

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Ernest Robles, Presiding  
Courtroom 1568 Calendar**

**Monday, June 5, 2023**

**Hearing Room 1568**

10:00 AM

**2:23-11072 Jimmy Rene Morlet, Sr and Lisa Marie Morlet**

**Chapter 7**

**#1.00** HearingRE: [13] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13570 Turnbull Canyon Road, Whittier, California 90601 .

Docket 13

**Tentative Ruling:**

6/1/2023

**Note: Parties may appear at the hearing either in-person or by telephone. The use of face masks in the courtroom is optional. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.**

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).

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. The Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement. The Movant, through its servicing agent, may contact the Debtors by telephone or written correspondence to offer such an agreement. The 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. The Movant has established a *prima facie* case that cause exists, and the Debtors have not responded with evidence establishing that the Property is not declining in value or that the Movant is adequately protected.

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Per the Movant's appraisal, the Property has a value of approximately \$510,000.00. Per the Motion, the Property is encumbered by (i) a first deed of trust in favor of the Movant in the amount of approximately \$426,349.39; (ii) a second deed of trust in favor of Alfred Palafox in the amount of approximately \$4,357.68; (iii) a judgment lien in favor of Primus Automotive Financial Services, Inc. dba Mazda American Credit in the amount of approximately \$21,868.20; and (iv) a judgment lien in favor of Jeremy Uzqueda in the amount of approximately \$7,026.66. Considering the Movant's lien, any senior liens against the Property, and the estimated costs of sale, there is an equity cushion of approximately \$42,850.61. There is some, but very little equity and there is no evidence that the Property is necessary to a reorganization or that the Property can be administered for the benefit of creditors. The Movant is protected by an approximate 8.4% equity cushion in the Property. The Ninth Circuit has established that an equity cushion of 20% constitutes adequate protection for a secured creditor. *Pistole v. Mellor (In re Mellor)*, 734 F.2d 1396, 1401 (9th Cir. 1984); see *Downey Sav. & Loan Ass'n v. Helionetics, Inc. (In re Helionetics, Inc.)*, 70 B.R. 433, 440 (Bankr. C.D. Cal. 1987) (holding that a 20.4% equity cushion was sufficient to protect the creditor's interest in its collateral).

Because the equity cushion in this case is less than 20%, the Court concludes that the Movant's interest in the collateral is not adequately protected. This is cause to terminate the stay under 11 U.S.C. § 362(d)(1).

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

The Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the Court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Evan Hacker at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

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**CONT... Jimmy Rene Morlet, Sr and Lisa Marie Morlet Chapter 7**

**Party Information**

**Debtor(s):**

Jimmy Rene Morlet Sr

Represented By  
Steven Ibarra

**Joint Debtor(s):**

Lisa Marie Morlet

Represented By  
Steven Ibarra

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

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**2:23-11765 Alejandro Cuevas**

**Chapter 7**

**#2.00** HearingRE: [13] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Chevrolet Volt LT Hatchback 4D . (Skigin, Cheryl)

Docket 13

**Tentative Ruling:**

6/1/2023

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The Motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) for cause to permit the Movant, its successors, transferees and assigns, to enforce its remedies to repossess or otherwise obtain possession and dispose of its collateral pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. The 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. The Court takes judicial notice of the Chapter 7 Individual Debtor's Statement of Intention in which the Debtor stated an intention to surrender the vehicle to the Movant.

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

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

Alejandro Cuevas

Represented By  
Raj T Wadhvani

**Trustee(s):**

John P Pringle (TR)

Pro Se