

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Thursday, January 11, 2024

Hearing Room 301

1:00 PM

1: -

Chapter

#0.00 All hearings on this calendar will be conducted in Courtroom 301 at 21041 Burbank Boulevard, Woodland Hills, California, 91367. All parties in interest, members of the public and the press may attend the hearings on this calendar in person.

Additionally, (except with respect to evidentiary hearings, or as otherwise ordered by the Court) parties in interest (and their counsel) may connect by ZoomGov audio and video free of charge, using the connection information provided below. Members of the public and the press may only connect to the zoom audio feed, and only by telephone. Access to the video feed by these individuals is prohibited.

Parties in interest may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Members of the public, the press and parties in interest may participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate remotely and there are no fees for doing so. No pre-registration or prior approval 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.

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Video/audio web address: <https://cacb.zoomgov.com/j/1607310821>

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Telephone conference lines: 1-669-254-5252 OR 1-646-828-7666

Meeting ID: 160 731 0821

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Password: 826099

For more information on appearing before Judge Kaufman by ZoomGov, please see the information entitled "Tips for a Successful ZoomGov Court Experience" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-victoria-s-kaufman> under the tab "Telephonic Instructions."

Docket 0

Tentative Ruling:

- NONE LISTED -

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1:23-10270 Linda Ezor Swarzman

Chapter 11

#1.00 Trustee's Motion for Order (1) Authorizing Sale of 1 Del Sol Court, Baytown Texas 77521, Free and Clear of Liens, Claims and Interest; (2) Approving Proposed Overbid Procedures; (3) Determining that a Buyer is a Good Faith Purchaser; (4) Authorizing Payment of Cost of Sale and Certain Liens from Escrow; (5) Waving the Fourteen Day Stay Prescribed by Rule 6004(h) of the Federal Rules of Bankruptcy Procedure

fr. 12/7/23

Docket 335

***** VACATED *** REASON: Trustee Goodrich filed a withdrawal on
12/14/23 - Dkt. #388.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Ezor Swarzman

Pro Se

Trustee(s):

David M Goodrich (TR)

Represented By
Matthew A Lesnick

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1:23-10661 Kimberly Michelle VanHeertum

Chapter 7

#2.00 Motion for Authority To Redeem Personal Property and Approval
Of Associated Financing

Docket 40

Tentative Ruling:

For the reasons set forth below, the Court will continue the hearing on the motion to
1:30 p.m. on February 1, 2024.

No later than January 18, 2024, Kimberly Michelle VanHeertum ("Debtor") must file and serve the following documents on Premier Auto Credit ("Premier"): (1) an amended Schedule C; and (2) Debtor's declaration, signed under penalty of perjury, in support of the motion.

On December 18, 2023, Debtor filed the *Motion for Authority to Redeem Personal Property and Approval of Associated Financing* (the "Motion") [doc. 40] to redeem a 2015 Chevrolet Camaro (the "Vehicle").

Under 11 U.S.C. § 722—

An individual debtor may, whether or not the debtor has waived the right to redeem under this section, redeem tangible personal property intended primarily for personal, family, or household use, from a lien securing a dischargeable consumer debt, if such property is exempted under section 522 of this title or has been abandoned under section 554 of this title, by paying the holder of such lien the amount of the allowed secured claim of such holder that is secured by such lien in full at the time of redemption.

In support of the Motion, Debtor attached several exhibits. However, Debtor did not file a declaration authenticating pertinent exhibits attached to the Motion.

Pursuant to Federal Rule of Evidence 901, "[t]o satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce

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CONT... Kimberly Michelle VanHeertum

Chapter 7

evidence sufficient to support a finding that the item is what the proponent claims it is." Fed. R. Evid. 901(a). Testimony of a witness with knowledge, "that an item is what it is claimed to be" is an example of evidence that satisfies this requirement. *See* Fed. R. Evid. 901(b). Under Local Bankruptcy Rule 9013-1(i)(3), "[i]n lieu of oral testimony, a declaration under penalty of perjury will be received into evidence." **Consequently, to authenticate the exhibits concerning the alleged value of the Vehicle, Debtor must submit a declaration, signed under penalty of perjury, that states what the exhibits are.**

In support of her contention that the Vehicle's value is \$12,800, attached to the Motion apparently are online printouts regarding the trade-in value, the fair market value range, the fair purchase price and the typical listing price for the Vehicle. *See* Exhs. B and C to the Motion. Under 11 U.S.C. § 506(a)(2), the standard to value the collateral for a secured claim is the "*price a retail merchant would charge for property of that kind considering the age and condition of the property at the time the value is determined.*"

Finally, in her original Schedule C [doc. 1], Debtor did not claim an exemption in the Vehicle, as required for Debtor to redeem the Vehicle under 11 U.S.C. § 722.

Consequently, Debtor must file and serve a declaration, signed under penalty of perjury, and attach any exhibit(s) which set forth the year, make and model of the Vehicle and its value. In her declaration, Debtor must state what the exhibits are AND set forth the factors which Debtor took into account, including the condition of the Vehicle, e.g., fair, good, very good or excellent, and why, when determining the Vehicle's value.

In addition, in order to claim an exemption in the Vehicle, pursuant to 11 U.S.C. § 522, Debtor must file and serve on Premier an amended Schedule C, to claim an exemption in the Vehicle.

As noted in the proposed order submitted with the Motion, after determining the Vehicle's value for purposes of Debtor's redemption, the Court will provide a deadline for Debtor to make the required lump sum payment to Premier.

The Court will prepare the order.

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CONT... Kimberly Michelle VanHeertum

Chapter 7

Debtor(s):

Kimberly Michelle VanHeertum Pro Se

Trustee(s):

Diane C Weil (TR) Pro Se

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1:23-10682 Emil Torosian and Lusine Balyan

Chapter 7

#3.00 Debtors' Motion to Avoid Lien with De Lage Landen Financial Services, Inc.

Docket 16

Tentative Ruling:

Grant.

Movants must submit the order within seven (7) days.

Party Information

Debtor(s):

Emil Torosian

Represented By
Aris Artounians

Joint Debtor(s):

Lusine Balyan

Represented By
Aris Artounians

Trustee(s):

Diane C Weil (TR)

Pro Se