### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

<u>10:30 AM</u>

8:20-10251 Ralph Q. Quinata and Maria A Quinata

Chapter 13

#1.00 Trustee's Motion to Dismiss Case Failure to Make Plan Payments

EΗ

Docket 182

**Tentative Ruling:** 

- NONE LISTED -

**Party Information** 

**Debtor(s):** 

Ralph Q. Quinata Represented By

Christopher J Langley

Michael Smith

**Joint Debtor(s):** 

Maria A Quinata Represented By

Christopher J Langley

Michael Smith

Trustee(s):

# Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

<u>10:30 AM</u>

8:22-12083 Gregory S. Bettison

Chapter 13

#2.00 Trustee's Motion to Dismiss Case Failure to Make Plan Payments

EH

Docket 62

\*\*\* VACATED \*\*\* REASON: WITHDRAWAL OF MOTION FILED

1/29/25

**Tentative Ruling:** 

- NONE LISTED -

**Party Information** 

**Debtor(s):** 

Gregory S. Bettison Represented By

Joseph A Weber Fritz J Firman

**Trustee(s):** 

### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

<u>10:30 AM</u>

**8:23-10924** Elmer Morales

Chapter 13

#3.00 Trustee's Motion to Dismiss Case Failure to Make Plan Payments

EH\_\_

[Tele. appr. Sundee Teeple, rep. Debtor]

Docket 163

**Tentative Ruling:** 

- NONE LISTED -

**Party Information** 

**Debtor(s):** 

Elmer Morales Represented By

Sundee M Teeple

**Trustee(s):** 

### Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

10:30 AM

8:24-10577 Erica Duarte Bruce

Chapter 13

#4.00 CONT. Motion to Determine Reasonableness of Post-Petition Fees of Garden Valley Homeowners Association

EH

From: 1/23/25

[Tele. appr. Andrew A. Moher, rep. Debtor]

[Tele. appr. Alyssa Klausner, rep. Creditor Garden Homeowners Association, Inc.]

Docket 96

#### **Tentative Ruling:**

- NONE LISTED -

#### **Party Information**

**Debtor(s):** 

Erica Duarte Bruce Represented By

Andrew Moher

**Trustee(s):** 

# Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

<u>10:30 AM</u>

8:24-10692 Paul Ronnie Adams

Chapter 13

#5.00 Motion to Vacate the Discharge Entered on 7/1/2024

EH\_\_

Docket 53

### **Tentative Ruling:**

- NONE LISTED -

#### **Party Information**

**Debtor(s):** 

Paul Ronnie Adams Represented By

A Mina Tran

**Trustee(s):** 

### Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

10:30 AM

#### **8:24-11431** Dawna Ludwig

Chapter 13

#6.00

Motion To: (1) Approve Sale of Real Property Located at 22840 Hidden Hills Road, Yorba Linda, CA 92887 Free and Clear of Liens, Claims and Interests; (2) Approve Payment of Real Estate Brokers Commissions; (3) Finding Purchaser Is a Good Faith Purchaser; and (4) Waiving Stay under Rule 6004(h)

EH\_\_

[Tele. appr. Keith Higginbotham, rep. Creditor U.S. Bank Trust, National Association]

[Tele. appr. David R. Flyer, rep. Creditor Flyer & Flyer]

[Tele. appr. Thomas Ure, rep. Debtor]

[Tele. appr. J. Scott Williams, rep. Interested Parties Gaby and Darlene Azar]

Docket 65

#### **Tentative Ruling:**

2/13/2025

Service: Proper Opposition: None

#### **BACKGROUND:**

On June 4, 2024, Dawna Ludwig ("Debtor") filed a voluntary Chapter 13 bankruptcy petition. The Court confirmed debtors Chapter 13 plan on July 25, 2024, and entered a confirmation order on August 12, 2024. Debtor's plan provided for the sale of Debtor's residence 22840 Hidden Hills Road, Yorba Linda, CA 92887 (the "Property") within 180 days from the confirmation of the plan, setting a deadline of January 21, 2025.

Debtor acknowledges that she was unable to timely close before January 21, 2025, however Debtor now comes before the court seeking to sell her interest in the Property for \$2,500,000.00 by SDI Real Property Investors LLC ("Buyer").

### Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

10:30 AM

#### **CONT...** Dawna Ludwig

Chapter 13

On January 21, 2025, Debtor filed this motion pursuant to 11 U.S.C. §363 to (1) approve sale of the Property free and clear of liens, claims, and interests; (2) approve payment of real estate broker's commissions in the amount of 2.5% sales price, as set for in an order approving the employment application of the broker entered as docket 57; (3) find Buyer is a good faith purchaser for purposes of 11 U.S.C. § 363(m); and (4) waive stay under Rule 6004(h).

Debtor alleges that she has accepted the offer subject to Court approval and alleges the proceeds from the sale will be sufficient to satisfy costs of sale, commissions, payment in full of all undisputed liens, all outstanding claims through the Chapter 13 Trustee—including a disputed claims reserve, the Chapter 13 Trustee's fees, and administrative fees. Likewise, Debtor alleges that there will be significant funds remaining for the Debtor. According to Debtor, the total amount subject to liens against the Property—including liens from U.S. Bank Trust, Flyer & Flyer, Darlene Azar and Gabby Azar, James G. LeBloch, and property taxes—equals \$1,608,109.23. Debtor also notes that there is a disputed lien from the Law Office of James L. Norman, and that the disputed amount of \$52,259.92 shall be paid to Trustee to be held pending resolution of the disputed amount.

On January 29, 2025, Creditor U.S. Bank Trust National Association submitted an amended non-opposition to Debtor's motion, requesting that an order approving Debtor's motion contain a provision stating failure to complete any sale within 90-days of entry will result in the Order authorizing sale to be deemed moot.

On January 30, 2025, Trustee also filed an amended non-opposition to Debtor's motion, recommending approval and discussing what Trustee is authorized to do with the funds from the sale.

#### **DISCUSSION:**

I. Sale of Estate Property Pursuant to Section 363(b)

11 U.S.C. § 363(b)(1) allows a trustee to sell property of the estate outside of the ordinary course of business, after notice and a hearing. Under 11 U.S.C. § 1303, a Chapter 13 debtor has the rights and powers of a trustee pursuant to § 363(b) and §363(f), among other sections. A sale pursuant to § 363(b) requires a demonstration that the sale has a valid business justification. *In re 240 North Brand Partners, Ltd.*, 200 B.R. 653, 659 (B.A.P. 9<sup>th</sup> Cir. 1996).

# Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

10:30 AM

#### **CONT...** Dawna Ludwig

Chapter 13

Likewise, the sale of the property must be in accordance with 11 U.S.C. § 363 (b)(1)(B)(2), which requires a finding that no showing was made that such sale would violate applicable nonbankruptcy law.

In this case, Debtor claims the sale is supported by sound business judgment because by selling the Property Debtor is pursuing the best method to maximize value of the estate's interest in the Property. Debtor claims that she retained a licensed broker to list, market, and aid in the sale of the Property, and thus has followed business practices leading to a high offer. Debtor has also claimed selling the Property is in the best interest of the estate because by selling the Property, Debtor will have sufficient proceeds to pay all creditors in full.

The Court is satisfied that Debtor has submitted sufficient evidence showing that the sale is supported by sound business judgment and that such sale is in the best interest of the estate since it will lead to creditors' payment in full. There has likewise been no showing that this sale would violate applicable nonbankruptcy law. Therefore, the Court finds the sale has a valid business justification.

II. Sale Free & Clear of Liens/Release Fee

#### 11 U.S.C. § 363(f) states:

- (f) The trustee may sell property under subsection (b) or (c) of this section free and clear of any interest in such property of an entity other than the estate, only if-
  - (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest:
  - (2) such entity consents;
  - (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
  - (4) such interest is in bona fide dispute; or
  - (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

Here, the sale price of the Property at an amount of \$2,500,000 exceeds the identified aggregate value of the payoff amounts of the secured creditors, totaling \$1,608,109.23.

# Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

10:30 AM

#### **CONT...** Dawna Ludwig

Chapter 13

Additionally, there is only one unsecured claim on the estate, totaling \$521.31. Approval of the sale free and clear is therefore appropriate pursuant to § 363(f)(3).

#### III. Broker's fee

Debtor has requested that the Court issue an order authorizing escrow to pay a commission to the real estate broker in the amount of 2.5% of the sales price. The Court had already issued an order approving an application to employ the real estate broker as docket 57. In this order, the Court approved the broker's commission of 2.5% commission of sales prices. Therefore, the Court finds there are sufficient grounds to authorize escrow to pay this commission.

#### IV. Good Faith Purchaser

Debtor has also requested that the Court find Buyer is a good faith purchaser pursuant to 11 U.S.C. §363(m). That statute states:

The reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale or lease under such authorization to an entity that purchased or leased such property in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and such sale or lease were stayed pending appeal.

Although the bankruptcy code does not define what constitutes bad faith, in the Ninth Circuit courts follow equitable principles showing a good faith purchaser is one who buys in good faith and for value, and a lack of good faith is shown by fraud, collusion, or an attempt to take unfair advantage of other bidders. *In re Ewell*, 958 F.2d 276, 281 (9th Cir. 1992).

Here, the Court requires a declaration from Buyer to make a good faith finding under 11 U.S.C. § 363(m).

#### V. Rule 6004(h) stay

Debtor has also requested that the Court waive the fourteen-day stay set by Rule 6004(h) of the Federal Rules of Bankruptcy Procedure. That rule states that "[u]nless the court orders otherwise, an order authorizing the use, sale, or lease of property (other than cash collateral)

Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

10:30 AM

#### **CONT...** Dawna Ludwig

Chapter 13

is stayed for 14 days after the order is entered."

Debtor has requested that the stay be waive, stating that all parties with a potential lien, claim or interest in the Property have been serviced with notice of the sale and an opportunity to object, and the fourteen-day waiting period could only operate to delay the closing of escrow. There being no opposition, and recognizing disbursement will pay all creditors in full, the Court finds there are sufficient grounds to waive the fourteen-day stay.

#### **TENTATIVE RULING**

Based on the foregoing, service being proper, there being no opposition, the Court is inclined to:

- GRANT the motion to sell the Property, subject to the conditions in Trustee's amended nonopposition and Creditor's U.S. Bank Trust National Association's amended nonopposition;
- GRANT Debtor's request to approve the sale without overbid procedures given the
  proposed sale is sufficient to pay all creditors in full, given that it was the highest bid
  and best sales price for the Property with significant surplus proceeds available;
- GRANT payment of real estate broker's commission;
- GRANT Debtor's request that the Court find Buyer is a good faith purchaser subject to a declaration from Buyer sufficient to establish good faith; and
- GRANT waiver of Rule 6004(h)'s fourteen-day stay.

APPEARANCES REQUIRED.

# Mark Houle, Presiding Courtroom 6C Calendar

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**Hearing Room** 

**6C** 

<u>10:30 AM</u>

**CONT...** Dawna Ludwig

Chapter 13

### **Party Information**

**Debtor(s):** 

Dawna Ludwig Represented By

Thomas B Ure

**Trustee(s):** 

### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-10692 Paul Ronnie Adams

Chapter 13

#7.00 CONT. Confirmation of Chapter 13 Plan

EH

From: 1/9/25

Docket 42

### **Tentative Ruling:**

- NONE LISTED -

#### **Party Information**

#### **Debtor(s):**

Paul Ronnie Adams Represented By

A Mina Tran

**Trustee(s):** 

### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-12315 Christopher Michael Wessels

Chapter 13

#8.00 CONT. Confirmation of Chapter 13 Plan

EH\_\_

From: 11/21/24, 1/9/25

Docket 17

#### **Tentative Ruling:**

- NONE LISTED -

#### **Party Information**

#### **Debtor(s):**

Christopher Michael Wessels Represented By

Michael Smith

**Trustee(s):** 

# Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-12326 Samuel Sonny Mainland Young

Chapter 13

#9.00 CONT. Confirmation of Chapter 13 Plan

EH\_\_

From: 11/21/24, 1/9/25

[Tele. appr. Fritz J. Firman, rep. Debtor]

Docket 26

**Tentative Ruling:** 

- NONE LISTED -

**Party Information** 

**Debtor(s):** 

Samuel Sonny Mainland Young Represented By

Joseph A Weber

**Trustee(s):** 

# Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-12506 David Samuel Shashoua

Chapter 13

#10.00 CONT. Confirmation of Chapter 13 Plan

EH\_\_

From: 12/5/24, 1/9/25

[Tele. appr. Andy C. Warshaw rep. Debtor]

[Tele. appr. Jessica Frey, rep. Creditor Lisa Carlson]

Docket 17

#### **Tentative Ruling:**

- NONE LISTED -

#### **Party Information**

**Debtor(s):** 

David Samuel Shashoua Represented By

Andy C Warshaw

**Trustee(s):** 

## Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

**8:24-12571** Monte Ray Noble

Chapter 13

#11.00 CONT. Confirmation of Chapter 13 Plan

EH\_\_

From: 12/19/24, 1/9/25

[Tele. appr. Makoto Shuttleworth, rep. Debtor]

[Tele. appr. Kirsten Martinez, rep. Creditor Nissan Motor Acceptance Company]

Docket 2

#### **Tentative Ruling:**

- NONE LISTED -

### **Party Information**

**Debtor(s):** 

Monte Ray Noble Represented By

Steven A Alpert

**Trustee(s):** 

# Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-12760 Samuel De Jesus Ayala Rivera

Chapter 13

#12.00 CONT. Confirmation of Chapter 13 Plan

EH\_\_

From: 1/9/25

[Tele. appr. Lauren Foley, rep. Debtor]

Docket 9

#### **Tentative Ruling:**

- NONE LISTED -

### **Party Information**

#### **Debtor(s):**

Samuel De Jesus Ayala Rivera Represented By

Lauren M Foley

**Trustee(s):** 

### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-12905 Emily Lam

Chapter 13

#13.00 CONT. Confirmation of Chapter 13 Plan

EH\_\_

From: 1/23/25

[Tele. appr. Jenelle C. Arnold, rep. Creditor Nationstar Mortgage LLC]

[Tele. appr. Kevin Tang, rep. Debtor]

Docket 2

#### **Tentative Ruling:**

- NONE LISTED -

#### **Party Information**

**Debtor(s):** 

Emily Lam Represented By

Kevin Tang

**Trustee(s):** 

### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-13106 Manuel D. Gonzalez Aviles and Maria I. Gonzalez

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH\_\_

[Tele. appr. Halli Heston, rep. Debtor]

Docket 32

#### **Tentative Ruling:**

- NONE LISTED -

#### **Party Information**

#### **Debtor(s):**

Manuel D. Gonzalez Aviles Represented By

Halli B Heston

**Joint Debtor(s):** 

Maria I. Gonzalez Represented By

Halli B Heston

**Trustee(s):** 

# Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-13109 Leslie Taylor

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH\_\_

Docket 15

\*\*\* VACATED \*\*\* REASON: CASE DISMISSED 1/28/25

**Tentative Ruling:** 

- NONE LISTED -

**Party Information** 

**Debtor(s):** 

Leslie Taylor Represented By

Joshua Sternberg

**Trustee(s):** 

# Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-13124 Crescencio G Arenas, IV

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH\_\_

[Tele. appr. Jenelle C. Arnold, rep. Creditor Nationstar Mortgage LLC]

Docket 12

#### **Tentative Ruling:**

- NONE LISTED -

#### **Party Information**

#### **Debtor(s):**

Crescencio G Arenas IV Pro Se

**Trustee(s):** 

### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-13136 Dwight Akito Shimizu

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH\_\_

Docket

\*\*\* VACATED \*\*\* REASON: CASE DISMISSED 12/26/24

### **Tentative Ruling:**

- NONE LISTED -

### **Party Information**

#### **Debtor(s):**

Dwight Akito Shimizu

Pro Se

**Trustee(s):** 

Amrane (SA) Cohen (TR)

Pro Se

# Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-13139 Charles Lee

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EΗ

Docket

\*\*\* VACATED \*\*\* REASON: CASE DISMISSED 12/26/24

### **Tentative Ruling:**

- NONE LISTED -

### **Party Information**

**Debtor(s):** 

Charles Lee Pro Se

**Trustee(s):** 

### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-13140 Elvia A Isidoro Mandujano

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH\_\_

Docket

\*\*\* VACATED \*\*\* REASON: CASE DISMISSED 12/26/24

**Tentative Ruling:** 

- NONE LISTED -

**Party Information** 

**Debtor(s):** 

Elvia A Isidoro Mandujano Pro Se

**Trustee(s):** 

# Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

**8:24-13141 Joanne Miller** 

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH\_\_

Docket

\*\*\* VACATED \*\*\* REASON: CASE DISMISSED 12/26/24

**Tentative Ruling:** 

- NONE LISTED -

**Party Information** 

**Debtor(s):** 

Joanne Miller Pro Se

**Trustee(s):** 

### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Hearing Room

**6C** 

11:00 AM

8:24-13181 Lisa E Hagan

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH\_\_

Docket 13

### **Tentative Ruling:**

- NONE LISTED -

### **Party Information**

**Debtor(s):** 

Lisa E Hagan Pro Se

**Trustee(s):** 

# Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-13194 Teka Lasha Smith

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH\_\_

Docket 2

\*\*\* VACATED \*\*\* REASON: CASE CONVERTED TO CHAPTER 7 ON

2/10/25

**Tentative Ruling:** 

- NONE LISTED -

**Party Information** 

**Debtor(s):** 

Teka Lasha Smith Represented By

Kevin Tang

**Trustee(s):** 

### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-13203 Matthew Albert Graves

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH\_\_

[Tele. appr. Kevin Tang, rep. Debtor]

Docket 2

#### **Tentative Ruling:**

- NONE LISTED -

#### **Party Information**

#### **Debtor(s):**

Matthew Albert Graves Represented By

Kevin Tang

**Trustee(s):** 

### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-13206 Lannette Marie Atiyeh

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH\_\_

Docket 18

\*\*\* VACATED \*\*\* REASON: CASE DISMISSED 1/30/25

**Tentative Ruling:** 

- NONE LISTED -

**Party Information** 

**Debtor(s):** 

Lannette Marie Atiyeh Pro Se

**Trustee(s):** 

### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

11:00 AM

8:24-13208 Sandra O'Neal Stanley

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH\_\_

[Tele. appr. Sunita N. Snood rep. Debtor]

Docket 6

#### **Tentative Ruling:**

- NONE LISTED -

#### **Party Information**

#### **Debtor(s):**

Sandra O'Neal Stanley Represented By

Sunita N Sood

**Trustee(s):** 

# Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

1:30 PM

**8:23-10029** Beverly Casados

Chapter 13

#26.00

CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 763 Stone Harbor Cir #49, La Habra, California 90631 with proof of service (Motion filed 11/20/24)

From: 12/19/24

MOVANT: MYCUMORTGAGE, LLC

EH

Docket 46

\*\*\* VACATED \*\*\* REASON: ORDER APPROVING ADEQUATE PROTECTION ORDER ENTERED 1/28/25

### **Tentative Ruling:**

- NONE LISTED -

#### **Party Information**

#### **Debtor(s):**

Beverly Casados Represented By

Marc A Goldbach

**Trustee(s):** 

### Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

1:30 PM

**8:24-13243** Adriana Callas

Chapter 13

#27.00

Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Mercedes-Benz G63W4, VIN: WDCYC7HJ2KX317086

MOVANT: MERCEDES-BENZ FINANCIAL SERVICES USA LLC

[Tele. appr. Sheryl K. Ith, rep. Movant]

Docket 12

#### **Tentative Ruling:**

2/13/2025

Service: Proper Opposition: None

The Court, having reviewed Movant's Motion for Relief from the Automatic Stay, service being proper, there being no opposition, and for reasons articulated in Movant's motion, including multiple bankruptcy filings, is inclined to:

- DENY relief from stay pursuant to 11 U.S.C. § 362(d)(1) as moot, based on the Court's finding that there is no stay in effect, as a matter of law pursuant to § 362(c) (4);
- GRANT waiver of FRBP 4001(a)(3) stay;
- GRANT request under ¶ 2;
- GRANT request under ¶ 3;
- GRANT request under ¶ 5;
- DENY request under ¶ 11 as moot; and
- GRANT request under ¶ 12 confirming there is no stay pursuant to operation of §

Mark Houle, Presiding Courtroom 6C Calendar

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**Hearing Room** 

**6C** 

1:30 PM

CONT... Adriana Callas

Chapter 13

362(c)(4).

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

### **Party Information**

**Debtor(s):** 

Adriana Callas Pro Se

**Trustee(s):** 

### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

1:30 PM

8:24-12353 Darlyne Elaine Lucchesi

Chapter 13

Adv#: 8:24-01146 Lucchesi v. US Bank, N A et al

#28.00 Order to Show Cause Why Case Should Not Be Dismissed for Lack of

Jurisdiction

(OSC entered 1/23/25)

EH\_\_

Docket 20

\*\*\* VACATED \*\*\* REASON: OSC VACATED ON 1/27/2025

**Tentative Ruling:** 

- NONE LISTED -

**Party Information** 

**Debtor(s):** 

Darlyne Elaine Lucchesi Pro Se

**Defendant(s):** 

US Bank, N A Represented By

Jillian A Benbow

Nationstar Morgage LLC Represented By

Jillian A Benbow

Aldridge Pite LLP Represented By

Jillian A Benbow

Clear Recon Corp Pro Se

Joseph Delmotte Represented By

Jillian A Benbow

The Mortgage Law Firm: Bank of Pro Se

Jafarnia Merjaud Represented By

Merdaud Jafarnia

Albertelli Law Represented By

Merdaud Jafarnia

2/12/2025 3:19:31 PM

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### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

<u>1:30 PM</u>

**CONT...** Darlyne Elaine Lucchesi

Chapter 13

BANK OF AMERICA, N.A. Represented By

Adam F Summerfield

**Plaintiff(s):** 

Darlyne Elaine Lucchesi Pro Se

**Trustee(s):** 

### Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

1:30 PM

8:24-12353 Darlyne Elaine Lucchesi

Chapter 13

Adv#: 8:24-01146 Lucchesi v. US Bank, N A et al

#29.00 CONT. Status Conference re: Complaint by Plaintiff Darlyne Elaine Lucchesi against Defendants US Bank, N A, Nationstar Mortgage LLC, Aldridge Pite LLP, Clear Recon Corp, Joseph Delmotte, The Mortgage Law Firm: Bank of America, N A, Jafarnia Merjaud, Albertelli Law. (\$350.00 Fee Not Required). (Attachments: # 1 Adv Cover Sheet) Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)), (71 (Injunctive relief - reinstatement of stay)), (72 (Injunctive relief - other)), (91 (Declaratory judgment)).

#### [Alias Summons issued 11/19/24]

EH\_\_

From: 1/9/25; 2/6/25

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/13/25 AT 1:30 PM

#### **Tentative Ruling:**

- NONE LISTED -

D 4	TC	4.
Partv	Inform	nation

#### **Debtor(s):**

Darlyne Elaine Lucchesi Pro Se

**Defendant(s):** 

US Bank, N A Represented By

Jared D Bissell

Nationstar Morgage LLC Represented By

Jared D Bissell

Aldridge Pite LLP Represented By

Jillian A Benbow

Clear Recon Corp Pro Se

Joseph Delmotte Represented By

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### Santa Ana Mark Houle, Presiding Courtroom 6C Calendar

Thursday, February 13, 2025

**Hearing Room** 

**6C** 

<u>1:30 PM</u>

**CONT...** Darlyne Elaine Lucchesi

Chapter 13

The Mortgage Law Firm: Bank of Pro Se

Jafarnia Merjaud Pro Se

Albertelli Law Pro Se

BANK OF AMERICA, N.A. Represented By

Adam F Summerfield

Jillian A Benbow

**Plaintiff(s):** 

Darlyne Elaine Lucchesi Pro Se

**Trustee(s):**