree Servicing, LLC,

Pro Se

GMACM Home Equity Loan Trust

Pro Se

Joint Debtor(s):

Melissa Erin Gorski

Represented By
Michael R Totaro

Plaintiff(s):

Melissa Erin Gorski

Represented By
Michael R Totaro

Robert Glenn Gorski

Represented By
Michael R Totaro

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:11-18248 Jeffrey James Vandegrift

Chapter 13

Adv#: 6:16-01218 Vandegrift et al v. Nationstar Mortgage LLC et al

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

[Property: 12308 Snapping Turtle Road, Apple Valley, CA 92308]

FROM: 11-10-16

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeffrey James Vandegrift

Represented By
Dina Farhat

Defendant(s):

Bank of New York Mellon

Pro Se

BAC Home Loans Servicing

Pro Se

Nationstar Mortgage LLC

Pro Se

Joint Debtor(s):

Lisa Marie Vandegrift

Represented By
Dina Farhat

Plaintiff(s):

Lisa Marie Vandegrift

Represented By
Dina Farhat

Jeffrey James Vandegrift

Represented By
Dina Farhat

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CONT... Jeffrey James Vandegrift

Chapter 13

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 304

1:30 PM

6:09-39042 Kari G Sharp

Chapter 13

Adv#: 6:16-01201 Sharp v. GMAC MORTGAGE et al

#8.00 Hrg re motion for default judgment

Docket 11

Tentative Ruling:

12/22/2016:

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 Kari G. Sharp in favor of GMAC Mortgage, LLC dba ditech, dated August 3, 2007, securing a debt in the original principal amount of \$42,000, and recorded on September 12, 2007 as document number 2007-0578434, in the Official Records of Riverside County, is invalid, void and unenforceable.

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

Party Information

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1:30 PM

CONT... Kari G Sharp

Chapter 13

Debtor(s):

Kari G Sharp

Represented By
David A Akintimoye

Defendant(s):

Grassy Meadows II, LLC

Pro Se

OCWEN LOAN SERVICING

Pro Se

GMAC MORTGAGE

Pro Se

Plaintiff(s):

Kari G Sharp

Represented By
Daniel King

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
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6:09-39042 Kari G Sharp

Chapter 13

Adv#: 6:16-01201 Sharp v. GMAC MORTGAGE et al

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

[Property: 12280 Vista Hermosa Drive, Moreno Valley, CA 92557]

FROM: 10-20-16

Docket 1

Tentative Ruling:

12/22/2016:

None.

Final Ruling. The Court has posted a ruling granting the motion for default judgment filed by the debtors [Calendar #8]. Accordingly, the status conference is unnecessary and hereby taken off calendar. **No appearance is necessary.**

Party Information

Debtor(s):

Kari G Sharp

Represented By
David A Akintimoye

Defendant(s):

Grassy Meadows II, LLC

Pro Se

OCWEN LOAN SERVICING

Pro Se

GMAC MORTGAGE

Pro Se

Plaintiff(s):

Kari G Sharp

Represented By

**United States Bankruptcy Court
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CONT... Kari G Sharp

Daniel King

Chapter 13

Trustee(s):

Rod (WJ) Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
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Hearing Room 304

1:30 PM

6:16-12192 Mark Technologies Corporation

Chapter 7

Adv#: 6:16-01131 EDF RENEWABLE ENERGY INC et al v. MARK TECHNOLOGIES

#10.00 Status conference re: Notice of removal

FROM: S/C 6-23-16, 10-22-16

Docket 0

*** VACATED *** REASON: SCHEDULING ORDER ENTERED 11-30-16; CONT'D TO 1-24-17 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Technologies Corporation

Represented By
Todd L Turoci

Defendant(s):

Mark Technologies Corporation

Pro Se

Plaintiff(s):

EDF RENEWABLE ENERGY INC

Represented By
J. Barrett Marum

Trustee(s):

Helen R. Frazer (TR)

Pro Se