

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Ronald A Clifford III, Presiding  
Courtroom 5D Calendar**

Tuesday, December 17, 2024

Hearing Room

5D

9:00 AM

9: -

Chapter

**#0.00 Judge Clifford will take the bench in Courtroom 5D in the Santa Ana Division (at Ronald Reagan Federal Building and U.S. Courthouse, 411 West Fourth Street, Santa Ana, California 92701) for the hearings on calendar for today.**

Unless ordered otherwise, appearances for the matters on calendar today may be made in-person in Courtroom 5D in the Santa Ana Division or in-person in Courtroom 201 in Santa Barbara (Northern Division). Appearances made in-person in Santa Barbara will be videoconferenced via ZoomGov into the Santa Ana Courtroom and Judge Clifford will appear via ZoomGov in the Santa Barbara Courtroom. Appearances may also be made by video through ZoomGov, or by telephone through ZoomGov. If appearing through ZoomGov, parties in interest may connect to the video and audio feeds, free of charge, using the connection information provided below. Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device. Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

All parties making an appearance via ZoomGov video and audio connection **must** have their video on. Proper court attire is required of all parties appearing via ZoomGov video. Any virtual backgrounds are to be of a solid color, without pictures, videos, or scenes. No party may appear by ZoomGov from any place other than a quiet room in an office or home. Parties may not appear via ZoomGov from a vehicle of any kind, moving or not.

Regarding remote access to hearings, members of the public may NOT observe any hearing via ZoomGov web address or app. Members of the public may ONLY listen to non-evidentiary hearings, where no live testimony is being taken, via ZoomGov telephone conference line or in-person at the address listed above. If members of the public attempt to observe hearings remotely in any manner other than via ZoomGov telephone conference line, the Court will remove them from ZoomGov for the hearing(s). No members of the public will be permitted to observe, via telephone line or otherwise, trials, evidentiary hearings, hearings where live testimony will be taken, and hearings where sensitive information is being disseminated that may not be adequately safeguarded.

You may obtain the ZoomGov connection details by clicking the hyperlink below or copying and pasting the web address into your browser.

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Neither a Zoom nor a ZoomGov account is necessary to participate, and no preregistration is required. The audio portion of each hearing will be recorded electronically by the Court and that recording will constitute its official record. Recording, retransmitting, photographing, or imaging Court proceedings by any means is strictly prohibited.

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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9:24-11369 Christine E Greenberg

Chapter 13

#1.00 Hearing

RE: [8] Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real property located at: 512 Roosevelt Ct., Simi Valley, CA 93065 .

Docket 8

**Tentative Ruling:**

**December 17, 2024**

**Appearances required.**

**Background**

On July 10, 2023, Christine E. Greenberg (the "Debtor") filed a voluntary petition for relief pursuant to Chapter 13 of Title 11 of the U.S. Code (the "2023 Case"). *See* Case No. 9:23-bk-10556-RC, Docket No. 1, *Voluntary Petition for Individuals Filing for Bankruptcy*. On August 15, 2024, the Court entered that *Order and Notice of Dismissal Arising from Chapter 13 Confirmation Hearing* dismissing the 2023 Case because the Debtor was behind two (2) plan payments, no mortgage declarations had been filed, and because of a pending motion to lift the stay. *See id.* at Docket No. 74.

On December 2, 2024, the Debtor filed a second voluntary petition for relief pursuant to Chapter 13 of Title 11 of the U.S. Code. *See* Case No. 9:24-bk-11369-RC, *Voluntary Petition for Individuals Filing for Bankruptcy*. On December 10, 2024, the Debtor filed that *Notice of Motion and Motion in Individual Case for Order Imposing A Stay or Continuing the Automatic Stay as the Court Deems Appropriate* (the "Motion"). *See* Docket No. 8. Through the Motion, the Debtor seeks to continue the automatic stay in related to that parcel of real property located at 512 Roosevelt Ct., Simi Valley, CA 93065 (the "Property") pursuant to 11 U.S.C. § 362(c)(3). *See id.* at p. 3. The Debtor asserts that they intend on surrendering a second parcel of real property to allow them to reorganize around the Property. *See id.* at p. 11, *Declaration of Christine E Greenberg*, lines 24-25. The parcel of real property that is to be surrendered, according to the Debtor, is part of the reason that the 2023 Case

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**CONT... Christine E Greenberg**

**Chapter 13**

was unsuccessful.

Notice

On December 10, 2024, the Debtor filed that *Application for Order Setting Hearing on Shortened Notice* (the "Application"). See Docket No. 9. On December 11, 2024, the Court entered that *Order Granting Application and Setting Hearing on Shortened Notice* (the "Order"), setting the Motion for hearing, and requiring certain service of the Motion and notice of the hearing thereon. See Docket No. 12. On December 12, 2024, the Debtor filed that *Notice of Motion for: Notice of Hearing on Motion in Individual Case for Order Imposing Stay or Continuing the Automatic Stay As the Court Deems Appropriate* and that *Declaration of Victor Hernandez Regarding Proof of Service of Debtor's Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate*. See Docket Nos. 14 and 15, respectively. Notice of the Motion and the hearing thereon pursuant to the Order appear appropriate.

Analysis

Pursuant to 11 U.S.C. § 362(c)(3)(A), if a debtor files a petition under Chapter 13 within one (1) year of the dismissal of a prior Chapter 13 case, "the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case."

Pursuant to 11 U.S.C. § 362(c)(3)(B), "on the motion of a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors [] after notice and a hearing completed before expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed." "[F]or purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary) (i) as to all creditors if (I) more than 1 previous case under [Chapter 13] in which the individual was a debtor was pending within the preceding 1-year period; (II) a previous case under [Chapter 13] in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to [] (cc) perform the terms of a plan confirmed by the court; (III) there has not been a substantial change in

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CONT... **Christine E Greenberg**

**Chapter 13**

the financial or personal affairs of the debtor since the dismissal of the next most previous case under [Chapter 13] or any other reason to conclude that the later will be concluded . . . with a confirmed plan that will be fully performed." *See* 11 U.S.C. § 362(c)(3)(C)(i)(III)(bb).

Here, according to the Debtor, the difference between this Case and the 2023 Case is that the Debtor intends on abandoning one of the parcels of property, and reorganizing solely around the other. The Debtor argues that their "monthly income will be sufficient to propose a feasible and confirmable Chapter 13 Plan." *See* Docket No. 8, p. 12, line 3.

The Court will hear from other parties at the hearing, but is inclined to grant the Motion, and the reduction in the number of properties that the Debtor must service appears to be a change in financial or personal affairs, although it is not clear that

**Party Information**

**Debtor(s):**

Christine E Greenberg

Represented By  
Onyinye N Anyama

**Movant(s):**

Christine E Greenberg

Represented By  
Onyinye N Anyama

**Trustee(s):**

Elizabeth (ND) F Rojas (TR)

Pro Se