

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

10:00 AM

6:21-15390 Carmen Leticia Gomez

Chapter 13

#1.00 Confirmation of Chapter 13 Plan

FROM: 12-1-21

Docket 1

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-18-22; CONT'D TO 6-27-22 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Leticia Gomez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

10:00 AM

6:21-15390 Carmen Leticia Gomez

Chapter 13

#2.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 11-17-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-18-22; CONT'D TO 6-27-22 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Leticia Gomez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

10:00 AM

6:18-11111 Universal Surveillance Systems, LLC

Chapter 7

Adv#: 6:18-01244 Karl T. Anderson CPA, Inc. v. State Of California Franchise Tax Board

#3.00 Trial re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of fraudulent transfers; (3) Disallowance of claims held by defendants

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 7-28-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Universal Surveillance Systems,

Represented By
Jeffrey I Golden

Defendant(s):

State Of California Franchise Tax

Represented By
John C Keith

Plaintiff(s):

Karl T. Anderson CPA, Inc.

Represented By
Judith E Marshack

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Judith E Marshack
Matthew Grimshaw
Cionca IP Law P C

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

10:30 AM

6:21-13957 Jesus Abarca

Chapter 13

#4.00 Confirmation of Chapter 13 Plan

FROM: 10-27-21

Docket 1

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Party Information

Debtor(s):

Jesus Abarca

Represented By
Curtis R Aijala

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

10:30 AM

6:21-13957 Jesus Abarca

Chapter 13

#5.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM:10-13-21

Docket 1

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Party Information

Debtor(s):

Jesus Abarca

Represented By
Curtis R Aijala

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

10:30 AM

6:21-14809 Daniel I Reyes Corcoles

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

FROM: 10-27-21

Docket 20

***** VACATED *** REASON: CASE DISMISSED 9-27-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel I Reyes Corcoles

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
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Monday, January 24, 2022

Hearing Room 304

10:30 AM

6:21-14809 Daniel I Reyes Corcoles

Chapter 13

#7.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-13-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 9-27-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel I Reyes Corcoles

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
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Monday, January 24, 2022

Hearing Room 304

10:30 AM

6:21-14824 Nehli Monique York - Jones

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

FROM: 10-27-21

Docket 0

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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Nehli Monique York - Jones

Chapter 13

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On September 20, 2021, the Court entered a scheduling order [docket #14] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for January 24, 2022 at 10:30 a.m.

On January 6, 2022, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #25] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on October 18, 2021 [docket #20] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 17, 2022 [docket #27] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 24, 2022, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

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CONT... Nehli Monique York - Jones

Chapter 13

agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 24, 2022, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting October 8, 2021, the monthly plan payment is \$512.50.

Starting December 8, 2021, the monthly plan payment is \$618.

The due date for each payment is the 8th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$36,869. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are

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Chapter 13

paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$350 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled

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Nehli Monique York - Jones

Chapter 13

Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. Debtors shall pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or

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Chapter 13

encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

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Nehli Monique York - Jones

Chapter 13

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors.

b. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order.

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Chapter 13

Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing.

d. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Nehli Monique York - Jones

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

10:30 AM

6:21-14824 Nehli Monique York - Jones

Chapter 13

#9.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-13-21

Docket 0

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

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10:30 AM

CONT... Nehli Monique York - Jones

Chapter 13

Debtor(s):

Nehli Monique York - Jones

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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Monday, January 24, 2022

Hearing Room 304

10:30 AM

6:21-14843 Jose Campos and Maria De Los Angeles Campos

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

FROM: 10-27-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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CONT... Jose Campos and Maria De Los Angeles Campos

Chapter 13

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On September 20, 2021, the Court entered a scheduling order [docket #15] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for January 24, 2022 at 10:30 a.m.

On January 6, 2022, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #29] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 9, 2021 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 13, 2022 [docket #30] agreeing with the Trustee's terms in the Statement and the worksheet.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 24, 2022, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

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CONT... Jose Campos and Maria De Los Angeles Campos Chapter 13

agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 24, 2022, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting October 9, 2021, the monthly plan payment is \$1,081.

Starting January 9, 2022, the monthly plan payment is \$2,852.

The due date for each payment is the 9th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 10% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$165,807. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are

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CONT... Jose Campos and Maria De Los Angeles Campos

Chapter 13

paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$484, counsel is entitled to payment of \$4,516 from the estate at a rate no more than \$150 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled

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Chapter 13

Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$2,426 at a rate no less than \$40.43 per month for 60 months.
2. The Trustee shall pay the secured claim of Specialized Loan Servicing in the amount of \$57,803.31 at a rate no less than \$963.39 per month for 60 months.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid,

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extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

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g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors except to the following limited extent:

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With respect to the residence of the Debtors, the Trustee shall make the monthly mortgage payments for the senior mortgage to the creditor Specialized Loan Servicing in the full amount required under the loan documents which is currently believed to be approximately \$1,430.64 per month. The Trustee shall commence making these monthly payments in January of 2022 and, prior to that month, the Debtors shall timely make all post-petition payments directly to the creditor. The Debtors shall immediately advise the Trustee in writing of any and all changes to the monthly payment amount to the creditor during this case. The Debtors bear the responsibility of monitoring documents received from the creditor as well as pleadings and notices filed on the court docket which provide for any change in the payment amount. The Debtors shall provide timely written notice to the trustee of any changes in the monthly payment amount to the creditor regardless of whether or not the Debtors learned of such change in documents sent by the creditor to the Debtors or in a notice or pleading filed with court and regardless of whether or not the change is set forth in a notice filed and served pursuant to F.R.B.P. Rule 3002.1(b) or otherwise.

Other than those few post-petition payments by the Debtors prior to January of 2022, this case does not involve any other direct payments by the Debtors to creditors and, therefore, the Debtors need only file reports pursuant to paragraph 5(e) for the limited period of time during which they are responsible for making Direct Payments.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give

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away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Likewise, if the Debtors are required to make any Direct Payments at any time in 2023, then between January 1, 2024 and January 31, 2024, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2023. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates

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of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Jose Campos

Represented By
Michael Smith

Joint Debtor(s):

Maria De Los Angeles Campos

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 304

10:30 AM

6:21-14843 Jose Campos and Maria De Los Angeles Campos

Chapter 13

#11.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-13-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

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Chapter 13

Debtor(s):

Jose Campos

Represented By
Michael Smith

Joint Debtor(s):

Maria De Los Angeles Campos

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 304

10:30 AM

6:21-14911 Annette Marie Bond

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

FROM: 10-27-21

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annette Marie Bond

Represented By
Anerio V Altman

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14911 Annette Marie Bond

Chapter 13

#13.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-13-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-25-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annette Marie Bond

Represented By
Anerio V Altman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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10:30 AM

6:21-14940 Sandra Lee Weller

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

FROM: 10-27-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-18-22; CONT'D TO 6-27-22 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra Lee Weller

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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6:21-14940 Sandra Lee Weller

Chapter 13

#15.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-13-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-18-22; CONT'D TO 6-27-22 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra Lee Weller

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

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10:30 AM

6:21-14965 Robert G. Nakatani, Sr. and Rosemary T. Nakatani

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

FROM: 10-27-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 1-5-22**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert G. Nakatani Sr.

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Rosemary T. Nakatani

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

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10:30 AM

6:21-14965 Robert G. Nakatani, Sr. and Rosemary T. Nakatani

Chapter 13

#17.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-13-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 1-5-22**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert G. Nakatani Sr.

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Rosemary T. Nakatani

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

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Monday, January 24, 2022

Hearing Room 304

11:30 AM

6:20-16447 Gregory K Gilbert

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

FROM: 11-17-21

Docket 0

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Party Information

Debtor(s):

Gregory K Gilbert

Represented By
Rhonda Walker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 304

11:30 AM

6:20-16447 Gregory K Gilbert

Chapter 13

#19.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-27-21

Docket 0

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>
Meeting ID: 160 032 9317
Password: 606321

Party Information

Debtor(s):

Gregory K Gilbert

Represented By
Rhonda Walker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 304

11:30 AM

6:21-14982 Jesse R. Montano and Maria Guadalupe Montano

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

FROM: 11-10-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 11-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesse R. Montano

Represented By
April E Roberts

Joint Debtor(s):

Maria Guadalupe Montano

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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6:21-14982 Jesse R. Montano and Maria Guadalupe Montano

Chapter 13

#21.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-27-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 11-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesse R. Montano

Represented By
April E Roberts

Joint Debtor(s):

Maria Guadalupe Montano

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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11:30 AM

6:21-14986 Simone Y Manier

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

FROM: 11-10-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Simone Y Manier

Represented By
Amanda G. Billyard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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6:21-14986 Simone Y Manier

Chapter 13

#23.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-27-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-5-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Simone Y Manier

Represented By
Amanda G. Billyard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Monday, January 24, 2022

Hearing Room 304

11:30 AM

6:21-14987 Roberta Jean Marshall

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

FROM: 11-10-21

Docket 1

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Party Information

Debtor(s):

Roberta Jean Marshall

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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6:21-14987 Roberta Jean Marshall

Chapter 13

#25.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-27-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>
Meeting ID: 160 032 9317
Password: 606321

Party Information

Debtor(s):

Roberta Jean Marshall

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Monday, January 24, 2022

Hearing Room 304

11:30 AM

6:21-15017 Randy T. Tadewosian and Sally Raquel Tadewosian

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

FROM: 11-10-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-18-22; CONT'D TO 6-27-22 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Randy T. Tadewosian

Represented By
Paul Y Lee

Joint Debtor(s):

Sally Raquel Tadewosian

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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6:21-15017 Randy T. Tadewosian and Sally Raquel Tadewosian

Chapter 13

#27.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 10-27-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-18-22; CONT'D TO 6-27-22 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Randy T. Tadewosian

Represented By
Paul Y Lee

Joint Debtor(s):

Sally Raquel Tadewosian

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Monday, January 24, 2022

Hearing Room 304

11:30 AM

6:21-15029 Coralee Colon-Lewis

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

FROM: 11-10-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 11-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Coralee Colon-Lewis

Represented By
Devin Sawdayi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

11:30 AM

6:21-15029 Coralee Colon-Lewis

Chapter 13

#29.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-27-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 11-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Coralee Colon-Lewis

Represented By
Devin Sawdayi

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

11:30 AM

6:21-15076 Minh The Doan

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

FROM: 11-10-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Party Information

Debtor(s):

Minh The Doan

Represented By
Lyly Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

11:30 AM

6:21-15076 Minh The Doan

Chapter 13

#31.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-27-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Party Information

Debtor(s):

Minh The Doan

Represented By
Lyly Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

11:30 AM

6:21-15104 Alfred Monarez, III and Leonora Grajeda

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

FROM: 11-17-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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CONT...

Alfred Monarez, III and Leonora Grajeda

Chapter 13

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On October 4, 2021, the Court entered a scheduling order [docket #19] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for January 24, 2022 at 11:30 a.m.

On January 6, 2022, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #33] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 26, 2021 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 10, 2022 [docket #34] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 24, 2022, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

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CONT... Alfred Monarez, III and Leonora Grajeda Chapter 13

agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 24, 2022, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting October 26, 2021, the monthly plan payment is \$1,425.

Starting January 26, 2022, the monthly plan payment is \$1,491.

The due date for each payment is the 26th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$89,262. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are

**United States Bankruptcy Court
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CONT... Alfred Monarez, III and Leonora Grajeda

Chapter 13

paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$6,000; having previously received \$2,500, counsel is entitled to payment of \$3,500 from the estate at a rate no more than \$350 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled

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CONT...

Alfred Monarez, III and Leonora Grajeda

Chapter 13

Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$4,681.52 at a rate no less than \$78.03 per month for 60 months.
2. The Trustee shall pay the secured claim of Wells Fargo Home Mortgage in the amount of \$74.92 at a rate no less than \$74.92 per month for one month.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid,

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Chapter 13

extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

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CONT... Alfred Monarez, III and Leonora Grajeda Chapter 13

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case

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CONT... **Alfred Monarez, III and Leonora Grajeda**
(collectively, "Direct Payments"):

Chapter 13

All payments for the senior mortgage against the residence of the Debtors in the full amount required under the loan documents which is currently believed to be approximately \$995.61 per month. (Creditor: Wells Fargo Home Mortgage).

All payments for the solar panels in the full amount required under the lease documents which is currently believed to be approximately \$125 per month. (Creditor: Vivant Solar).

All payments for the automobile loan for the 2017 Honda Civic in the full amount required under the loan documents which is currently believed to be approximately \$353 per month. (Creditor: American Honda Finance).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a

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CONT... Alfred Monarez, III and Leonora Grajeda

Chapter 13

motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Likewise, if the Debtors are required to make any Direct Payments at any time in 2023, then between January 1, 2024 and January 31, 2024, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2023. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other

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Central District of California
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CONT... Alfred Monarez, III and Leonora Grajeda

Chapter 13

pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Alfred Monarez III

Represented By
Dana Travis

Joint Debtor(s):

Leonora Grajeda

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

11:30 AM

6:21-15104 Alfred Monarez, III and Leonora Grajeda

Chapter 13

#33.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-27-27

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
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Monday, January 24, 2022

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11:30 AM

CONT... Alfred Monarez, III and Leonora Grajeda

Chapter 13

Debtor(s):

Alfred Monarez III

Represented By
Dana Travis

Joint Debtor(s):

Leonora Grajeda

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

11:30 AM

6:21-15110 Margarita E Guzman

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

FROM: 11-17-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 11-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margarita E Guzman

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
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Monday, January 24, 2022

Hearing Room 304

11:30 AM

6:21-15110 Margarita E Guzman

Chapter 13

#35.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-27-21

Docket 18

***** VACATED *** REASON: CASE DISMISSED 11-8-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margarita E Guzman

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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Monday, January 24, 2022

Hearing Room 304

11:30 AM

6:21-15199 Ana Irene Huling Sandoval

Chapter 7

#36.00 Confirmation of Chapter 13 Plan

FROM: 11-17-21

Docket 2

***** VACATED *** REASON: CASE CONVERTED 1-6-22 TO CHAPTER
7**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana Irene Huling Sandoval

Represented By
Summer M Shaw

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
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Monday, January 24, 2022

Hearing Room 304

11:30 AM

6:21-15199 Ana Irene Huling Sandoval

Chapter 7

#37.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 10-27-21

Docket 2

***** VACATED *** REASON: CASE CONVERTED 1-6-22 TO CHAPTER
7**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana Irene Huling Sandoval

Represented By
Summer M Shaw

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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Monday, January 24, 2022

Hearing Room 304

1:30 PM

6:21-13882 Tammy Marie Sprague

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

FROM: 9-15-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 9-14-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tammy Marie Sprague

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Monday, January 24, 2022

Hearing Room 304

1:30 PM

6:21-13882 Tammy Marie Sprague

Chapter 13

#39.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-1-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 9-14-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tammy Marie Sprague

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 303 Calendar**

Monday, January 24, 2022

Hearing Room 303

1:30 PM

6:21-13894 Patricia Delgadillo Lomeli

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

FROM: 9-15-21

Docket 1

***** VACATED *** REASON: CASE DISMISSED 10-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Delgadillo Lomeli

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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Monday, January 24, 2022

Hearing Room 304

1:30 PM

6:21-13894 Patricia Delgadillo Lomeli

Chapter 13

#41.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-1-21

Docket 1

***** VACATED *** REASON: CASE DISISSED 10-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Delgadillo Lomeli

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
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Monday, January 24, 2022

Hearing Room 304

1:30 PM

6:21-13959 Dennis M Wilhide, Jr. and Lisa Nanette Wilhide

Chapter 13

#42.00 Confirmation of Chapter 13 Plan

FROM: 9-15-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-18-22; CONT'D TO 6-27-22 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dennis M Wilhide Jr.

Represented By
Paul Y Lee

Joint Debtor(s):

Lisa Nanette Wilhide

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room

304

1:30 PM

6:21-13959 Dennis M Wilhide, Jr. and Lisa Nanette Wilhide

Chapter 13

#43.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-1-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-18-22; CONT'D TO 6-27-22 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dennis M Wilhide Jr.

Represented By
Paul Y Lee

Joint Debtor(s):

Lisa Nanette Wilhide

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room 304

1:30 PM

6:21-14065 Julie Ann Hathaway

Chapter 13

#44.00 Confirmation of Chapter 13 Plan

FROM: 9-15-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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Chapter 13

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On August 13, 2021, the Court entered a scheduling order [docket #16] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for January 24, 2022 at 1:30 p.m.

On January 6, 2022, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #29] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on July 27, 2021 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 16, 2022 [docket #30] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 24, 2022, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

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agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 24, 2022, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$672 commencing on August 27, 2021. The due date for each payment is the 27th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$40,320. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$2,500, counsel is entitled to payment of \$2,500 from the estate at a rate no

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more than \$250 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court

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enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. Debtors must pay 100% to the unsecured creditors per the liquidation analysis.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

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b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from

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this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2019 Chevy Impala in the full amount required under the loan documents which is currently believed to be approximately \$359.35 per month. (Creditor: Allied Financial).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute

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required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Likewise, if the Debtors are required to make any Direct Payments at any time in 2023, then between January 1, 2024 and

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January 31, 2024, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2023. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Julie Ann Hathaway

Represented By
David Lozano

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CONT... Julie Ann Hathaway

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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Monday, January 24, 2022

Hearing Room 304

1:30 PM

6:21-14065 Julie Ann Hathaway

Chapter 13

#45.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-1-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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CONT... Julie Ann Hathaway

Chapter 13

Party Information

Debtor(s):

Julie Ann Hathaway

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 304

1:30 PM

6:21-14125 Kimberly Elaine Taylor

Chapter 13

#46.00 Confirmation of Chapter 13 Plan

FROM: 9-15-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 9-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Elaine Taylor

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14125 Kimberly Elaine Taylor

Chapter 13

#47.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-1-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 9-13-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Elaine Taylor

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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2:30 PM

6:21-14202 Salvador Colchado G

Chapter 13

#48.00 Confirmation of Chapter 13 Plan

FROM: 9-29-21

Docket 10

***** VACATED *** REASON: CASE DISMISSED 10-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Colchado G

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14202 Salvador Colchado G

Chapter 13

#49.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-15-21

Docket 10

***** VACATED *** REASON: CASE DISMISSED 10-1-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Colchado G

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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6:21-14240 Charles Cleveland Lee, Sr. and Angela Lateria Lee

Chapter 13

#50.00 Confirmation of Chapter 13 Plan

FROM: 9-29-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 1-18-22**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Cleveland Lee Sr.

Represented By
Daniel King

Joint Debtor(s):

Angela Lateria Lee

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14240 Charles Cleveland Lee, Sr. and Angela Lateria Lee

Chapter 13

#51.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-15-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 1-18-22**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Cleveland Lee Sr.

Represented By
Daniel King

Joint Debtor(s):

Angela Lateria Lee

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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6:21-14344 Juan Jose Moreno Baeza

Chapter 13

#52.00 Confirmation of Chapter 13 Plan

FROM: 9-29-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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Juan Jose Moreno Baeza

Chapter 13

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On August 16, 2021, the Court entered a scheduling order [docket #12] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for January 24, 2022 at 2:30 p.m.

On January 6, 2022, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #27] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on August 11, 2021 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 16, 2022 [docket #28] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #8] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 24, 2022, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

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Juan Jose Moreno Baeza

Chapter 13

agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 24, 2022, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting September 11, 2021, the monthly plan payment is \$658.

Starting October 11, 2021, the monthly plan payment is \$2,087.

The due date for each payment is the 11th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$123,791. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are

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paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$795, counsel is entitled to payment of \$4,205 from the estate at a rate no more than \$75 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled

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Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$1,324.62 at a rate no less than \$22.08 per month for 60 months.
2. The Trustee shall pay the priority claim of Select Portfolio Servicing in the amount of \$40.11 at a rate no less than \$40.11 per month for one month.
3. The Trustee shall pay the priority claim of Real Time Resolutions in the amount of \$30,852.55 at a rate no less than \$514.21 per month for 60 months.

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4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or

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F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

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5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors except to the following limited extent:

With respect to the residence of the Debtors, the Trustee shall make the monthly mortgage payments for the senior mortgage to the creditor Select Portfolio Servicing in the full amount required under the loan documents which is currently believed to be approximately \$1,066.78 per month. The Trustee shall commence making these monthly payments in October of 2021 and, prior to that month, the Debtors shall timely make all post-petition payments directly to the creditor. The Debtors shall immediately advise the Trustee in writing of any and all changes to the monthly payment amount to the creditor during this case. The Debtors bear the responsibility of monitoring documents received from the creditor as well as pleadings and notices filed on the court docket which provide for any change in the payment amount. The Debtors shall provide timely written notice to the trustee of any changes in the monthly payment amount to the creditor regardless of whether or not the Debtors learned of such change in documents sent by the creditor to the Debtors or in a notice or pleading filed with court and regardless of whether or not the change is set forth in a notice filed and served pursuant to F.R.B.P. Rule 3002.1(b) or otherwise.

With respect to the residence of the Debtors, the Trustee shall make the monthly mortgage payments for the junior mortgage to the creditor Real Time Solutions in the full amount required under the loan documents which is currently believed to be approximately \$212.19 per month. The Trustee shall commence making these monthly payments in October of 2021 and, prior to that month, the Debtors shall timely make all post-petition payments directly to the creditor. The Debtors shall immediately advise the Trustee in writing of any and all changes to the monthly payment amount to the creditor during this case. The Debtors bear the responsibility of monitoring documents received from the creditor as well as pleadings and notices filed on the court docket which provide for any change in the payment amount. The Debtors shall provide timely written notice to the trustee of any changes in the monthly payment amount to the creditor regardless of whether or not the Debtors learned of such change in documents sent by the creditor to the Debtors or in a notice or pleading filed with court and regardless of whether or not the change is set

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forth in a notice filed and served pursuant to F.R.B.P. Rule 3002.1(b) or otherwise.

Other than those few post-petition payments by the Debtors prior to October of 2021, this case does not involve any other direct payments by the Debtors to creditors and, therefore, the Debtors need only file reports pursuant to paragraph 5(e) for the limited period of time during which they are responsible for making Direct Payments.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of

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the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Likewise, if the Debtors are required to make any Direct Payments at any time in 2023, then between January 1, 2024 and January 31, 2024, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2023. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The

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deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Juan Jose Moreno Baeza

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14344 Juan Jose Moreno Baeza

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#53.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-15-201

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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Debtor(s):

Juan Jose Moreno Baeza

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14246 Juana Nereida Romero and Antonio Aquilino Campos

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#54.00 Confirmation of Chapter 13 Plan

FROM: 9-29-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On August 16, 2021, the Court entered a scheduling order [docket #15] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for January 24, 2022 at 2:30 p.m.

On January 6, 2022, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #33] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 10, 2021 [docket #24] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 6, 2022 [docket #34] agreeing with the Trustee's terms in the Statement and the worksheet.

The Debtors have not objected to the Court's procedures order [docket #12] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 24, 2022, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the agreed terms of confirmation as set forth in the Statement and this Order. Counsel for

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the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 24, 2022, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting September 4, 2021, the monthly plan payment is \$892.

Starting February 4, 2022, the monthly plan payment is \$350.

The due date for each payment is the 4th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$23,710. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims

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until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$1,425; having previously received \$1,425, counsel is entitled to payment of \$0 from the estate.

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim

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unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of New American Funding in the amount of \$5,672.32 at a rate no less than \$94.54 per month for 60 months.
2. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid

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liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again

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and, in particular, the provisions governing post-confirmation matters.

i. All language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the full amount required under the loan documents which is currently believed to be approximately \$2,537.06 per month. (Creditor: New American Funding).

All payments for the junior mortgage against the residence of the Debtors in the full amount required under the loan documents. (Creditor: CALHFA).

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Juana Nereida Romero and Antonio Aquilino Campos

Chapter 13

All payments for the automobile loan for the 2015 Chevy Cruze in the full amount required under the loan documents which is currently believed to be approximately \$369 per month. (Creditor: Time Finance).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant

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to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Likewise, if the Debtors are required to make any Direct Payments at any time in 2023, then between January 1, 2024 and January 31, 2024, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2023. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation

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that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Juana Nereida Romero

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Antonio Aquilino Campos

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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6:21-14246 Juana Nereida Romero and Antonio Aquilino Campos

Chapter 13

#55.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-15-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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CONT... Juana Nereida Romero and Antonio Aquilino Campos

Chapter 13

Party Information

Debtor(s):

Juana Nereida Romero

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Antonio Aquilino Campos

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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6:21-14266 Evins Markham Henderson, Jr. and Brenda Markham

Chapter 13

#56.00 Confirmation of Chapter 13 Plan

FROM: 9-29-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-18-22; CONT'D TO 6-27-22 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Evins Markham Henderson Jr.

Represented By
Paul Y Lee

Joint Debtor(s):

Brenda Markham Henderson

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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6:21-14266 Evins Markham Henderson, Jr. and Brenda Markham

Chapter 13

#57.00 Hrg re status conference regarding confirmation of the chapter 13 plan
FROM: 9-15-21

Docket 2

***** VACATED *** REASON: SCHEDULING ORDER ENTERED 1-18-22; CONT'D TO 6-27-22 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Evins Markham Henderson Jr.

Represented By
Paul Y Lee

Joint Debtor(s):

Brenda Markham Henderson

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14397 Refugio Sanchez and Veronica Sanchez

Chapter 13

#58.00 Confirmation of Chapter 13 Plan

FROM: 9-29-21

Docket 6

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On August 16, 2021, the Court entered a scheduling order [docket #13] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for January 24, 2022 at 2:30 p.m.

On January 6, 2022, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #30] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on August 13, 2021 [docket #6] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 7, 2022 [docket #31] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 24, 2022, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

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agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 24, 2022, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting September 13, 2021, the monthly plan payment is \$2,455.

Starting December 13, 2021, the monthly plan payment is \$2,198.

The due date for each payment is the 13th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$132,651. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are

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paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$6,000; having previously received \$1,487, counsel is entitled to payment of \$4,513 from the estate at a rate no more than \$451.30 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled

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Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$14,314.69 at a rate no less than \$238.58 per month for 60 months.
2. The Trustee shall pay the secured claim of Caliber Home Loans in the amount of \$126.46 at a rate no less than \$126.46 per month for one month.
3. Debtors must pay at least \$25,733 to the unsecured creditors per the liquidation analysis.

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4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or

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F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

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Chapter 13

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the full amount required under the loan documents which is currently believed to be approximately \$2,686.95 per month. (Creditor: Caliber Home Loans).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

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d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Likewise, if the Debtors are required to make any Direct Payments at any time in 2023, then between January 1, 2024 and January 31, 2024, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2023. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to

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dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Refugio Sanchez

Represented By
Sundee M Teeple

Joint Debtor(s):

Veronica Sanchez

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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2:30 PM

6:21-14397 Refugio Sanchez and Veronica Sanchez

Chapter 13

#59.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-15-21

Docket 6

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

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CONT... Refugio Sanchez and Veronica Sanchez

Chapter 13

Debtor(s):

Refugio Sanchez

Represented By
Sundee M Teeple

Joint Debtor(s):

Veronica Sanchez

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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6:21-14398 Janice Mae Santillanes

Chapter 13

#60.00 Confirmation of Chapter 13 Plan

FROM: 9-29-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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Janice Mae Santillanes

Chapter 13

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On August 16, 2021, the Court entered a scheduling order [docket #11] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for January 24, 2022 at 2:30 p.m.

On January 6, 2022, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #29] ("Statement") with an attached worksheet recommending confirmation of the chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on August 13, 2021 [docket #2] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 7, 2022 [docket #31] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #9] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 24, 2022, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

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Chapter 13

agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 24, 2022, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$486 commencing on September 13, 2021. The due date for each payment is the 13th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 36 months. General unsecured claims shall be paid 32% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$17,496. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,000, counsel is entitled to payment of \$4,000 from the estate at a rate no

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more than \$400 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court

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Chapter 13

enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. Debtors must pay at least \$11,546 to the unsecured creditors per the liquidation analysis.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

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b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from

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this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the senior mortgage against the residence of the Debtors in the full amount required under the loan documents which is currently believed to be approximately \$1,134.46 per month. (Creditor: New American Funding).

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute

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Chapter 13

required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Likewise, if the Debtors are required to make any Direct Payments at any time in 2023, then between January 1, 2024 and

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CONT... Janice Mae Santillanes

Chapter 13

January 31, 2024, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2023. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Janice Mae Santillanes

Represented By
Heather J Canning

Trustee(s):

Rod Danielson (TR)

Pro Se

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Chapter 13

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6:21-14398 Janice Mae Santillanes

Chapter 13

#61.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-15-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

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CONT... Janice Mae Santillanes

Chapter 13

Debtor(s):

Janice Mae Santillanes

Represented By
Heather J Canning

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14466 Elenita Vega Lansang

Chapter 13

#62.00 Confirmation of Chapter 13 Plan

FROM: 9-29-21

Docket 1

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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Elenita Vega Lansang

Chapter 13

Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On August 20, 2021, the Court entered a scheduling order [docket #8] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for January 24, 2022 at 2:30 p.m.

On January 6, 2022, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #36] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on December 1, 2021 [docket #31] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 17, 2022 [docket #38] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #6] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 24, 2022, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

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Elenita Vega Lansang

Chapter 13

agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 24, 2022, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$1,257 commencing on September 19, 2021. The due date for each payment is the 19th day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$75,420. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$1,500, counsel is entitled to payment of \$3,500 from the estate at a rate no

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more than \$350 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court

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enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the secured claim of Capital One Auto Finance in the amount of \$27,771.44 at a rate no less than \$527.27 per month for 60 months with interest at the rate of 5.25% per annum.
2. The Trustee shall pay the secured claim of Consumer Portfolio Services in the amount of \$23,657.10 at a rate no less than \$449.15 per month for 60 months with interest at the rate of 5.25% per annum.
3. Debtors shall directly pay student loan creditors and relief from the automatic stay is hereby granted in favor of all such creditors.

4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and,

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therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this

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Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. All language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors.

b. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case

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and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing.

d. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Elenita Vega Lansang

Represented By
Michael T Reid

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14466 Elenita Vega Lansang

Chapter 13

#63.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-15-21

Docket 1

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

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Debtor(s):

Elenita Vega Lansang

Represented By
Michael T Reid

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14551 Salvador Marron and Maria M Godinez

Chapter 13

#64.00 Confirmation of Chapter 13 Plan

FROM: 10-13-21

Docket 1

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Party Information

Debtor(s):

Salvador Marron

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Maria M Godinez

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14551 Salvador Marron and Maria M Godinez

Chapter 13

#65.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-29-21

Docket 1

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Party Information

Debtor(s):

Salvador Marron

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Maria M Godinez

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14770 Gregory Clay Johnson, Sr.

Chapter 13

#66.00 Confirmation of Chapter 13 Plan

FROM: 10-13-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Party Information

Debtor(s):

Gregory Clay Johnson Sr.

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14770 Gregory Clay Johnson, Sr.

Chapter 13

#67.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-29-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Party Information

Debtor(s):

Gregory Clay Johnson Sr.

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14560 Pascual Liera, Jr.

Chapter 13

#68.00 Confirmation of Chapter 13 Plan

FROM: 10-13-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 1-18-22**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pascual Liera Jr.

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14560 Pascual Liera, Jr.

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#69.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-29-21

Docket 2

***** VACATED *** REASON: CASE DISMISSED 1-18-22**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pascual Liera Jr.

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14632 Andrea Lynn House

Chapter 13

#70.00 Confirmation of Chapter 13 Plan

FROM: 10-13-21

Docket 1

***** VACATED *** REASON: CASE CONVERTED 9-10-21 TO
CHAPTER 7**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrea Lynn House

Represented By
Yoon O Ham

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14632 Andrea Lynn House

Chapter 13

#71.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-29-21

Docket 1

***** VACATED *** REASON: CASE CONVERTED 9-10-21 TO
CHAPTER 7**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrea Lynn House

Represented By
Yoon O Ham

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14698 Robbie Eugene Smith and Desiree Marie Smith

Chapter 13

#72.00 Confirmation of Chapter 13 Plan

FROM: 10-13-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On September 7, 2021, the Court entered a scheduling order [docket #19] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for January 24, 2022 at 3:30 p.m.

On January 6, 2022, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #43] ("Statement") with two alternative worksheets attached recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 2, 2021 [docket #13] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 12, 2022 [docket #45] agreeing with the Trustee's terms in the Statement and the worksheet designated as Exhibit B. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #11] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 24, 2022, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

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agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 24, 2022, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is as follows:

Starting October 1, 2021, the monthly plan payment is \$1,930.

Starting February 1, 2022, the monthly plan payment is \$3,897.

The due date for each payment is the 1st day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 100% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$225,952. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are

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paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$0, counsel is entitled to payment of \$5,000 from the estate at a rate no more than \$500 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled

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Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$17,863.35 at a rate no less than \$297.72 per month for 60 months.
2. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$2,876.95 at a rate no less than \$47.95 per month for 60 months.
3. The Trustee shall pay the secured claim of the San Bernardino County Tax Collector in the amount of \$3,770.17 at a rate no less than \$95.74 per month for 60 months with interest at the rate of 18% per annum.
4. The Trustee shall pay the secured claim of Professional

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Investment and Finance in the amount of \$5,713.01 at a rate no less than \$107.81 per month for 60 months with interest at the rate of 5% per annum.

5. Debtors shall provide the Trustee with the correct payment address and account number for all conduit payments being made by the Trustee within seven days of Plan confirmation.
6. Debtors must pay at least \$8,512 to the unsecured creditors per the liquidation analysis.
7. With respect to the creditors listed in Class 3B of the Plan, the court entered an order on October 8, 2021 [docket #34] avoiding the judgment lien of Frank Kiss. With respect to the other Class 3B creditor (Professional Investment and Finance), as set forth in this Plan and the pleading filed by the Debtors on January 10, 2022 [docket #44], the Debtors shall not avoid the lien of that creditor and the Court shall enter a separate order denying the motion to avoid that lien.
8. As discussed on the record, other than the lien of Frank Kiss, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this

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case whether by motion, adversary proceeding or otherwise.

4. Additional provisions:

a. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

b. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

c. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and location of the meeting of creditors and confirmation hearing (i.e. F 3015-1.02.NOTICE.341.CNFRM or F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

d. The Plan is modified to comply with the requirements of the court's approved plan form.

e. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

f. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again

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and, in particular, the provisions governing post-confirmation matters.

g. All language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

h. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

i. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

j. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

5. Direct Payments and Related Matters

a. As discussed on the record, the Debtors will be responsible for making all of the following payments directly to creditors during the chapter 13 case (collectively, "Direct Payments"):

All payments for the automobile loan for the 2018 Honda Accord in the full amount required under the loan documents which is currently believed to be approximately \$395.83 per month. (Creditor: Capital One Auto Finance).

All payments for the automobile loan for the 2007 Harley Davidson in the full amount required under the loan documents which is currently believed to be

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approximately \$242 per month. (Creditor: Harley-Davidson Credit).

With respect to the residence of the Debtors, the Trustee shall make the monthly mortgage payments for the senior mortgage to the creditor M&T Bank in the full amount required under the loan documents which is currently believed to be approximately \$1,779.78 per month. The Trustee shall commence making these monthly payments in January of 2022 and, prior to that month, the Debtors shall timely make all post-petition payments directly to the creditor. The Debtors shall immediately advise the Trustee in writing of any and all changes to the monthly payment amount to the creditor during this case. The Debtors bear the responsibility of monitoring documents received from the creditor as well as pleadings and notices filed on the court docket which provide for any change in the payment amount. The Debtors shall provide timely written notice to the trustee of any changes in the monthly payment amount to the creditor regardless of whether or not the debtor learned of such change in documents sent by the creditor to the Debtors or in a notice or pleading filed with court and regardless of whether or not the change is set forth in a notice filed and served pursuant to F.R.B.P. Rule 3002.1(b) or otherwise.

b. As used in this order, the term "Direct Payments" means (i) all payments described in the preceding paragraph 5(a) of this order which the Debtors are responsible for paying directly to creditors at any time during this case and (ii) any other payments to be made by or on behalf of the Debtors directly to any creditor during the term of the Plan. Direct Payments are required obligations under the terms of the confirmed Plan for all purposes and, therefore, (among other things) constitute required "payments under the plan" within the meaning of 11 U.S.C. § 1328(a). As discussed in paragraph 5(e) below, Debtors must provide proof that all Direct Payments are paid during the case.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property (including, but not limited to, collateral for the obligations which are paid by Direct Payments) or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling,

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abandoning, transferring, giving away or refinancing property or obtaining other financing. Likewise, if in preparing to sell, abandon or refinance property or otherwise transfer property or obtaining financing, the Debtors desire to discontinue, suspend or otherwise not timely pay the Direct Payments, the Debtors must file a motion to modify the Plan (to excuse the payments) prior to defaulting in making Direct Payments in order to modify the stream of payments due under the terms of the confirmed Plan and avoid a default under the Plan and section 1328(a).

d. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case including, but not limited to, Direct Payments and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

e. Yearly Reports. Once a year, for any year in which the Debtors were required to make any Direct Payments, the Debtors shall file and serve a cumulative report regarding Direct Payments. The report shall be filed each January. So, for example, if the Debtors are required to make any Direct Payments at any time in 2022, then between January 1, 2023 and January 31, 2023, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2022. Likewise, if the Debtors are required to make any Direct Payments at any time in 2023, then between January 1, 2024 and January 31, 2024, the Debtors shall file a cumulative report regarding all Direct Payments made during the case for the period from the petition date to December 31, 2023. Thereafter, the Debtors shall continue to file such reports each January covering the entire post-petition period from the petition date to the December 31st preceding the January in which the report is filed until (a) entry of discharge, (b) conversion of this case to another chapter or (c) dismissal of this case. Each report shall include a declaration by the Debtors with a table stating whether and when the Debtors made all Direct Payments. The table in the declaration should include dates of each payment, amounts of each payment and the payee of each payment. Appropriate legible backup documentation should be attached to the declaration which demonstrates all payments were made. Each time the Debtors make Direct

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Payments they should retain copies of the checks or other instruments used to make the payments in order to attach such backup documentation to the annual declaration. The annual declaration shall be filed with the Court no later than January 31st each year and served on the Trustee by the same date. No annual declaration or other pleading is required for any year in which the Debtors were not required to make any Direct Payments.

f. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as Direct Payments, payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, Direct Payment, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

Party Information

Debtor(s):

Robbie Eugene Smith

Represented By
Summer M Shaw

Joint Debtor(s):

Desiree Marie Smith

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14698 Robbie Eugene Smith and Desiree Marie Smith

Chapter 13

#73.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-29-21

Docket 2

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

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CONT... Robbie Eugene Smith and Desiree Marie Smith

Chapter 13

Debtor(s):

Robbie Eugene Smith

Represented By
Summer M Shaw

Joint Debtor(s):

Desiree Marie Smith

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14698 Robbie Eugene Smith and Desiree Marie Smith

Chapter 13

#74.00 Hrg re debtor's motion to avoid lien with Professional Investment and Finances LLC

Docket 26

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>
Meeting ID: 160 032 9317
Password: 606321

Party Information

Debtor(s):

Robbie Eugene Smith

Represented By
Summer M Shaw

Joint Debtor(s):

Desiree Marie Smith

Represented By
Summer M Shaw

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Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:21-14699 Vito Joseph Palmisano

Chapter 13

#75.00 Confirmation of Chapter 13 Plan

FROM: 10-13-21

Docket 1

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

The Court thanks the parties for preparing the matter for confirmation. Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order (see below) prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

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Based on the pleadings filed with the Court, the terms of the proposed confirmation order are set forth below. No written order has been entered yet and, therefore, the following terms are not binding in any manner in this case. Docketing this unsigned hearing sheet does not constitute entry of any order in this case. Instead, if the parties agree on the record at the confirmation hearing with the following terms, the Court intends to enter a separate, signed, written confirmation order with the following terms:

On September 7, 2021, the Court entered a scheduling order [docket #27] ("Order") in this case which (among other things) set the confirmation hearing and a status conference in this case for January 24, 2022 at 3:30 p.m.

On January 6, 2022, pursuant to paragraph 3(c) of the Order, the chapter 13 trustee ("Trustee") filed a statement [docket #51] ("Statement") with an attached worksheet recommending confirmation of the amended chapter 13 plan filed by the debtors in this bankruptcy case ("Debtors") on September 29, 2021 [docket #38] ("Plan") on the terms set forth in the Statement and the attached worksheet.

Pursuant to paragraph 3(d) of the Order, counsel for the Debtors then filed a pleading on January 7, 2022 [docket #52] agreeing with the Trustee's terms in the Statement and the worksheet. No objections to confirmation have been filed and the deadline to do so has passed.

The Debtors have not objected to the Court's procedures order [docket #20] ("Procedures Order") and the deadline to do so in paragraph V on page 41 of the Procedures Order has passed. Accordingly, the case is now ready for confirmation.

On January 24, 2022, the Court held the confirmation hearing. Prior to the hearing, the Court prepared this confirmation order based on the Statement and attached worksheet. The Court then posted this form of order as a tentative ruling prior to the confirmation hearing. At the hearing, the Trustee recited on the record the

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agreed terms of confirmation as set forth in the Statement and this Order. Counsel for the Debtors and the Trustee reviewed this form of order prior to the confirmation hearing and, on the record on January 24, 2022, counsel for the Debtors and the Trustee consented to entry of this form of Order.

Therefore, the Court finds that the Plan meets the requirements of 11 U.S.C. § 1325 and, accordingly, the Court hereby ORDERS:

1. The Plan is confirmed as follows. The amount of each monthly payment by the Debtors to the Trustee is \$470 commencing on October 1, 2021. The due date for each payment is the 1st day of each month and the Trustee must receive the payment by that day each month. The duration of the Plan is 60 months. General unsecured claims shall be paid 20% of their allowed claims. The Plan is confirmed as a base plan and the base plan amount is \$28,200. Debtors must pay sufficient funds to pay (1) the base plan amount or (2) the percentage to general unsecured creditors (as well as payment in full of all senior claims), whichever is greater.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the Debtors.

3. Other provisions:

a. The Debtors shall timely submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed unsecured claims until the full amount of the Plan base stated in this paragraph has been paid by the Debtors or the claims have been paid in full without further notice or order from the court.

b. Counsel for Debtors is awarded fees of \$5,000; having previously received \$0, counsel is entitled to payment of \$5,000 from the estate at a rate no more

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than \$150 per month commencing forthwith. Using available funds, the Trustee shall make this monthly payment to counsel provided that sufficient funds exist after paying all secured obligations (including, but not limited to, conduit and non-conduit secured obligations) and any other senior priority unsecured claims (such as Trustee's fees, domestic support obligations, etc.).

c. (i) As used in this order, (A) the term "Filed Secured/Priority Debts" means all secured claims and priority unsecured claims for which proofs of claim have already been filed in this case by the holders of the claims and (B) the term "Unfiled Secured/Priority Debts" means all secured and priority unsecured debts which (1) the Debtors provide for under the Plan or by interlineation as set forth in this order and (2) the creditors holding the claims have not yet filed a proof of claim. The terms Filed Secured/Priority Debts and Unfiled Secured/Priority Debts do not include claims of any attorney's fees of counsel for the Debtors. (Those are addressed in the preceding paragraph).

(ii) The Trustee is authorized to immediately start making payments to holders of Filed Secured/Priority Debts and Unfiled Secured/Priority Debts. The Trustee shall pay holders of Filed Secured/Priority Debts in accordance with the terms set forth in the proofs of claims filed by the creditors (not the Plan) unless this order (or any other court order) provides otherwise. The Trustee shall make payments to holders of Unfiled Secured/Priority Debts based on the amounts set forth in the Plan or, if different, in this order and, unless or until the court orders otherwise, the Trustee shall continue to do so even if proofs of claim are never filed by creditors holding Unfiled Secured/Priority Debts. Pursuant to F.R.B.P. Rule 3004, the Debtors are deemed to have filed proofs of claims for Unfiled Secured/Priority Debts in the amounts set forth by the Debtors in the Plan or, if different, by interlineation in this order. However, if the holder of an Unfiled Secured/Priority Debts later files a proof of claim (whether timely or untimely), the amounts owed to that creditor asserted in that proof of claim will control (and supersede the amounts stated by the Debtors in the Plan or in this order) and the Trustee shall pay in accordance with the proof of claim unless and until (A) an objection to the proof of claim is filed and (B) the court

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enters an order regarding such objection.

d. In addition to the monthly plan payments, all tax refunds (in any amount) received during the term of the Plan are pledged to the Plan and the Debtors shall promptly turn over all such refunds to the Trustee. Debtors shall timely file all tax returns and promptly provide the Trustee with copies.

e. Debtors reserve the right to object to any claim notwithstanding any Plan interlineations. Likewise, notwithstanding any term of the Plan that provides otherwise (if any), the Trustee retains the right and standing to object to claims and nothing in the Plan shall be construed as limiting or altering the right or standing of the Trustee to object to any proof of claim.

f. Interlineations:

1. The Trustee shall pay the priority claim of the Internal Revenue Service in the amount of \$3,085.06 at a rate no less than \$51.42 per month for 60 months.
2. The Trustee shall pay the priority claim of the Franchise Tax Board in the amount of \$2,300 at a rate no less than \$38 per month for 60 months.
3. The Trustee shall pay the secured claim of Daniel's Jewelers in the amount of \$931 at a rate no less than \$17.57 per month for 60 months with interest at the rate of 5% per annum.
4. The Trustee shall pay the secured claim of Fast Auto Loan in the amount of \$6,807.27 at a rate no less than \$128.46 per month for 60 months with interest at the rate of 5% per annum.
5. The Trustee shall pay the secured claim of Don Roberto Jewelers in the amount of \$1,508.99 at a rate no less than \$28.48 per month for 60 months with interest at the rate of 5% per annum.

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4. Additional provisions:

a. As discussed on the record, the Debtors do not seek to avoid, extinguish, bifurcate or otherwise modify any liens in this bankruptcy case and, therefore, any and all provisions in the Plan purporting to avoid, extinguish, bifurcate or otherwise modify any lien are hereby disapproved. Confirmation of the Plan shall not constitute an avoidance, extinguishment, bifurcation or modification of any lien or encumbrance. As discussed in the Procedures Order, the deadline to file motions (or adversary proceedings) to avoid liens including, but not limited to, motions to avoid liens pursuant to 11 U.S.C. § 522(f), has passed and no such motions may be filed in the future in this case. Confirmation of the Plan and the terms of the Plan are based on the absence of any lien avoidance, extinguishment, bifurcation or modification in this case whether by motion, adversary proceeding or otherwise.

b. No claims listed in Class 3B (or any other class) shall be bifurcated.

c. Any provisions in the Plan purporting to create an automatic stay are hereby disapproved. The automatic stay is governed by 11 U.S.C. § 362 and neither the Plan nor this order shall be construed to expand its provisions. If, for example, the automatic stay has already terminated by operation of law (or never existed in this case in the first instance by operation of law), neither the Plan nor this order nor confirmation of the Plan will create an automatic stay.

d. Any and all provisions in the Plan purporting to immediately discharge any debts (in whole or in part) are hereby disapproved. Debts may only be discharged by further court order.

e. Pursuant to sections 1328(a)(2) and 523(a)(3), a claim or debt shall not be discharged if the creditor holding the claim or debt did not receive proper and timely notice of the case and the terms of the Plan. The provisions of the Plan and this order are not binding on any creditor or other party who was not properly and timely served with the Plan and the court mandated notice of the date, time and

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location of the meeting of creditors and confirmation hearing
(i.e. F 3015-1.02.NOTICE.341.CNFRM or
F 3015-1.02.NOTICE.341.LIEN.MOD.PLAN.CNFRM).

f. The Plan is modified to comply with the requirements of the court's approved plan form.

g. In the event of any differences between the terms of the Plan and this Order, the terms of this Order shall control. This Order supersedes and modifies any contrary or inconsistent terms of the Plan.

h. The Court previously entered the Procedures Order and it continues to apply in this case. Debtors and counsel should review the Procedures Order again and, in particular, the provisions governing post-confirmation matters.

i. The Debtors have checked the box "none" in section IV of the Plan. Therefore, all language in section IV of the Plan after the end of the first full paragraph of section IV of the plan (which ends "or any Plan provision deviating from this form.") is hereby stricken and shall not apply in this case. In particular (but without limitation), all terms in section IV(A), (B), (C) and (D) of the Plan are stricken and shall not apply in this case. As set forth in the Plan, any nonstandard plan provision in the Plan (i.e. a plan provision not otherwise included in the Court's mandatory chapter 13 form, Form F 3015-1.01.CHAPTER13.PLAN, or any plan provision deviating from that form) is ineffective and hereby stricken.

j. If the Plan includes addendum F 3015-1.1.ADDENDUM or any similar addendum, that addendum is hereby disapproved. The F 3015-1.1.ADDENDUM is no longer an approved form in this district. The form was unanimously withdrawn as an approved form by the judges of this district on June 1, 2012.

k. If Attachment A, B, C or D is attached to the Plan (or any other attachment), that attachment is hereby disapproved and stricken.

l. The last sentence of section II(A) of the Plan is hereby stricken and shall not apply in this case.

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5. Direct Payments and Related Matters

a. As discussed on the record, this case does not involve any direct payments by the Debtors to any creditors.

b. The Debtors shall timely (1) pay to the Trustee all payments by each monthly due date, (2) pay all other obligations arising under the Plan or in the case and (3) comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, local bankruptcy rules, the Procedures Order and this order. Failure to do so may result (depending on the circumstances) in dismissal of the case with or without a bar to re-filing pursuant to 11 U.S.C. § 109(g)(1) (and other applicable law) or denial of discharge.

c. With Court permission, the Bankruptcy Code often permits debtors to sell, abandon or refinance property of the estate during a chapter 13 case or obtain other financing on a secured or unsecured basis. However, court permission in advance is required to do so. Therefore, if the Debtors seek to sell, transfer, give away, abandon or refinance property or obtain any other financing, the Debtors must file an appropriate motion to obtain a court order prior to selling, abandoning, transferring, giving away or refinancing property or obtaining other financing.

d. If the Debtors later seek to convert this case to another chapter or to dismiss this case or to file a motion to modify the Plan in order to suspend, reduce or modify payments under the Plan (such as payments to the Trustee or any other Plan obligations), the Court hereby sets a deadline for doing so. The deadline for seeking to dismiss or convert this case or to file the motion to modify the Plan is twenty-eight days after the due date for the first monthly payment to the Trustee, mortgage payment, lease obligation or other Plan obligation that the Debtors fail to pay timely. In other words, the deadline to seek conversion or dismissal of this case or modification of the Plan is twenty-eight days after the first default under the terms of the Plan, the local rules or other applicable law.

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6. Abandoned Property.

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As discussed on the record and as set forth in the Procedures Order, the 2017 Chevy Cruze ("Abandoned Property") is hereby deemed abandoned and the automatic stay is lifted as to such property. Any and all creditors may proceed with enforcing claims against the Abandoned Property forthwith. The court previously entered an order granting relief from the automatic stay with respect to the Abandoned Property on October 4, 2021. As a result, the automatic stay has been lifted as to the Abandoned Property. The Abandoned Property is no longer property of the bankruptcy estate and not protected by the automatic stay. In addition, the Court hereby lifts any co-debtor stay affecting the Abandoned Property or claims secured by the Abandoned Property including, but not limited to, any co-debtor stay arising under section 1301 of the Bankruptcy Code. This bankruptcy case no longer stays any creditor holding a claim secured in whole or in part by the Abandoned Property from collecting against any non-debtor co-obligor in any manner.

Party Information

Debtor(s):

Vito Joseph Palmisano

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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6:21-14699 Vito Joseph Palmisano

Chapter 13

#76.00 Hrg re status conference regarding confirmation of the chapter 13 plan

FROM: 9-29-21

Docket 1

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Based on the agreement of the parties, the Court intends to enter an order confirming the chapter 13 plan proposed in this case using the agreed terms. Counsel must appear at the confirmation hearing to approve the terms of confirmation and the confirmation order but debtors need not appear. Likewise, the debtors need not appear for the status conference (but counsel should appear). Instead, the status conference will be continued and conducted with the debtors on another date (most likely by video). Appearances by special counsel (for debtors) are permissible today for both the confirmation hearing and the status conference. Whoever appears for the debtors must review the proposed terms of the confirmation order prior to the hearing and be prepared to approve the form of the confirmation order at the hearing.

Party Information

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Chapter 13

Debtor(s):

Vito Joseph Palmisano

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

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6:17-14723 Gregory Clay Johnson, Sr. and Valarie Avin Johnson

Chapter 7

#77.00 Hrg re status conference

FROM: 10-26-21

Docket 0

Tentative Ruling:

No appearances by debtors are required today but attorneys for debtors do need to appear.

This hearing will occur by video using Zoom (not CourtCall). Courtroom 304 has not yet transitioned to facilitate appearances simultaneously by video and in person. Hybrid hearings are not occurring in courtroom 304 at this time. Therefore, even though Judge Johnson's courtroom is now open for in-person hearings on all other matters, this hearing today will occur by Zoom only. No appearances will be possible in the courtroom for this matter. All parties should attend the hearing today by video using the following information:

Meeting URL: <https://cacb.zoomgov.com/j/1600329317>

Meeting ID: 160 032 9317

Password: 606321

Party Information

Debtor(s):

Gregory Clay Johnson Sr.

Represented By
Christopher J Langley

Joint Debtor(s):

Valarie Avin Johnson

Represented By
Christopher J Langley

Trustee(s):

Charles W Daff (TR)

Represented By
Michael J Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Wayne Johnson, Presiding
Courtroom 304 Calendar**

Monday, January 24, 2022

Hearing Room

304

3:30 PM

CONT...

Gregory Clay Johnson, Sr. and Valarie Avin Johnson

Chapter 7