

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Wednesday, June 24, 2026

Hearing Room 6C

11:00 AM

8:25-13225 Joe Leo Gardner and Claudia Gabriele Gardner

Chapter 7

#1.00 Chapter 7 Trustee's Motion for Order: (1) Approving the Sale of Real Property Pursuant to 11 U.S.C. Section 363(b); and (f); (2) Approving Compensation of Real Estate Agent; (3) Authorizing Trustee to Pay Expenses Pending Close of Escrow; (4) Approving Overbid Procedures; (5) Approving Distribution of Sale Proceeds; (6) For a Good Faith Finding Pursuant to 11. U.S.C. Section 363(m); and (7) Waiver of the Stay of Rule 6004(h)

[RE: 3030 Samoa Place, Costa Mesa, CA 92626]

[Tele. appr. Steven Ryan Gate, Original Bidder, CEO of SRG Financial, Inc.]

[Tele. appr. Marisol Nagata, rep. Creditor Onslow Bay Financial, LLC]

[Tele. appr. Tahany Shallowhorn, Overbidder]

Docket 48

Tentative Ruling:

6/24/2026

BACKGROUND

On November 14, 2025, Joe & Claudia Gardner (collectively, "Debtors") filed a Chapter 7 voluntary petition. On Schedule A, Debtors listed certain real property located at 3030 Samoa Place, Costa Mesa, CA 92626 (the "Property"). On March 19, 2026, the Court approved a stipulation between Debtors and the Chapter 7 Trustee regarding occupancy and marketing of the Property. On March 24, 2026, the Court approved the employment of Berkshire Hathaway HomeServices as real estate agent for the estate.

**United States Bankruptcy Court
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Courtroom 6C Calendar**

Wednesday, June 24, 2026

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11:00 AM

CONT... Joe Leo Gardner and Claudia Gabriele Gardner

Chapter 7

On May 29, 2026, Trustee filed the *Motion for Order: (1) Approving the Sale of Real Property Pursuant to 11 U.S.C. § 363(b) and (f); (2) Approving Compensation of Real Estate Agent; (3) Authorizing Trustee to Pay Expenses Pending Close of Escrow; (4) Approving Overbid Procedures; (5) Approving Distribution of Sale Proceeds; (6) For a Good Faith Finding Pursuant to 11 U.S.C. § 363(m); and (7) Waiver of the Stay of Rule 6004(h)* (the "Motion") [Dkt. No. 48]. The proposed sale price is \$1,515,000, with estimated net proceeds to the estate of \$306,000. Trustee proposes to pay: (a) \$394,985.89 on account of the lien of Onslow Bay Financial, LLC ("Onslow"); (b) \$200 on account of real property taxes; (c) \$90,900 on account of costs of sale; (d) \$722,502 on account of Debtors' homestead exemption.

On June 5, 2026, Onslow filed a condition non-opposition requesting that certain boilerplate language be included in any order approving the sale.

DISCUSSION

I. Sale of Estate Property

11 U.S.C. § 363(b)(1) allows a trustee to sell property of the estate outside of the ordinary course, after notice and a hearing. 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. 9th Cir. 1996). "In approving any sale outside the ordinary course of business, the court must not only articulate a sufficient business reason for the sale, it must further find it is in the best interest of the estate, i.e. it is fair and reasonable, that it has been given adequate marketing, that it has been negotiated and proposed in good faith, that the purchaser is proceeding in good faith, and that it is an "arms-length" transaction." *In re Wilde Horse Enters., Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal.).

**United States Bankruptcy Court
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Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Wednesday, June 24, 2026

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11:00 AM

CONT... Joe Leo Gardner and Claudia Gabriele Gardner

Chapter 7

Here, the Motion indicates that Trustee began marketing the property in March and received an offer near the original listing price. The declaration of the real estate agent states that there were two prior offers and that the Property has been shown 28 times. The Motion also provides for overbidding procedures and indicates that there will be significant net proceeds for the estate. Therefore, the Motion has alleged a sufficient business reason for the sale. Finally, the Motion contains evidence establishing that the buyer is proceeding in good faith and that the sale is an arms-length transaction.

II. Sale Free & Clear of Liens

11 U.S.C. § 363(f) (2010) 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 exceeds the aggregate value of all liens on the Property such that 11 U.S.C. § 363(f) is satisfied.

**United States Bankruptcy Court
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Wednesday, June 24, 2026

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11:00 AM

CONT... Joe Leo Gardner and Claudia Gabriele Gardner

Chapter 7

III. 14-Day Stay

FED. R. BANKR. P. Rule 6004(h) states: "An order authorizing the use, sale, or lease of property other than cash collateral is stayed until the expiration of 14 days after entry of the order, unless the court orders otherwise." The Court deems the absence of objections to be consent to the relief requested, and, therefore, will waive the stay of Rule 6004(h).

IV. Miscellaneous Provisions

The Court has reviewed the remainder of Trustee's miscellaneous requests. The Court has reviewed the proposed overbidding procedures and finds such procedures to be reasonable. The Court has reviewed the requested broker compensation of 5% of the sale price (totaling \$75,750) and finds such compensation to be reasonable and customary. The Court has reviewed Trustee's proposed distribution of sale proceeds, and the Court finds that such distribution is reasonable and proper.

Finally, the Court has reviewed the declaration of the CEO of the purchaser and finds the declaration sufficient for a determination that the purchaser is a good faith purchaser pursuant to 11 U.S.C. § 363(m).

TENTATIVE RULING

The Court is inclined to GRANT the motion in its entirety. Specifically, the Court is inclined to authorize the sale of the Property free and clear of liens, approve the overbid procedures, approve the broker's compensation, authorize the distribution of sale proceeds, determine that the purchaser is a good faith purchaser and waive the 14-

**United States Bankruptcy Court
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Courtroom 6C Calendar**

Wednesday, June 24, 2026

Hearing Room 6C

11:00 AM

CONT... Joe Leo Gardner and Claudia Gabriele Gardner
day stay under Rule 6004(h).

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Joe Leo Gardner

Represented By
Eric Bensamochan

Joint Debtor(s):

Claudia Gabriele Gardner

Represented By
Eric Bensamochan

Trustee(s):

Thomas H Casey (TR)

Represented By
Todd C. Ringstad
Karen S. Naylor

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Wednesday, June 24, 2026

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11:00 AM

8:26-11424 Datam USA Inc

Chapter 7

#2.00 Status Conference re Chapter 7 Involuntary Petition Against Datam USA Inc.

EH__

[Tele. appr. Dakota Pearce, rep. Creditor Encore Funding II, LLC]

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Datam USA Inc

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Wednesday, June 24, 2026

Hearing Room 6C

11:00 AM

8:26-11522 Guadalupe Perez and Anthony Manuel Perez

Chapter 7

#2.10 Order to Show Causel for Failure to Comply with Rule 1006(B) RE: First
Installment Amount: \$100.00 due 6/2/2026

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guadalupe Perez Pro Se

Joint Debtor(s):

Anthony Manuel Perez Pro Se

Trustee(s):

Thomas H Casey (TR) Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar

Wednesday, June 24, 2026

Hearing Room 6C

2:00 PM

8:21-11558 Parks Diversified, LP

Chapter 11

Adv#: 8:23-01030 Talon Diversified Holdings, Inc. et al v. Klein et al

#3.00 CONT'D STATUS CONFERENCE Hearing RE: Post-Remand
[Case Reassigned from TA on 5-12-25]
[Case Reassigned from SC on 6-06-25]
(Set per Order Entered 5-31-24)

FR: 8-1-24; 11-21-24; 5-15-25, 7-9-25, 11-19-25

EH__

[Tele. appr. David Klein, Defendant]

[Tele. appr. Megan Adeyemo, rep. Defendants Marc Forsythe and Goe
Forsythe & Hodges, LLP]

[Tele. appr. Vincent Choi, rep. Plaintiffs]

[Tele. appr. Paul A. Grammatico, rep. Defendants Darrell White, William
London, Maxx Sharp, and Kimura London White LLP]

[Tele. appr. Gregory Emdee, rep. Defendant David Klein]

[Tele. appr. Ethan T. Boyer, rep. Defendants Klein Wilson & Michael S.
LeBoff]

Docket 562

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Parks Diversified, LP

Represented By
Marc C Forsythe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Wednesday, June 24, 2026

Hearing Room 6C

2:00 PM

CONT... Parks Diversified, LP

Chapter 11

Defendant(s):

David Klein

Pro Se

Todd B. Becker

Represented By
Greg Emdee
James J Kjar

Linda Wong

Represented By
John J Immordino

Maxx Sharp

Represented By
Paul A. Grammatico

William London

Represented By
Paul A. Grammatico

Kimura London & White LLP

Represented By
Paul A. Grammatico

Klein & Wilson

Represented By
James R Lance
Kyra E Andrassy
Timothy W Evanston
David A Berkley
Genevieve M. Sauter
Ethan T Boyer

Michael S. Leboff

Represented By
James R Lance
Kyra E Andrassy
Timothy W Evanston
Genevieve M. Sauter
Ethan T Boyer

Goe Forsythe & Hodges LLP

Represented By
Holly M. Carnes
Jeffrey D Cawdrey

Marc Forsythe

Represented By
Holly M. Carnes

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Wednesday, June 24, 2026

Hearing Room 6C

2:00 PM

CONT... Parks Diversified, LP

Chapter 11

Jeffrey D Cawdrey

David Klein

Pro Se

Darrell P. White

Represented By
Paul A. Grammatico

Plaintiff(s):

Parks Diversified L.P.

Represented By
Michael G Dawe
Tom Roddy Normandin

Lucia Parks

Represented By
Michael G Dawe
Tom Roddy Normandin

North Valley Regional Center LLC

Represented By
Michael G Dawe
Tom Roddy Normandin

Talon Diversified Holdings, Inc.

Represented By
Tom Roddy Normandin
Michael G Dawe

North Valley Mall II, LLC

Represented By
Michael G Dawe
Tom Roddy Normandin

Richard Parks

Represented By
Michael G Dawe
Tom Roddy Normandin
Brian D. Cronin

**United States Bankruptcy Court
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Mark Houle, Presiding
Courtroom 6C Calendar**

Wednesday, June 24, 2026

Hearing Room 6C

2:00 PM

8:24-12781 Richard Conant Giller

Chapter 7

Adv#: 8:26-01047 Giller v. Giller

#4.00 Status Conference re Complaint by Richard Conant Giller against Patricia Giller. Nature of Suit: (61 (Dischargeability - 523(a)(5), domestic support)),(64 (Dischargeability - 523(a)(15), divorce/sep property settlement/decree)),(72 (Injunctive relief - other)),(91 (Declaratory judgment))

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Conant Giller

Represented By
Richard G. Heston

Defendant(s):

Patricia Giller

Pro Se

Plaintiff(s):

Richard Conant Giller

Represented By
Richard G. Heston

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 6C Calendar**

Wednesday, June 24, 2026

Hearing Room 6C

2:00 PM

8:25-12167 Horacio Lee Chan

Chapter 7

Adv#: 8:26-01052 Marshack, Chapter 7 Trustee v. Chan et al

#5.00 Status Conference re Complaint by Richard A Marshack, Chapter 7 Trustee against Horacio Lee Chan, Militza D. Leal Chan, Gilbert Aragon, Ivan Aragon, All Unknown Occupants of 1990 North Shaffer Street, Orange, California. Complaint for: (1) Sale of Co-Owned Real Property Located at 1990 North Shaffer Street, Orange, CA [11 U.S.C. Section 363(h)]; (2) Turnover of Real Property [11 U.S.C. Section 542(a)]; (3) Declaratory Relief; and (4) Avoidance, Recovery, and Preservation of Unrecorded Interests [11 U.S.C. Sections 544(a) (3), 550, 551] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (31 (Approval of sale of property of estate and of a co-owner - 363(h))), (11 (Recovery of money/property - 542 turnover of property)), (91 (Declaratory judgment)), (14 (Recovery of money/property - other))

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Horacio Lee Chan	Pro Se
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Defendant(s):

Militza D. Leal Chan	Pro Se
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Gilbert Aragon	Pro Se
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Ivan Aragon	Pro Se
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All Unknown Occupants of 1990	Pro Se
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Horacio Lee Chan	Pro Se
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Plaintiff(s):

Richard A Marshack, Chapter 7	Represented By
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**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Wednesday, June 24, 2026

Hearing Room 6C

2:00 PM

CONT... Horacio Lee Chan

Chapter 7

Devan De los Reyes
D Edward Hays
Tinho Mang

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Devan De los Reyes
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Mark Houle, Presiding
Courtroom 6C Calendar**

Wednesday, June 24, 2026

Hearing Room 6C

2:00 PM

8:25-12167 Horacio Lee Chan

Chapter 7

Adv#: 8:26-01052 Marshack, Chapter 7 Trustee v. Chan et al

#6.00 Plaintiff's Motion for Default Judgment Under LBR 7055-1

EH__

Docket 16

***** VACATED *** REASON: CONTINUED TO 7/8/26 AT 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Horacio Lee Chan	Pro Se
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Defendant(s):

Horacio Lee Chan	Pro Se
Militza D. Leal Chan	Pro Se
Gilbert Aragon	Pro Se
Ivan Aragon	Pro Se
All Unknown Occupants of 1990	Pro Se

Plaintiff(s):

Richard A Marshack, Chapter 7	Represented By Devan De los Reyes D Edward Hays Tinho Mang
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Trustee(s):

Richard A Marshack (TR)	Represented By D Edward Hays Devan De los Reyes Tinho Mang
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**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 6C Calendar**

Wednesday, June 24, 2026

Hearing Room 6C

2:00 PM

CONT... Horacio Lee Chan

Chapter 7