

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, January 23, 2024

Hearing Room

5B

10:30 AM

8:00-000000

Chapter

#0.00 Hearings on this calendar will be conducted using ZoomGov video and audio.

For information about appearing in person (or a hybrid hearing) please visit <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert>.

Case participants may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613374161>

ZoomGov meeting number: 161 337 4161

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Password: 294545

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Albert by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Theodor C. Albert's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

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Docket 0

Tentative Ruling:

- NONE LISTED -

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8:19-14972 Javier Del Rio

Chapter 13

#1.00 Motion for relief from the automatic stay REAL PROPERTY

NEWREZ LLC
Vs
DEBTOR

Docket 71

Tentative Ruling:

Tentative for January 23, 2024

This is a case where the creditor/movant appears to be adequately protected, for the time being, by around a \$600k cushion of equity. That does not excuse the considerable post-petition delinquency of almost 7 months. The trustee has filed a response suggesting his office will be involved in an attempt to modify and/or to cure the arrearage, on a conduit basis. Under these circumstances the court is inclined to give one opportunity to accomplish this by continuing the hearing. What would be a suitable period of continuance (not to exceed 45 days)?

Appearance required.

Party Information

Debtor(s):

Javier Del Rio

Represented By
Andy C Warshaw

Movant(s):

NEWREZ, LLC DBA

Represented By
Joseph C Delmotte

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:23-12086 MacArthur Court Acquisition Corp.

Chapter 11

#2.00 Motion for Relief from Stay ACTION IN NONBANKRUPTCY FORUM

**VITALITY HEALTH PLAN OF CALIFORNIA, INC.
Vs.
DEBTOR**

Docket 14

Tentative Ruling:

Tentative for January 23, 2024

Grant as unopposed. Efficacy of the stay as against non-debtors is questionable anyway. Liquidation of the claim should proceed in the non-bankruptcy forum and only execution of judgment continues to be stayed as to debtor and property of the estate. *Appearance required.*

Party Information

Debtor(s):

MacArthur Court Acquisition Corp.

Represented By
William J Wall

Movant(s):

Vitality Health Plan of California,

Represented By
Uri Litvak

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11:00 AM

8:23-10348 Jennifer Lynn Heckman

Chapter 7

#3.00 Motion To Reopen Chapter 7 Case

Docket 16

Tentative Ruling:

Tentative for January 23, 2024
Grant as unopposed. Appearance is optional.

Party Information

Debtor(s):

Jennifer Lynn Heckman

Represented By
Brian J Soo-Hoo

Movant(s):

Jennifer Lynn Heckman

Represented By
Brian J Soo-Hoo
Brian J Soo-Hoo
Brian J Soo-Hoo

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

8:23-12070 Ravco Construction, Inc.

Chapter 7

#4.00 Chapter 7 Trustee's Motion To: (1) Employ Charles Klaus/ABC Services Group Inc., dba ABC Auction and Appraisal Services; And (2) Sell Property Of The Estate (A) Outside The Ordinary Course Of Business; (B) Free And Clear Of Liens, Claims, And Encumbrances, And (C) For Determination Of Good Faith Purchaser Under 11 U.S.C. § 363(m)

Docket 33

Tentative Ruling:

Tentative for January 23, 2024

Approve application to employ ABC Auction and Appraisal, and Trustee may proceed to sell per motion. *Appearance is optional.*

Party Information

Debtor(s):

Ravco Construction, Inc.

Represented By
Kyra E Andrassy

Trustee(s):

Richard A Marshack (TR)

Represented By
Leonard M Shulman
Melissa Davis Lowe

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11:00 AM

8:23-11395 Michael Mahon and Pamela Mahon

Chapter 7

#5.00 Debtor's Motion To Compel The Trustee To Abandon The Debtors' Interest In Real Property Located at 26 Panorama Trabuco Canyon (AKA COTO DE CAZA), California
(cont'd from 12-19-23)

Docket 72

Tentative Ruling:

Tentative for January 23, 2024

Grant as unopposed. *Appearance is optional.*

Tentative for December 19, 2023

This is Debtors Michael and Pamela Mahon's ("Debtors") motion for order under 11 U.S.C. § 554(b) compelling the Chapter 7 Trustee Richard A. Marshack ("Trustee") to abandon the estate's interest in the Debtors' residence located as 26 Panorama, Trabuco Canyon (aka Coto de Caza), California 92679 ("Property").

Debtors argue that whether one takes their estimation of the Property's value at \$2,774,339.00 or the appraised value of \$3,903,000 pursuant to a previous 522(f) motion, the total encumbrances are \$5,269,494. Thus, the Property is of inconsequential value or benefit to the bankruptcy estate. Further, Debtors contend that the Property is also burdensome to the bankruptcy estate as it requires maintenance, repairs, and security to preserve it in a safe and stable condition.

But the real question is whether the attachment lien recorded against the Property can be avoided and preserved for benefit of the estate under §551. This question may turn on whether Hurley is an "insider" which would make the reach back one year. If this lien can be utilized by the estate then there may well be a recovery for creditors. Brian Hurley contends he is not "friends"

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CONT... Michael Mahon and Pamela Mahon

Chapter 7

with the debtor but that is not the only basis for a determination of insider status. This record is not developed sufficiently for the court to make that determination. Consequently, the court cannot determine that the Property is of inconsequential value. The court expects the trustee will promptly investigate and determine whether there will be an attempt to avoid the attachment lien.

Deny without prejudice. Debtor may renew motion in 60 days. Appearance suggested.

Party Information

Debtor(s):

Michael Mahon

Represented By
Marc C Forsythe

Joint Debtor(s):

Pamela Mahon

Represented By
Marc C Forsythe

Trustee(s):

Richard A Marshack (TR)

Represented By
Leonard M Shulman
Melissa Davis Lowe

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11:00 AM

8:21-12001 Joseph L Sanders

Chapter 7

#6.00 Chapter 7 Trustee For Order Authorizing Trustee: (1) To Continue Operating Certain Of The Estate's Real Properties Pursuant To 11 U.S.C. Section 721; And, (2) Use Property of the Estate Pursuant to 11 U.S.C. Sections 363(b)(1) And (c)(1), And Pay Necessary Expenses Pursuant to an Existing Operating Budget

Docket 660

Tentative Ruling:

Tentative for January 23, 2024

Grant as unopposed. *Appearance is optional.*

Party Information

Debtor(s):

Joseph L Sanders

Represented By
Todd J Cleary

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Nathan F Smith
Ashley M Teesdale

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8:21-12001 Joseph L Sanders

Chapter 7

**#7.00 Motion For An Order Authorizing Chapter 7 Trustee To Make An Interim
Distribution To Creditors Pursuant To 11 U.S.C. Section 726**

Docket 662

Tentative Ruling:

Tentative for January 23, 2024

Trustee contends that the estate has sufficient funds to make the proposed interim distribution, with funds remaining on hand to facilitate the Trustee's remaining administrative efforts and to satisfy final Chapter 7 administrative claims. There is no opposition filed to the motion and the Office of the United States Trustee does not object. Consequently, the court grants the motion disburse an amount not in excess of \$1,000,0000 of free and clear funds of the estate to holders of allowed priority and general unsecured claims.
Appearance is optional.

Party Information

Debtor(s):

Joseph L Sanders

Represented By
Todd J Cleary

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Nathan F Smith
Ashley M Teesdale