

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

**Thursday, July 11, 2024**

**Hearing Room 6C**

10:30 AM

**8:24-10050 Dan Michael Gailey**

**Chapter 13**

**#1.00 CONT. Confirmation of Chapter 13 Plan**

From: 3/14/24, 4/11/24, 5/30/24

EH\_\_

**[Tele. appr. Raymond Perez, rep. Debtor]**

Docket 42

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dan Michael Gailey

Represented By  
Raymond Perez

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-10531 Scott Edward Von Cannon**

**Chapter 13**

**#2.00 CONT. Confirmation of Chapter 13 Plan**

From: 4/25/24, 5/16/24, 6/13/24

EH\_\_

**[Tele. appr. Nancy Clark. rep. Debtor]**

Docket 23

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Scott Edward Von Cannon

Represented By  
Michael E Clark

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-10577 Erica Duarte Bruce**

**Chapter 13**

**#3.00** Motion RE: Objection to Claim Number 9 by Claimant Garden Valley HOA c/o Tandem Coast Community Mgmt.  
(Motion filed 5/24/24)

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

**[Tele. appr. Alyssa Klausner, rep. creditor, Garden Valley Homeowners' Association, Inc.]**

Also #4

EH\_\_

Docket 36

**Tentative Ruling:**

7/11/2024

**BACKGROUND:**

On March 8, 2024, Erica Bruce ("Debtor") filed a Chapter 13 voluntary petition. On May 2, 2024, Garden Valley HOA ("Creditor") filed a proof of claim in the total amount of \$79,998.20, of which \$17,306 was classified as secured ("Claim 9"). On May 24, 2024, Debtor filed an objection to Claim 9.

In its claim objection, Debtor argues: (1) any lien held by Creditor was satisfied in full during Debtor's prior bankruptcy case; (2) the recorded lien of Creditor cannot operate as a "continuing lien" and cannot secure future amounts due; and (3) the legal fees asserted by Creditor are unreasonable and are not properly classified as secured.

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**CONT... Erica Duarte Bruce**

**Chapter 13**

On June 27, 2024, Creditor filed an opposition, arguing: (1) that the postpetition assessments are secured based on an unpublished decision from the Eastern District; and (2) that its attorney fees are reasonable and that Debtor's objection to the reasonableness of the attorney fees was overruled during the prior case.

On July 2, 2024, Debtor filed a reply.

At this point, it appears the Court is tasked with determining the following two issues:

- 1) Whether the postpetition assessments that become due during the life of the plan are a secured or an unsecured claim; and
- 2) Whether the attorney fees included in Claim 9 are reasonable.

Both of these issues appear to have been ruled on during Debtor's prior bankruptcy case.

**APPLICABLE LAW:**

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under FED. R. BANKR. PRO. Rule 3001(f). *See Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a

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**CONT... Erica Duarte Bruce**

**Chapter 13**

dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *See In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

As is required by LBR 3007-1, "an objection to claim must be supported by admissible evidence sufficient to overcome the evidentiary effect of a properly documented proof of claim executed and filed in accordance with FRBP 3001. The evidence must demonstrate that the proof of claim should be disallowed, reduced, subordinated, re-classified, or otherwise modified."

**ANALYSIS:**

Regarding the first issue, Creditor's argument in support of the classification of Claim 9 as secured appears to solely rely on the unpublished tentative ruling issued in *In re*

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**CONT... Erica Duarte Bruce**

**Chapter 13**

*Orejana* in the Eastern District. This tentative ruling appears to simply assume that the HOA was secured in that case; there is no analysis regarding whether the HOA was secured.

Given the Davis-Stirling Act, the Bankruptcy Appellate Panel's decision in *In re Guillen*, 604 B.R. 826 (B.A.P. 9th Cir. 2019), and Judge Smith's decision in Debtor's prior bankruptcy case, the Court cannot simply assume that Creditor's post-petition assessments are secured. It does not appear that Creditor has provided any clear argument in support of its argument for a secured claim, other than the 2015 recorded lien --- which, on its own, cannot be the basis for holding that the postpetition assessments are secured pursuant to the above authorities. For that reason, the Court is inclined to SUSTAIN the objection to the extent it seeks to reclassify the secured portion of Claim 9 as unsecured.

Regarding Debtor's objection to the attorney fees included in Claim 9, the Court notes:

- 1) The Court is hesitant to undo the ruling of Judge Smith absent a very clear basis (and clear record); and
- 2) The actual invoices for the attorney fees were not included in the proof of claim or the claim objection, and appear to have only become part of the record through the opposition.

For this reason, to the extent that Debtor wishes to litigate the attorney fees, the Court is inclined to CONTINUE the matter for Debtor to provide *detailed*, line-by-line, objections to the invoices submitted by Creditor with the opposition. In this situation, where an objection to some of the fees has already been overruled in a prior case, and where the fees themselves are not so egregious as to be patently unreasonable, the Court is not inclined to scrutinize over 40 pages of heavily redacted billing entries on

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**CONT... Erica Duarte Bruce**

**Chapter 13**

the basis of a general objection to reasonableness.

Finally, Creditor to address the appropriateness of the invoices being heavily redacted.

APPEARANCES REQUIRED.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Erica Duarte Bruce

Represented By  
Andrew Moher

**Movant(s):**

Erica Duarte Bruce

Represented By  
Andrew Moher

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-10577 Erica Duarte Bruce**

**Chapter 13**

**#4.00 CONT. Chapter 13 Confirmation of Plan**

From: 5/16/24, 6/13/24

EH \_\_\_\_

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

**[Tele. appr. Alyssa Klausner, rep. creditor, Garden Valley Homeowners' Association, Inc.]**

Docket 27

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Erica Duarte Bruce

Represented By  
Andrew Moher

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



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**8:24-10765 Rumana Siddique**

**Chapter 13**

**#5.00 CONT. Confirmation of Chapter 13 Plan**

From: 5/30/24

EH\_\_

**[Tele. appr. Renee Parker, rep. creditor, Real Time Resolutions, Inc.]**

**[Tele. appr. Joshua Sternberg, rep. Debtor]**

**[Tele. appr. Brett Ramsaur, rep. The Fireside Trust #4162]**

Docket 32

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rumana Siddique

Represented By  
Joshua Sternberg

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-10934 Teresa Gordon-Grisenti**

**Chapter 13**

**#6.00 CONT. Confirmation of Chapter 13 Plan**

From: 6/13/24

EH\_\_

Docket 25

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Teresa Gordon-Grisenti

Represented By  
Stephen L Burton

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
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**8:24-10975 Kenneth Blakemore**

**Chapter 13**

**#7.00 CONT. Confirmation of Chapter 13 Plan**

From: 6/13/24

EH\_\_

**[Tele. appr. Scott Dicus, rep. Debtor]**

Docket 37

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kenneth Blakemore

Represented By  
Scott Dicus

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-11197 Jessica Lynn Valencia**

**Chapter 13**

**#8.00 Confirmation of Chapter 13 Plan**

EH\_\_

Docket 21

**\*\*\* VACATED \*\*\* REASON: CASE DISMISSED 7/1/24**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jessica Lynn Valencia

Represented By  
Bert Briones

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-11204 Mitchell James Joseph and Susan Jo Joseph**

**Chapter 13**

**#9.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Allan Sarver, rep. secured creditor, Pacific Premier Trust]**

**[Tele. appr. Brian Joo-Hoo, rep. Debtors]**

Docket 2

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mitchell James Joseph

Represented By  
Brian J Soo-Hoo

**Joint Debtor(s):**

Susan Jo Joseph

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-11222 Hans George Nearhoff**

**Chapter 13**

**#10.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Russ Stong, rep. Debtor]**

**[Tele. appr. Darlene Vigil, secured creditor, The Bank of New York Mellon]**

Docket 31

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Hans George Nearhoff

Represented By  
Matthew D. Resnik

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-11225 James Patrick Quinn, Jr.**

**Chapter 13**

**#11.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Joanne Andrew, rep. Debtor]**

Docket 2

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Patrick Quinn Jr.

Represented By  
Nicholas M Wajda

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-11227 Soledad Pol De Los Reyes**

**Chapter 13**

**#12.00 Confirmation of Chapter 13 Plan**

EH\_\_

Docket 6

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11:30 CALENDAR**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Soledad Pol De Los Reyes

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



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**8:24-11239 Danh Tien Huynh**

**Chapter 13**

**#13.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Thomas Engel, rep. Miramar Financial Group, Inc.]**

Docket 12

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Danh Tien Huynh

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-11241 Vincent Phung Tran**

**Chapter 13**

**#14.00 Confirmation of Chapter 13 Plan**

EH\_\_

Docket 0

**\*\*\* VACATED \*\*\* REASON: CASE DISMISSED 5/31/24**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vincent Phung Tran

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-11248 Monica Lisa Pinon**

**Chapter 13**

**#15.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Bernard Hansen, rep. secured creditor, SA Monaco, LLP]**

Docket 27

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Monica Lisa Pinon

Represented By  
Kevin Tang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-11250 Ramon Baltazar-Amaya and Margaret Anne Baltazar**

**Chapter 13**

**#16.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Maria C Hehr, rep. Debtors]**

Docket 13

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ramon Baltazar-Amaya

Represented By  
Maria C Hehr

**Joint Debtor(s):**

Margaret Anne Baltazar

Represented By  
Maria C Hehr

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-11252 Monica Marie Hernandez**

**Chapter 13**

**#17.00 Confirmation of Chapter 13 Plan**

EH\_\_

Docket 11

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Monica Marie Hernandez Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

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**8:24-11255 Omar Sosa**

**Chapter 13**

**#18.00 Confirmation of Chapter 13 Plan**

EH\_\_

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

Docket 18

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Omar Sosa

Represented By  
Lauren M Foley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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8:24-11276 Steven Darrell Groff and Brittany Marin Tall

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH\_\_

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

Docket 2

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Steven Darrell Groff

Represented By  
Steven A Alpert

**Joint Debtor(s):**

Brittany Marin Tall

Represented By  
Steven A Alpert

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-11283 Maricela Adrian**

**Chapter 13**

**#20.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Laurie Keating, rep. secured creditor, La Veta Townhomes  
Condominium Association]**

Docket 9

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Maricela Adrian

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



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8:24-11284 Gloria Vasquez and Damon Bailey, Jr

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH\_\_

Docket 0

\*\*\* VACATED \*\*\* REASON: CASE DISMISSED 6/4/24

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gloria Vasquez Pro Se

**Joint Debtor(s):**

Damon Bailey Jr Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

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**8:24-11285 Linh Tuong Do**

**Chapter 13**

**#22.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Allan Sarver, rep. secured creditors, Tony Cuong Nguyen and Mary Yen Nguyen]**

**[Tele. appr. Benjamin Heston, rep. Debtor]**

Docket 31

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Linh Tuong Do

Represented By  
Halli B Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-11289 Justin Wayne Zeutenhorst**

**Chapter 13**

**#23.00 Confirmation of Chapter 13 Plan**

EH\_\_

Docket 12

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Justin Wayne Zeutenhorst

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-11294 Jeff Brian Altman**

**Chapter 13**

**#24.00 Confirmation of Chapter 13 Plan**

EH\_\_

**[Tele. appr. Daniela P Romero, rep. Debtor]**

**[Tele. appr. Angela Zugman, rep. creditor, California Franchise Tax Board]**

Docket 22

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jeff Brian Altman

Represented By  
Daniela P Romero

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-10805 Rodolfo Joseph Camacho and Ivonne Meza**

**Chapter 13**

**#25.00** Motion Objection to Claim of Exemption  
(Motion filed 6/12/24)

EH\_\_

Docket 21

**\*\*\* VACATED \*\*\* REASON: CASE DISMISSED 6/27/24**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rodolfo Joseph Camacho

Represented By  
Ethan Kiwhan Chin

**Joint Debtor(s):**

Ivonne Meza

Represented By  
Ethan Kiwhan Chin

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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10:30 AM

**8:24-11031 David Louis Klein**

**Chapter 13**

**#26.00** Application to Employ Carucci Deese, LLP as Special Litigation Counsel with Proof of Service  
(Motion filed 5/24/24)

EH\_\_

Docket 37

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

David Louis Klein

Represented By  
Misty A Perry Isaacson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:24-10542 Trinidad Xavier Garza**

**Chapter 13**

**#26.10** Hearing on Denying Application of Attorney for Debtor for Additional fees and Related Expenses in a Pending Chapter 13 Case Subject to a Rights and Responsibilities Agreement  
(Motion filed 5/1/24)

[Placed on calendar by order entered 7/1/24]

EH\_\_

Docket 30

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Trinidad Xavier Garza

Represented By  
Tyson Takeuchi

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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10:30 AM

**8:17-13262 Troy Bernard Jemerson**

**Chapter 13**

**#27.00** Trustee's Motion to Dismiss Case failure to make plan payments

EH \_\_\_\_

Docket 195

**\*\*\* VACATED \*\*\* REASON: WITHDRAWAL OF MOTION FILED  
7/8/24**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Troy Bernard Jemerson

Represented By  
Nicholas M Wajda

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



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

**Thursday, July 11, 2024**

**Hearing Room 6C**

10:30 AM

**8:22-10082 Richard Brian Hobbs**

**Chapter 13**

**#28.00** Trustee's Motion to Dismiss Case failure to make plan payments.

EH\_\_

Docket 81

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Richard Brian Hobbs

Represented By  
Christopher J Langley  
Michael Smith

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, July 11, 2024**

**Hearing Room 6C**

10:30 AM

**8:22-11310 Barbara Jo O'Brien**

**Chapter 13**

**#29.00** Trustee's Motion to Dismiss Case failure to make plan payments.  
(Motion filed 6/6/24)

EH\_\_

Docket 66

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Barbara Jo O'Brien

Represented By  
Daniel King  
Dana OBrien

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, July 11, 2024**

**Hearing Room 6C**

10:30 AM

**8:23-10219 Richard William Sawicky**

**Chapter 13**

**#30.00** Trustee's Motion to Dismiss Case failure to make plan payments  
(Motion filed 6/6/24)

EH\_\_

**[Tele. appr. Russ Stong, rep. Debtor]**

Docket 60

**Tentative Ruling:**

- NONE LISTED -

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

Richard William Sawicky

Represented By  
Matthew D. Resnik

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, July 11, 2024**

**Hearing Room 6C**

10:30 AM

**8:23-10924 Elmer Morales**

**Chapter 13**

**#31.00** Trustee's Motion to Dismiss Case failure to make plan payments  
(Motion filed 6/6/24)

EH\_\_

Docket 128

**\*\*\* VACATED \*\*\* REASON: WITHDRAWAL OF MOTION FILED  
7/9/24**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Elmer Morales

Represented By  
Sundee M Teeple

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, July 11, 2024**

**Hearing Room 6C**

10:30 AM

**8:23-11246 Darryl Leslie Cazares and DeAnna Jeannine Cazares**

**Chapter 13**

**#32.00** Trustee's Motion to Dismiss Case failure to make plan payments  
(Motion filed 6/6/24)

EH\_\_

**[Tele. appr. Nancy Clark, rep. Debtors]**

Docket 52

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Darryl Leslie Cazares

Represented By  
Michael E Clark

**Joint Debtor(s):**

DeAnna Jeannine Cazares

Represented By  
Michael E Clark

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Mark Houle, Presiding  
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**Thursday, July 11, 2024**

**Hearing Room 6C**

10:30 AM

**8:23-11580 Joseph R Sparacino**

**Chapter 13**

**#33.00** Trustee's Motion to Dismiss Case failure to make plan payments

EH \_\_\_\_

**[Tele. appr. Joshua Sternberg, rep. Debtor]**

Docket 48

**Tentative Ruling:**

- NONE LISTED -

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

Joseph R Sparacino

Represented By  
Joshua Sternberg

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

Thursday, July 11, 2024

Hearing Room 6C

11:30 AM

**8:24-10620 Ronald G. Castruita and Diana R. Castruita**

**Chapter 13**

**#34.00** CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 25781 Santo Drive, Mission Viejo, CA 92691

From: 6/13/24

MOVANT: A.B. JACOB & ASSOCIATES INC.

EH \_\_\_\_

Docket 25

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/26/24 BY ORDER  
ENTERED 7/8/24**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ronald G. Castruita

Represented By  
Andy C Warshaw

**Joint Debtor(s):**

Diana R. Castruita

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

Thursday, July 11, 2024

Hearing Room 6C

11:30 AM

8:24-10765 Rumana Siddique

Chapter 13

#35.00 Amended Motion for Relief from Stay filed by Creditor Brett The Fireside Trust #4162, Vecchio Real Estate Corp as Trustee)  
(Motion filed 6/20/24)

MOVANT: THE FIRESIDE TRUST #4162

EH\_\_

[Tele. appr. Renee Parker, rep. creditor, Real Time Resolutions, Inc.]

[Tele. appr. Joshua Sternberg, rep. Debtor]

[Tele. appr. Brett Ramsaur, rep. The Fireside Trust #4162]

Docket 35

**Tentative Ruling:**

**7/11/2024**

**Service: Improper**

**Opposition: None**

In this matter, the parties appear to agree on the operative facts, but disagree on application of a California state law provision effective since January 2021. Movant commenced and held a foreclosure proceeding *prepetition*. The Trustee's deed upon sale was neither issued nor recorded by the time of the bankruptcy filing.

The state law provision is CAL. CIV. CODE §2924(m)(c). The pertinent section of this provision provides that:

(c) A trustee's sale of property under a power of sale contained in a deed of trust or mortgage on real property containing one to four residential units pursuant to Section 2924(g) shall not be deemed final until the earliest of the following:



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**Hearing Room 6C**

11:30 AM

**CONT... Rumana Siddique**

**Chapter 13**

The parties here disagree regarding the effect of the language "shall not be deemed final."

Caselaw on this new provision is extremely limited. The only two cases that either party (or the Court) has identified that discuss this provision are *In re Ford*, 2022 WL 17742285 (Bankr. C.D. Cal 2022) and *In re Hager*, 651 B.R. 873 (Bankr. E.D. Cal. 2023).

Here, Movant has requested that the Court explicitly disagree with *Hager* based on, essentially, equitable grounds.

Unfortunately for Movant, while *Ford* and *Hager* may disagree on the extent to which relation back is available after the enactment of § 2924(m)(c), and possibly the statute's interaction with bankruptcy, neither case appears to support Movant's position. It is not clear how Movant believes the Court should interpret the new statute given that there has been no recording of a trustee's deed and no possible application of the relation back doctrine.

Even if the Court were to construe the relation back provision in a broader sense than it was construed in *In re Hager*, that would not save Movant here. The foreclosure sale occurred nearly four months ago. Title remains with Debtor and it is too late for Movant to afford itself of any relation back period to disrupt that conclusion. In that situation, whether applying the new law or the old law, a Chapter 13 debtor is afforded the opportunity to reorganize the property through a Chapter 13 plan.

APPEARANCES REQUIRED.

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

Rumana Siddique

Represented By  
Joshua Sternberg

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, July 11, 2024**

**Hearing Room 6C**

11:30 AM

**8:24-11031 David Louis Klein**

**Chapter 13**

**#36.00** Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Adversary Appeals (Motion filed 6/6/24)

Also #37

MOVANT: LUCIA PARKS

EH\_\_

Docket 45

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

David Louis Klein

Represented By  
Misty A Perry Isaacson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

Thursday, July 11, 2024

Hearing Room 6C

11:30 AM

**8:24-11031 David Louis Klein**

**Chapter 13**

**#37.00** CONT. Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Lucia Parks v. David Louis Klein, et al, Case No. 30-2020-01175309-CU-OR-CJC (Motion filed 4/30/24)

MOVANT: LUCIA PARKS

From: 5/15/24

EH\_\_

Docket 12

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

David Louis Klein

Represented By  
Misty A Perry Isaacson

**Movant(s):**

Lucia Parks

Represented By  
Tinho Mang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

Thursday, July 11, 2024

Hearing Room 6C

11:30 AM

8:24-11384 Wahidullah Zia

Chapter 13

#38.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Land Rover Range Rover, VIN: SALWR2VF4GA650701 (Motion filed 6/12/24)

MOVANT: KINECTA FEDERAL CREDIT UNION

EH\_\_

**[Tele. appr. Sheryl lth, rep. moving party]**

Docket 10

**Tentative Ruling:**

7/11/2024

**Service: Proper**

**Opposition: Non-Opposition**

Having reviewed the motion, service being proper, a non-opposition having been filed, which the Court deems consent to the relief requested § 362(g)(2), and good cause appearing, the Court is inclined to:

- GRANT relief from stay pursuant to § 362(d)(1);
- DENY request for relief from § 1301(a) co-debtor stay as MOOT because the co-debtor stay has expired pursuant to § 1301(d);
- GRANT waiver of Rule 4001(a)(3) stay;
- GRANT request under ¶ 2;

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):**

Wahidullah Zia

Represented By

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

**Thursday, July 11, 2024**

**Hearing Room 6C**

11:30 AM

**CONT... Wahidullah Zia**

Tina H Trinh

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, July 11, 2024**

**Hearing Room 6C**

11:30 AM

**8:24-11536 Johnny Phan**

**Chapter 13**

**#39.00** Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 10311 Jennrich Ave., Garden Grove, CA 92843  
(Motion filed 6/20/24)

MOVANT: JOHNNY PHAN

EH\_\_

**[Tele. appr. Shannon Doyle, rep. SN Servicing Corporation]**

**[Tele. appr. Onyinye N Anyama, rep. Debtor]**

Docket 9

**Tentative Ruling:**

**7/11/2024**

**Service: Improper**

**Opposition: None**

Judge Houle's miscellaneous instructions require that secured creditors be served pursuant to FED. R. BANKR. P. Rule 7004 when a debtor files a motion to continue the automatic stay. Here, the secured creditor was not served pursuant to Rule 7004, but was instead served at a PO Box.

Additionally, Judge Houle's miscellaneous instructions require that if a secured creditor filed a motion for relief from the automatic stay in the prior case, the secured creditor's counsel be served with a copy of the motion. Here, the secured creditor filed a motion for relief from stay in the prior case and their counsel was not served with the motion.

In addition, as to the merits, the Debtor's prior case was dismissed for failure to make

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11:30 AM

**CONT... Johnny Phan**

**Chapter 13**

plan payments, but Debtor does not address that. Instead, Debtor only offers evidence of why he missed a Court hearing, thereby failing to rebut the presumption of a lack of good faith.

Therefore, based on the foregoing, the Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

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

Johnny Phan

Represented By  
Onyinye N Anyama

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, July 11, 2024**

**Hearing Room 6C**

11:30 AM

**8:24-11568 Michael Pierce**

**Chapter 13**

**#40.00** Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate at 46 Downing Street Ladera Ranch CA 92694  
(Motion filed 6/25/24)

MOVANT: MICHAEL PIERCE

EH\_\_

**[Tele. appr. Joanne Andrew, rep. Debtor]**

**[Tele. appr. Jonathan Cahill, rep. NEWREZ]**

Docket 6

**Tentative Ruling:**

**7/11/2024**

**Service: Proper**

**Opposition: None**

11 U.S.C. § 362(c)(3)(A) provides that the automatic stay expires on the 30th day of this case because Debtor had a previous case dismissed in the preceding 1-year period. Section 362(c)(3)(B) provides that the Court can extend the automatic stay if Debtor "demonstrates that the filing of the later case is in good faith as to the creditors to be stayed."

Here, the evidence submitted in support of the motion does not coherently address the relevant issues --- the reason the prior case was dismissed and whether there was a "substantial change" in the personal or financial affairs of Debtor.

On that basis, the Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

**Party Information**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Mark Houle, Presiding  
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**Thursday, July 11, 2024**

**Hearing Room 6C**

11:30 AM

**CONT... Michael Pierce**

**Chapter 13**

**Debtor(s):**

Michael Pierce

Represented By  
Jaime A Cuevas Jr.

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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

**Thursday, July 11, 2024**

**Hearing Room 6C**

11:30 AM

**8:24-11227 Soledad Pol De Los Reyes**

**Chapter 13**

**#40.10 Confirmation of Chapter 13 Plan**

(Cont. from 10:30 calendar for Courtroom Language Translation)

EH\_\_

**[Tele. appr. Keith Higginbotham, rep. creditor, Wilmington Trust]**

Docket 17

**Tentative Ruling:**

- NONE LISTED -

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

Soledad Pol De Los Reyes

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Mark Houle, Presiding  
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**Thursday, July 11, 2024**

**Hearing Room 6C**

12:00 PM

**8:24-11222 Hans George Nearhoff**

**Chapter 13**

**#41.00** CONT. Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 2495 Tequesta Street, #18 Tustin, CA 92782

From: 5/16/24

MOVANT: HANS NEARHOFF

[Placed on calendar by OST entered 5/13/24]

EH\_\_\_

**[Tele. appr. Russ Stong, rep. Debtor]**

**[Tele. appr. Darlene Vigil, secured creditor, The Bank of New York Mellon]**

Docket 6

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Hans George Nearhoff

Represented By  
Matthew D. Resnik

**Movant(s):**

Hans George Nearhoff

Represented By  
Matthew D. Resnik  
Matthew D. Resnik

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se