

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

Wednesday, August 26, 2026

Hearing Room 6C

11:00 AM

8:25-11696 Johnny Hoang

Chapter 7

#1.00 Motion for Order Objecting to Debtor's Claimed Homestead Exemption

EH__

[Tele. appr. Jeffrey Golden, Trustee]

Docket 39

Tentative Ruling:

8/26/2026

Service: Proper
Opposition: None

BACKGROUND

On June 24, 2025, Johnny Hoang ("Debtor") filed a voluntary chapter 7 petition. Jeffrey I. Golden was thereafter appointed as the Chapter 7 trustee ("Trustee") of Debtor's estate.

On the petition date, Debtor held an interest in vacant land located in Costilla County, Colorado, APN No. 72000840 ("Vacant Land"). In his Schedule C, Debtor claimed an exemption of \$5,000 against his interest in the Vacant Land pursuant to Cal. Civ. P. Code § 704.730 ("Exemption"). According to Debtor's petition and statement of financial affairs, Debtor resides in Westminster, California, and has not resided at any other location during the past three years.

Debtor's § 341(a) meeting of creditors was scheduled for July 15, 2026. Because the meeting had not concluded, Trustee's objection, filed July 8, 2026, is timely under Federal Rule of Bankruptcy Procedure 4003(b), which requires an objection to be filed within 30 days after the § 341(a) meeting is concluded or within 30 days after any amendment to the schedules, whichever is later.

Trustee argues that because Debtor did not reside at the Vacant Land on the Petition

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CONT...

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Chapter 7

Date, Debtor does not satisfy the "dwelling" and "homestead" requirements under Cal. Civ. P. Code § 704.710(a) and (c), and is therefore not entitled to the Exemption.

DISCUSSION

11 U.S.C. § 522(g)(1) states:

(g) Notwithstanding sections 550 and 551 of this title, the debtor may exempt under subsection (b) of this section property that the trustee recovers under section 510(c)(2), 542, 543, 550, 551, or 553 of this title, to the extent that the debtor could have exempted such property under subsection (b) of this section if such property had not been transferred, if--

(1)(A) such transfer was **not** a voluntary transfer of such property by the debtor; and

(B) the debtor did **not** conceal such property; or...

11 U.S.C. § 522(g)(1)(A),(B)(emphasis added).

Accordingly, a debtor is "not entitled to claim an exemption, where a debtor voluntarily transfers property in a manner that triggers the trustee's avoidance powers **or** the debtor knowingly conceals a prepetition transfer or an interest in property, and such property is returned to the estate as a result of the trustee's actions directed toward either the debtor or the transferee." *In re Elliott*, 523 B.R. 188, 197 (Bankr. App. 9th Cir. 2014) *citing to Hitt v. Glass (In re Glass)*, 164 B.R. 759, 761 (9th Cir. BAP 1994), *aff'd*, 60 F.3d 565 (9th Cir.1995) (emphasis added) (internal quotations and alterations omitted).

Cal. Civ. P. Code § 704.710(c) provides, in relevant part:

"Homestead" means the principal dwelling (1) in which the judgment debtor or the judgment debtor's spouse resided on the date the judgment creditor's lien attached to the dwelling.

Cal. Civ. P. Code § 704.710(a) further provides that "'Dwelling' means a place where a person resides."

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CONT... Johnny Hoang

Chapter 7

As the objecting party, Trustee bears the initial burden of showing that Debtor's Exemption is improper. FRBP 4003(c); *Shelley v. Kendall (In re Shelley)*, 184 B.R. 356, 360 (9th Cir. BAP 1995). Once Trustee satisfies that burden, Debtor must establish that the Exemption is supported by an applicable statute. *In re Ciotta*, 222 B.R. 626, 629 (Bankr. C.D. Cal. 1998), citing *In re Gregoire*, 210 B.R. 432, 436 (Bankr. D.R.I. 1997). Debtor's exemption rights are fixed as of the Petition Date. *In re Moffat*, 119 B.R. 201, 204 (B.A.P. 9th Cir. 1990), aff'd, 959 F.2d 740 (9th Cir. 1992), citing *In re Seyfert*, 97 B.R. 590 (Bankr. S.D. Cal. 1989); *In re Magallanes*, 96 B.R. 253, 255 (9th Cir. BAP 1988).

Here, Debtor claims a homestead exemption of \$5,000 against the Vacant Land pursuant to Cal. Civ. P. Code § 704.730. It is undisputed that on the petition date, Debtor did not reside at the Vacant Land, rather, Debtor's own petition and statement of financial affairs reflect that Debtor resided in Westminster, California, and had resided nowhere else for the preceding three years. Because Debtor did not reside at the Vacant Land on the Petition Date, the property does not qualify as a "dwelling" or "homestead" under § 704.710(a) and (c). Even if Debtor previously resided at the Vacant Land at some earlier time, Debtor's exemption rights are fixed as of the Petition Date, and Debtor did not reside there on that date. Debtor is therefore not entitled to a homestead exemption against Vacant Land.

TENTATIVE RULING

The Court is inclined to GRANT Trustee's motion and SUSTAIN the objection to the Exemption.

APPEARANCES WAIVED. Movant to lodge order within seven days.

Party Information

Debtor(s):

Johnny Hoang

Represented By
Thinh V Doan

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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8:26-11424 Datam USA Inc

Chapter 7

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

EH__

From: 6-24-26

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Datam USA Inc

Pro Se

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11:00 AM

8:26-12455 Edgar Sebastian Vazquez

Chapter 7

#2.10 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 1396 Shannon Ln. Costa Mesa CA 92626

EH__

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edgar Sebastian Vazquez

Represented By
Christopher J. Langley

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

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8:26-12080 Colleen Marie Saldana

Chapter 7

#2.20 Order to Show Cause re Dismissal for Failure to Comply with Rule 1006(B) - RE:
Second Installment of \$84.50 due 8/7/26

EH__

Docket 13

***** VACATED *** REASON: SECOND INSTALLMENT PAYMENT
PAID ON 8/18/26**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Colleen Marie Saldana

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
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2:00 PM

8:24-12781 Richard Conant Giller

Chapter 7

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

#3.00 CONT. Status Conference re Amended 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/decreed)), (72 (Injunctive relief - other)), (91 (Declaratory judgment)) (Alias Summons Issued 6/26/26)

EH__

From: 6-24-26

[Tele. appr. Gary A. Starre, rep. Defendant, Patricia Giller]

[Tele. appr. Richard G. Heston, rep. Plaintiff]

Docket 4

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

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6C

2:00 PM

8:25-13163 Sharon Liane Blank

Chapter 7

Adv#: 8:26-01017 Fine v. Blank

#4.00 CONT. Status Conference re: Complaint by Plaintiff Martin Fine against Defendant Sharon Liane Blank. false pretenses, false representation, actual fraud)), (67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury))

EH__

From: 4-15-26, 6-10-26

Docket 1

***** VACATED *** REASON: CASE DISMISSED ON 7/8/26**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharon Liane Blank

Represented By
Arlene Marie Tokarz

Defendant(s):

Sharon Liane Blank

Pro Se

Plaintiff(s):

Martin Fine

Pro Se

Trustee(s):

Richard A Marshack (TR)

Pro Se

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8:26-10269 Chase Albert Kalter

Chapter 7

Adv#: 8:26-01045 NEWPORT CAPITAL PARTNERS, LLC v. Kalter

#5.00 Status Conference RE Complaint by NEWPORT CAPITAL PARTNERS, LLC against Chase Albert Kalter. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Alias Summons Issued 6/11/26)

Docket 1

***** VACATED *** REASON: CONTINUED TO SEPTEMBER 16, 2026
AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chase Albert Kalter

Represented By
Leslie A Cohen

Defendant(s):

Chase Albert Kalter

Pro Se

Plaintiff(s):

NEWPORT CAPITAL PARTNERS,

Represented By
David W Kani

Trustee(s):

Thomas H Casey (TR)

Pro Se

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2:00 PM

8:26-10269 Chase Albert Kalter

Chapter 7

Adv#: 8:26-01045 NEWPORT CAPITAL PARTNERS, LLC v. Kalter

#6.00 Motion and Motion to Dismiss Adversary Proceeding and "Complaint to Determine Dischargeability Pursuant to 11 U.S.C. 523 (A)"

EH__

Docket 17

***** VACATED *** REASON: TAKEN OFF CALENDER PER STIP AND ORDER ENTERED ON 8/20/26.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chase Albert Kalter

Represented By
Leslie A Cohen

Defendant(s):

Chase Albert Kalter

Represented By
Leslie A Cohen

Plaintiff(s):

NEWPORT CAPITAL PARTNERS,

Represented By
David W Kani
Michael S Kogan

Trustee(s):

Thomas H Casey (TR)

Pro Se

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2:00 PM

8:26-10826 Chulwoo Kim

Chapter 7

Adv#: 8:26-01072 Kapitrus Servicing, Inc., as Servicing Agent for St v. Kim

#7.00 Status Conference RE Complaint by Kapitrus Servicing, Inc., as Servicing Agent for Strategic Funding Source, Inc. d/b/a Kapitrus against Chulwoo Kim. false pretenses, false representation, actual fraud)), (68 (Dischargeability - 523(a)(6), willful and malicious injury))

EH__

[Tele. appr. Andrew Cho, rep. Defendant Chulwoo Kim]

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chulwoo Kim

Represented By
Andrew S Cho

Defendant(s):

Chulwoo Kim

Represented By
Andrew S Cho

Plaintiff(s):

Kapitrus Servicing, Inc., as Servicing

Represented By
Dakota Pearce
Melody G Anderson

Trustee(s):

Jeffrey I Golden (TR)

Pro Se