CHAPTER 13 MOTION/CONFIRMATION DOCKET

8:30 a.m. September 11, 2007

JUDGE PAT E. MORGENSTERN-CLARREN

<u>Unless otherwise specifically stated, these are initial hearings and evidence will not be</u> <u>taken. Counsel do not need to bring witnesses. See Bankruptcy Rule 9014 (e).</u> <u>Questions may be addressed to Peggy Majoros at 615-4431.</u>

#### \*\*\*<u>PLEASE NOTE:</u> ALL ORDERS FOR RELIEF GRANTED ON THIS DOCKET MUST BE SUBMITTED BY <u>FRIDAY, SEPTEMBER 14, 2007.</u> THANK YOU FOR YOUR COOPERATION IN THIS MATTER.

# STEVEN ADLER

07-14763 JUANITA L. ZMARZLY

Confirmation of plan. Plan confirmed

# MATTHEW ALDEN

07-14963 KATHERINE L. HOOPER 1) Confirmation of plan. <u>Plan confirmed as modified</u>

OBJECTION of trustee filed 8/20/07 Withdrawn

2) Motion of debtor to modify plan filed 8/22/07. <u>Motion granted</u>

#### STEPHEN ANGEL

05-91914 Motion of trustee to dismiss for failure to appear at CARL/HERMINE FORTSON Meeting of Creditors and for failure to fund. (Seven day clause)

No response-motion granted

# GARY AXNER

07-14953 ARLEN PARKS Confirmation of plan. <u>Adjourned to 10/9/07 at 8:30 a.m.</u> <u>See notice 8/30/07</u>

MODIFIED PLAN FILED 8/8/07

07-14866 ERICA DISMUKES Confirmation of plan.

OBJECTION of trustee filed 8/20/07

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07-14862 Confirmation of plan. BILLY/ALLYSON AKERS

OBJECTION of trustee filed 8/20/07

06-16328 DANIEL/CINDY LAMER Objection of trustee to claim #11 of Finance America Corp. (Seven day clause) <u>No response–objection sustained</u>

07-13266 VALRI ROSE Motion of Bank of New York for relief from stay. (Seven day clause) Filed by Mark Lembright

OBJECTION of debtor filed 8/8/07

07-13058 STEVEN/CANDACE CIURLIK	Continued motion of trustee to dismiss for failure to appear at Meeting of Creditors.
STEVEN/CANDACE CIURLIK	Adjourned to 10/9/07 at 8:30 a.m.
RESPONSE of debtors filed 7/27/07	

05-19592	Motion of trustee to dismiss for failure to fund. (Seven
SAUDYTH HERNANDEZ	day clause)
	Adjourned to 9/25/07 at 8:30 a.m.
RESPONSE of debtor filed 9/4/07	<u>at request of trustee</u>

07-10135 GEORGIA PERRY Objection of debtor to claim #4 of First Merit Bank c/o Motor Service Corporation. (Seven day clause) <u>No response–objection sustained</u>

07-16041 AUDRIS EVERETT Motion of debtor for adequate protection payments required to be paid through the office of the trustee. (Seven day clause) <u>No response-motion granted</u>

07-16043	Motion of debtor for adequate protection payments
CATHY CALVEY	required to be paid through the office of the trustee.
	(Seven day clause)
	No response-motion granted
06-12877	Motion of trustee to dismiss for failure to fund. (Seven
MARK McCLOSKEY	day clause)
	No response-motion granted

07-14392 ROGER/ANITA CHORICH	1) Continued confirmation of plan.	
Final Adjournment	2) Continued motion of debtors to modify plan filed 7/25/07.	

#### ADAM BAKER

07-14846		Confirmation of plan.
ROBIN M.	BROWN	Plan confirmed

OBJECTION of trustee filed 8/20/07 Withdrawn

07-13749 JANET/EDWIN AGEE Motion of CitiFinancial Mortgage Company, Inc. for relief from stay. (Seven day clause) Filed by Stacey O'Stafy <u>No response–motion granted</u>

02-13405			
DEBORAH	A.	HAUSER	

Motion of trustee to dismiss for failure to fund and for failure to complete plan.

RESPONSE of debtor filed 8/6/07 (Response filed 7/23/07 by debtor)

07-16129 PETER/SARAH MALIK Motion of debtors for adequate protection payments required to be through the office of the trustee. (Seven day clause)

No response-motion granted

07-10951 STEVEN A. ORLOFF	Continued motion of US Bank, N.A. for relief from stay. Filed by Robert Holmes
RESPONSE of debtor filed 8/9/07	
JASON BAKER	
04-19548 APRIL LENIX	Continued motion of debtor for relief from judgment and to reinstate automatic stay as to US Bank, N.A.
OBJECTION of debtor filed 7/31/07	
06-12053 ALEXANDER R. SANTOS	Motion of trustee to dismiss for failure to fund. (Seven day clause) <u>No response–motion granted</u>
PAUL BAYER	
05-22148 JENNIFER REED	Motion of trustee to modify debtor's confirmed plan. (Seven day clause) <u>No response–motion granted</u>
07-13619 JEANETTE HELD	Second motion of debtor to modify plan and to amend schedule J.
06-16080 KRISTIN WILLIAMS OBJECTION of debtor filed 4/3/07	Motion of US Bank National Association for relief from stay. Filed by Jon Lieberman

# **IRVING BERGRIN**

07-15603 DEBRA R. BATSON Motion of US Bank National Association for relief from stay. (Seven day clause) Filed by Robert Holmes <u>Agreed order 8/13/07</u>

ROBERT BERK	
07-10621 DANIELLE D. AXSON OBJECTION of debtor filed 8/15/07	1) Motion of Charter One Bank, F.S.B. for relief from stay and abandonment. (Seven day clause) Filed by Johna Bella
	<ul> <li>2) Objection of trustee to claim #8 of National Capital Management LLC/Arrow Financial Services LLC/FNB Marin. (Seven day clause) <u>No response–objection sustained</u></li> </ul>
07-14363 TWANNA WINFIELD	1) Continued confirmation of plan. Plan confirmed as modified on 8/16/07
OBJECTION of trustee filed 7/31/07 Withdrawn	
	2) Motion of debtor to modify plan filed 8/13/07. <u>Moot</u>
	3) Motion of debtor to modify plan filed 8/16/07. Motion granted
07-16054 WANDA WHITE	Motion of debtor for continuation of automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B). (Seven day clause) <u>No response–motion granted</u>

# KENNETH BLECH

06-11653			Motion of c	lebtor to modify	plan filed	8/10/07.
EDWARD	J.	MAGISTE		-	-	

#### **BOOHER & ASSOCIATES**

07-14983 1) Confirmation of plan. TIMOTHY/EVA BOSZOR

OBJECTION of Capital One Auto Finance filed by Erich Ramsey

OBJECTION of First Investors Financial Services filed by Lindsey Hall

> 2) Motion of Wells Fargo Bank, N.A. for relief from stay. (Seven day clause) Filed by Robert Holmes

RESPONSE of debtors filed 9/7/07

07-15702 DANIEL/PAMELA ROYKO	Motion of debtors to make adequate protection payments to the trustee prior to confirmation. (Seven day clause) <u>No response–motion granted</u>
05-28903 SHERRY L. COLEMAN RESPONSE of debtor filed 4/4/07 <u>Moot</u>	<ol> <li>Continued motion of trustee to dismiss for lack of feasibility.</li> <li>Motion withdrawn</li> </ol>
OBJECTION of trustee filed 7/31/07 Moot	<ul> <li>2) Continued motion of debtor to modify confirmed plan filed 7/26/07.</li> <li>Motion withdrawn</li> </ul>
06-10259 FRANK/JUDITH DARGAY RESPONSE of debtors filed 9/7/07	Motion of trustee to dismiss for failure to fund. (Seven day clause)
05-20701 RONDELLE L. CELLINI RESPONSE of debtor filed 9/6/07	Motion of trustee to dismiss for failure to fund. (Seven day clause)
06-12683 JOHN BRANNIGAN BELL	1) Motion of debtor to modify confirmed plan filed 8/16/07.
OBJECTION of trustee filed 8/30/07	<ol> <li>Application of T. Jeffrey Tumlin for post-confirmation fees.</li> </ol>
CHARLES BRAGG	
07-12012 MICHAEL KAPIS	1) Motion of debtor to reinstate case and/or vacate dismissal order.

**OBJECTION** of trustee filed 8/30/07

2) Motion of trustee for disgorgement of attorney fees on Attorney Dann S. Timmons. (Seven day clause)

RESPONSE filed 8/22/07 by Dann Timmons

#### **BLAKE BREWER**

JOHN/JOYCE BROWN	day clause)
	No response–motion granted

#### **BARBARA BROWN-DANIELS**

06-11310 Motion of US Bank National Association for relief from JUAN R. MELENDEZ SR. Bottom stay and co-debtor stay. (Seven day clause) Filed by Stacey O'Stafy <u>No response-motion granted</u>

07-14726 LEO ROSS Motion of trustee for sanctions.

07-14725 JASON ECK 1) Continued confirmation of plan.

# AMENDED OBJECTION of trustee filed 8/15/07

- 2) Continued motion of debtor to modify plan filed  $\frac{8}{7}$ .
- 3) Amended motion of debtor to modify plan filed 8/21/07.
- 4) Second order on debtor to appear and show cause for failure to file plan as required.

#### **DONALD BUTLER**

07-10473 REGINALD FIELDS Confirmation of plan.

OBJECTION of trustee filed 6/22/07

MODIFIED PLAN FILED 8/11/07

05-11423	Motion of trustee to dismiss for failure to fund. (Seven
JEAN E. BESLOW	day clause)
	<u>No response–motion granted</u>

#### KATHLEEN DONNELLY

07-12812 Continued motion of debtors to vacate order of dismissal THOMAS/MICHELLE MERRELL and to reinstate case to the active docket and to reinstate stay as to Americas Servicing Company, Dell Financial Services, First Merit Bank and all creditors listed.

OBJECTION of trustee filed 8/20/07

07-14249 TAMARA L. WILLIS 1) Continued confirmation of plan. <u>Moot–case converted to Chapter 7</u>

OBJECTION of trustee filed 7/24/07 Moot

 Continued order on debtor to appear and show cause for failure to file statement of financial affairs as required.
 <u>Moot</u>

3) Order on <u>Brenda Walker</u> to appear and show cause.

#### DAVID DRUCKER

06-14079 TAMMY JACKSON Continued motion of debtor to incur new debt for the purchase of a vehicle.

**OBJECTION** of trustee filed 7/31/07

#### MARK FELBER

07-14180 ARLENE ANN MAC DONALD 1) Continued confirmation of plan.

OBJECTION of trustee filed 8/13/07

OBJECTION of FirstMerit Bank filed by Cynthia Jeffrey

2) Continued motion of GMAC, N.A. for relief from stay.

stay.

Filed by Daniel Wolters

OBJECTION of debtor filed 8/7/07

#### PHILIP FINE

07-15467 LYNN L. WELCH Order on debtor to appear and show cause for failure to file plan, schedules, statements, summary of schedules and statistical summary of certain liabilities, means test, Form B201, statement disclosing attorney compensation and declaration regarding schedules and pay advices as required.

#### CLAUDIA FITZ GERALD

07-14854 LENARD/LAURA POSS Confirmation of plan.

OBJECTION of Fifth Third Bank filed by Scott Fink

OBJECTION of National City Bank filed by Scott Fink Objection withdrawn 8/21/07

OBJECTION of trustee filed 8/20/07

# **RICHARD FOOTE**

07-14101 RAYMON PHILLIPS Continued confirmation of plan.

OBJECTION of trustee filed 7/20/07

07-11790 Continued confirmation of plan. PATRICK/MELANIE BELLEPHANT

OBJECTION of Internal Revenue Service filed by Anita Gill

OBJECTION of trustee filed 5/8/07

Final Adjournment

06-10283	Motion of trustee to dismiss for failure to fund. (Seven
MINOLA A. MARSHALL	day clause)
	No response-motion granted

01-21852 Motion of trustee to dismiss for failure to fund. (Seven day clause) AITELCADI

OBJECTION of debtors filed 8/21/07

03-11423 SAMUEL C. MATTHEWS	Continued motion of trustee to dismiss for failure to fund. <u>Moot–case converted to Chapter 7</u>
OBJECTION of debtor filed 8/3/07 <u>Moot</u>	
<u>GLENN FORBES</u>	
07-11509 Corton Smith	Continued confirmation of plan.
OBJECTION of trustee filed 4/26/07	7
06-11424 RONALD/SHARON POOLE	1) Continued motion of trustee to dismiss for lack of feasibility.
OBJECTION of debtors filed 7/9/07	
	<ul> <li>2) Objection of debtors to claim of SST, Inc. (Seven day clause)</li> <li><u>No response-objection sustained</u></li> </ul>

06-12626 NICHOLAS HADZIMA Objection of trustee to claim #19 of Western Reserve Group. (Seven day clause) <u>Objection withdrawn</u>

RESPONSE filed 8/2/07 by Daniel Wolters <u>Moot</u>

### CHRISTOPHER FORTUNATO

07-11154 Continued motion of KeyBank National Association for TOMMY/DEBRA SHAW Filed by Mark Lembright

RESPONSE of debtors filed 8/14/07

## KENNETH FRANKEL

07-149881) Confirmation of plan.RICHARD WILLIAM GROOTPlan confirmed as modified

OBJECTION of trustee filed 8/20/07 Withdrawn

2) Motion of debtor to modify plan filed 8/20/07. <u>Motion granted</u>

04-13675		1) Continued motion of trustee to dismiss for failure
GENE/VIVIAN	FEKETE	to fund.

**OPPOSITION** of debtors filed 7/28/07

2) Motion of debtors for moratorium of payments.

# ANTOINETTE FREEBURG

05-13707 STANLEY/GOLDIE	GORENTZ	1) Continued motion of trustee to dismiss for failure to fund.

OBJECTION of debtors filed 8/8/07

2) Motion of debtors to modify plan filed 8/10/07.

3) Motion of debtors for a moratorium of plan payments.

05-95773 SUSAN E. NELSON Continued motion of debtor for authority to incur debt.

OBJECTION of trustee filed 8/1/07 Withdrawn

# KENNETH FREEMAN

06-13665 DAVID M. ISLEIM	Objection of trustee to claim #9 of Lease Finance Group. (Seven day clause) <u>No response–objection sustained</u>
06-12475 JOHN/JENNIFER RUSH OPPOSITION of debtors filed 9/4/07	<ol> <li>Motion of Fleet Mortgage Corp. for relief from stay. (Seven day clause) Filed by Casey Cantrell-Swartz</li> </ol>
	<ul> <li>2) Motion of Honda Lease Trust for relief from co-debtor stay.</li> <li>AMENDED MOTION filed 8/29/07         <ul> <li>Filed by Steven Emery</li> <li><u>Amended motion denied–see order 9/10/07</u></li> </ul> </li> </ul>
07-14727 CHARLES/GLENNA GOHAGAN	<ol> <li>Motion of Chase Home Finance, LLC for relief from stay. (Seven day clause) Filed by Edward Boll</li> <li><u>No response-motion granted</u></li> </ol>
	<ul> <li>2) Motion of Chase Home Finance, LLC for relief from co-debtor stay. (Seven day clause) Filed by Edward Boll</li> <li><u>No response-motion granted</u></li> </ul>
05-11056 KAREN TURPIN-JOHNSON OPPOSITION of debtor filed 9/4/07	Motion of trustee to dismiss for lack of feasibility. (Seven day clause) <u>Adjourned to 9/25/07 at 8:30 a.m.</u> <u>at request of trustee</u>
07-13056 RONALD BARANOVIC	Motion of Wells Fargo Bank National Association for relief from stay. (Seven day clause) Filed by Andrew Paisley <u>Moot–case dismissed</u>

# SUSAN GRAY

07-14785 ERNESTINE WALDEN Confirmation of plan. <u>Plan confirmed</u> 05-18560Motion of trustee to modify debtors' confirmed plan.SYLVESTER/THERA BARNES(Seven day clause)

RESPONSE of debtors filed 9/4/07

07-15661 SHARYL J. PATCH  Motion of debtor for order authorizing trustee to make adequate protection payments. (Seven day clause) <u>No response-motion granted</u>

2) Motion of Wells Fargo Bank, N.A. for relief from stay. (Seven day clause) Filed by Casey Cantrell-Swartz <u>Agreed order submitted</u>

3) Motion of Wells Fargo Bank, N.A. for relief from co-debtor stay. (Seven day clause) Filed by Casey Cantrell-Swartz <u>No response-motion granted</u>

02-15717 DAVID GEORGE BALOG Continued motion of trustee to dismiss for lack of feasibility.

RESPONSE of debtor filed 8/7/07

07-15671 ERIC/AMY McCRANN Motion of debtor for order authorizing trustee to make adequate protection payments. (Seven day clause)

**OBJECTION** of trustee filed 8/17/07

#### ERIC HALL

07-12810 1) Continued confirmation of plan. ARLINE POLLARD-NABOULSI

#### OBJECTION of Select Portfolio Servicing filed by D. Anthony Sottile **Objection withdrawn 9/7/07**

OBJECTION of trustee filed 6/25/07

2) Continued motion of debtor to modify plan filed 8/6/07.

 3) Motion of US Bank National Association for relief from stay. (Seven day clause) Filed by D. Anthony Sottile

OBJECTION of debtor filed 8/16/07

 4) Motion of Deutsche Bank National Trust Company for relief from stay. (Seven day clause) Filed by Casey Cantrell-Swartz
 <u>No response-motion granted</u>

07-11510 LARRY/EILEEN KENNEDY Confirmation of plan. <u>Scheduled for 9/25/07 at 8:30 a.m.</u> <u>See amended notice 8/5/07</u>

#### RENEE HELLER

07-14779 ELIZABETH ADKINS Confirmation of plan.

OBJECTION of trustee filed 8/20/07

#### STEPHEN HOBT

07-15006 ONDREA SAFFO Confirmation of plan.

**OBJECTION** of trustee filed 8/16/07

# VIRGINIA JUDD

07-13901 ANTONIO JAIME OBJECTION of Homeq Servicing filed by D. Anthony Sottile	Continued confirmation of plan. <u>Adjourned to 10/9/07 at 8:30 a.m.</u> <u>at request of trustee</u>
OBJECTION of trustee filed 7/12/07	,
MODIFIED PLAN FILED 9/8/07	
PRO SE	
07-15892 LAWRENCE E. BAUM	Motion of WM Specialty Mortgage LLC for relief from stay and co-debtor stay. Filed by Stacey O'Stafy <u>Adjourned to 9/25/07 at 8:30 a.m.–</u> <u>Amended motion to be filed by 9/17/07–</u> <u>See order 9/10/07</u>
07-15423 ALAN SCOTT BELKIN RESPONSE filed 9/4/07	<ol> <li>Motion of trustee to dismiss pursuant to 11 U.S.C. § 109(h). (Seven day clause)</li> </ol>
	2) Order on debtor to appear and show cause for failure to file certificate of credit counseling as required.
07-14977 VANESSA BENJAMIN	Confirmation of plan. <u>Moot–case dismissed</u>
07-13635 FANNIE BENNETT	Motion of Wells Fargo Bank, National Association for relief from stay. (Seven day clause) Filed by Jon Lieberman <u>Moot–case dismissed</u>
07-14879 JAMES K. DORSEY	1) Confirmation of plan. <u>Moot</u>

2) Motion of trustee to dismiss case. (Seven day clause) <u>No response–motion granted</u> 07-13726 SIDDIQAH DOUGLAS  Motion of EMC Mortgage Corporation to nullify stay nunc pro tunc. Filed by Scott Ciupak <u>Motion denied–see order 8/20/07</u>

2) Motion of EMC Mortgage Corporation to re-open. Filed by Scott Ciupak <u>Motion withdrawn 8/17/07</u>

07-15076 DEWAYNE ELLIOTT DYCKS

Confirmation of plan. <u>Moot–Meeting of Creditors not held</u>

OBJECTION of Ocwen Federal Bank filed by D. Anthony Sottile <u>Moot</u> OBJECTION of Maple Village Condominium Unit Owners Association filed by Darcy Mehling Good <u>Moot</u> OBJECTION of SN Servicing Corporation filed by Beth Schenz <u>Moot</u> OBJECTION of Argent Mortgage Company filed by Scott Ciupak <u>Moot</u>

07-14888 CHANTELLA EDWARDS Confirmation of plan. <u>Moot–Meeting of Creditors not held</u>

07-14890	Confirmation of plan.
ROY HARRIS	Moot-case dismissed

07-15641 Order or MICHELLE DENISE JOINER file plan

Order on debtor to appear and show cause for failure to file plan, schedules and statements and means test as required.

Moot-case dismissed

07-14954 RICHARD KOS Confirmation of plan. <u>Moot– Meeting of Creditors not held</u>

OBJECTION of Countrywide Home Loans filed by Jon Lieberman <u>Moot</u>

07-12784 GLEN OTTRIX Continued motion of trustee to dismiss case.

07-14734 ANDREW SOCHA Confirmation of plan. <u>Moot–case dismissed</u>