

**Pre and Post Conf Galveston Hearing
 Judge Jeffrey P. Norman, Galveston
 William E. Heitkamp, Trustee
 November 21, 2023 10:00 am**

Reset Dates:
 12/15/2023
 01/19/2024
 02/16/2024

Highlighted = H Claims

<u>Case #</u>	<u>Debtor(s)</u>	<u>Arrears</u>	<u>Notes</u>	<u>Attorney</u>	<u>Recommendation</u>
<u># of R/S</u>	<u>Plan Pmt</u>	<u>No of Mos</u>			<u>Case Disposition</u>
<u>Petition Dt</u>	<u>Pmt Method</u>	<u>Last Rcpt</u>			

10:00 am

22-80227	ANDRES THOMAS	\$3,534.00	<u>TRUSTEE'S MOTION TO DISMISS FOR NON-PAYMENT</u>	GALLEVO, MICHAEL	Trustee Recommends Dismissal.
0 Resets	GONZALES	2.80 Mos	<u>DOC #37 FILED 9/27/2023</u>		
12/5/22	\$1,264.00	11/9/23	No response filed. No payment posted in September and October. Last payment		
11 of 60	EFT	\$1,800.00	posted on 11/9/2023 for regular payment plus \$536 extra via ePay.		

20-80159	BETTIE MADEWELL	\$0.00	<u>UNIFORM MODIFICATION #65 FILED 9/22/2023</u>	GUZMAN, ELOISE A	Trustee Recommends Approval of Mod #65.
1 Reset	MORGAN	0.00 Mos	Modification was filed to cure delinquency and add an Emergency Savings Fund.		
6/1/20	\$1,450.00	11/7/23			
41 of 60	EFT	\$1,450.00	Mod works at 32% to general unsecured creditors.		

20-80181	AMY and SIMON	\$5,826.53	<u>TRUSTEE'S MOTION TO DISMISS FOR NON-PAYMENT</u>	GUZMAN, ELOISE A	Trustee Recommends Dismissal.
0 Resets	GONZALES	3.09 Mos	<u>DOC #117 FILED 9/27/2023</u>		
7/3/20	\$1,885.51	10/2/23	No response filed. Debtors pay via ePay. Partial payment posted in September.		
40 of 60	EFT	\$1,885.51	Regular payment posted in October. Last payment posted on 10/2/2023 for \$1,885.51.		

23-80013	DAVID C. and	(\$1,692.31)	<u>UNIFORM MODIFICATION #70 FILED 10/9/2023</u>	GUZMAN, ELOISE A	Trustee Recommends Mod #70 be Denied.
1 Reset	KIMBERLY S.	-0.35 Mos	<u>TRUSTEE'S OBJECTION TO MOD FILED 11/2/2023, DOC #75</u>		
1/27/23	SWARTZ	10/25/23	<u>TRUSTEE'S MOTION TO DISMISS FOR NON-PAYMENT DOC #61 FILED</u>		
10 of 60	\$4,820.00	\$2,030.77	<u>8/2/2023</u>	Trustee Recommends Dismissal.	

Modification was filed to cure delinquency and add post-petition mortgage payments.

American Credit Acceptance was granted a monthly adequate protection amount of \$247.14 per order #7 entered 1/31/23. Debtor has not satisfied American Credit Acceptance's administrative claim and proposes to pay Debtor's attorney fees ahead of the adequate protection due. The current cumulative A/P claim equals \$2,471.40, but only \$1,579.22 has been paid due to Debtor's payment delinquency.

JSC Federal Credit Union was granted a monthly adequate protection amount of \$325.97 per order #7 entered 1/31/23. Debtor has not satisfied JSC Federal Credit

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Union's administrative claim and proposes to pay Debtor's attorney fees ahead of the adequate protection due. The current cumulative A/P claim equals \$3,259.70, but only \$1,743.76 has been paid due to Debtor's payment delinquency.

Mod improperly includes post-petition mortgage arrears as a "Cure Claim at Petition Date" rather than a "Post-Petition Claim".

Mod improperly provides for Westover Park HOA in Paragraph 8A rather than 8B.

Motion to dismiss for non-payment. No payments posted from April 2023 through August 2023. Wage order for the full monthly amount was mailed to employer on 8/15/2023. Employer has started paying. Last payment posted on 10/25/2023 for \$2,030.77 from employer.

Mod payment is \$4,820.

Debtors are current per the Mod.

If the Mod is not approved, Debtors will be delinquent \$17,846.54.

23-80096	MICHAEL ANTHONY LOPEZ	(\$211.15)	<u>CONFIRMATION HEARING AND TRUSTEE'S OBJECTION TO CONFIRMATION AND MOTION TO DISMISS #26 FILED 7/19/2023.</u>	HARDWICK, MICHAEL L	Trustee does not recommend confirmation.
2 Resets		-0.36 Mos	Debtor filed Response #33 on 8/11/2023.		
5/19/23	\$580.00	11/2/23			
6 of 60	WO	\$267.69			
Plan #38 filed 8/17/2023 fails to meet the liquidation test.					

22-80030	GILBERTO DUENES, SR. and LEONOR ORTIZ	(\$2,220.00)	<u>TRUSTEE'S MOTION TO DISMISS FOR NON-PAYMENT DOC #69 FILED 9/27/2023</u>	KEELING, KENNETH A	Trustee Recommends Dismissal be Reset to 12/15/2023 @ 10:00 am.
0 Resets		-1.00 Mos	Response filed 10/18/2023 at #70.		
2/23/22	\$2,220.00	11/8/23	Debtors pay via TFS. No payment posted in September 2023. Regular payment posted in October. Last payment posted on 11/8/2023 for \$2,220.00.		
21 of 60	EFT	\$2,220.00			

Modification #72 filed 10/26/2023 is set for hearing 12/15/2023 at 10:00 am.

Mod payment is \$2,220.

The first full Mod payment due 11/25/2023 has posted.

Delinquent \$2,080 if no Mod were filed.

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10:00 am					
22-80031	JACQUELYN BETH	\$5,230.30	<u>TRUSTEE'S MOTION TO DISMISS FOR NON-PAYMENT</u>	KEELING, KENNETH	Trustee
0 Resets	TRAVIS	3.24 Mos	<u>DOC #60 FILED 9/27/2023</u>	A	Recommends
2/24/22	\$1,615.00	10/30/23	Response filed 11/7/2023 at #61.		Dismissal.
21 of 60	WO	\$372.70	Case is on full wage order. Employer is paying but not enough. Debtor is not sending any payments directly. Last payment posted on 10/30/2023 for \$372.70.		
23-80174	NATASHA TARASHA	\$250.00	<u>CONFIRMATION HEARING AND TRUSTEE'S OBJECTION TO CONFIRMATION</u>	KIM, MIN GYU	
0 Resets	WEST	1.00 Mos	<u>AND MOTION TO DISMISS #26 FILED 10/18/2023.</u>		
9/2/23	\$250.00	10/18/23	Based on JD Power value (\$9,090.00) as required by Order #9, Plan #2 filed 9/2/2023 does not provide sufficient adequate protection to American Credit		
2 of 60	WO	\$250.00	Acceptance.		
22-80071	FELISA J. MILLER	\$4,402.50	<u>AMENDED UNIFORM MODIFICATION #93 FILED 10/13/2023</u>	LUSKY, BENJAMIN	Trustee
1 Reset	\$2,935.00	1.50 Mos	<u>AMENDED TRUSTEE'S OBJECTION TO MOD FILED 11/3/2023, DOC #100</u>		Recommends
4/20/22	WO	11/8/23	Modification was filed to cure delinquency and add post-petition mortgage payments.		Amended Mod
19 of 60		\$1,467.50	Mod does not comply with BLR 3015-1(c)(1).		#93 be Denied.
			Mod Plan Summary fails to provide for the Current Posted Chapter 13 Trustee Fee Percentage.		
			Debtor failed to file amended Schedules I and J in compliance with BLR 3015-1(c)(3).		
			Mod payment is \$2,935.		
			Per the Mod, Debtor is delinquent \$4,402.50 with next payment due 11/20/23.		
			If the Mod is not approved, Debtor will be delinquent \$8,177.24.		
22-80197	MICAH WAYLAND	(\$3,447.69)	<u>UNIFORM MODIFICATION #38 FILED 10/19/2023</u>	LUSKY, BENJAMIN	Trustee
0 Resets	MCFARLANE	-1.00 Mos	<u>TRUSTEE'S OBJECTION TO MOD FILED 11/8/2023, DOC #40</u>		Recommends
10/30/22	\$3,447.69	11/3/23	Modification was filed to incorporate a mortgage loan modification with Select Portfolio, add post-petition mortgage payments, and reduce the plan term from 60		Mod #38 be
13 of 13	WO	\$3,447.69	to 13 months, ending the plan in November 2023.		Denied.

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Mod fails to specify which ongoing monthly mortgage payments are being added as post-petition payments and do not appear to equal full monthly installments.

Debtor failed to file amended Schedules I and J in compliance with BLR 3015-1(c) (3).

Mod payment is \$3,447.69.
 Debtor is current per the Mod.

If the Mod is not approved, Debtor will be delinquent \$3,372.71.

23-80144	DARIN D. and YOLANDA M. BURTON	\$107.68 0.15 Mos 10/24/23	<u>CONFIRMATION HEARING</u> Plan #28 filed 9/24/2023 works, paying 6.17% to the general unsecured creditors.	LUSKY, BENJAMIN	Trustee recommends confirmation of Plan #28 filed 9/24/2023.
0 Resets					
7/25/23					
4 of 60	\$700.00 WO	\$323.08			

23-80173	TIMOTHY LOUIS and GWENDOLYN ANN BOURGEOIS	(\$1,222.72) -0.26 Mos 11/8/23	<u>CONFIRMATION HEARING AND TRUSTEE'S OBJECTION TO CONFIRMATION AND MOTION TO DISMISS #34 FILED 10/18/2023.</u> The debtors failed to appear at the 341 Meeting of Creditors on October 16, 2023. A reset Meeting is set for November 13, 2023.	PACK LAW, P.C.	Trustee does not recommend confirmation.
0 Resets					
9/1/23					
2 of 60	\$4,725.00 EFT WO	\$675.00			
			Plan #21 filed 9/14/2023 fails to provide for claims filed by Friendswood ISD for \$3,284.44, City of Friendswood for \$1,458.61, Galveston County for \$2,454.32, and Harris County for \$35,837.58.		
			Trustee alleges Schedule A understates the value of the real property located at 1904 N. Mission Circle, thus the plan may not meet the liquidation test.		

23-80176	PRETRESE EVETTE MAGEE	\$2,175.00 1.71 Mos 1/1/00	<u>CONFIRMATION HEARING AND TRUSTEE'S MOTION TO DISMISS #23 FILED 10/24/2023</u> No Response to Trustee's Motion to Dismiss.	PAYNE, KYLE KENNETH	Trustee recommends dismissal.
0 Resets					
9/4/23					
2 of 60	\$1,275.00 EFT	\$0.00			
			No payments have been made. Debtor is delinquent 2 payments through 11/4/2023 totaling \$2,175.00.		
			IRS claim #4 filed 10/20/2023 shows unfiled tax returns for the years 2021 and		

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2022, estimating a priority liability claim of \$2,869.49. Trustee has not received copies of any tax returns. Plan #16 filed 10/11/2023 fails to provide any treatment for the IRS.

Debtor has failed to comply with BLR 3015-1(b) requiring Debtors to timely provide information required by the Chapter 13 Trustee's Procedures for Administration of Claims Secured by Real Property. Mortgage creditor (Bay Area Habitat for Humanity) has not yet filed a claim in the case. Bar date is 11/13/2023.

Debtor has failed to provide Trustee with proof of income to substantiate the amounts listed on Schedule I.

23-80171 0 Resets 8/31/23 3 of 60	STEPHANIE FESTA DE JESUS and CYNTHIA HAZED FESTA \$1,136.77 No Pmt info	\$1,136.77 1.00 Mos 11/2/23 \$1,136.77	<p style="text-align: center;"><u>CONFIRMATION HEARING AND TRUSTEE'S MOTION TO DISMISS #22 FILED 10/24/2023</u></p> <p>Debtors' Response to Trustee's Motion to Dismiss filed 11/4/2023 at docket #26.</p> <p>Debtors failed to appear at the Meeting of Creditors on 10/16/2023. The meeting has been reset to 11/13/2023 at 1:00 pm.</p> <p>Debtors have failed to file a wage deduction order or EFT/ACH authorization with the Court.</p> <p>IRS claim #19 filed 10/18/2023 shows unfiled tax returns for the years 2019, 2020, 2021 and 2022, estimating a priority liability claim of \$53,178.04 and a secured claim of \$41,078.30. Trustee has not received copies of any tax returns. Plan #15 filed 10/2/2023 provides \$15,784.17 priority amount for the IRS in paragraph #6 and fails to provide for treatment of the secured claim.</p> <p>Objection to Confirmation #21 filed 10/19/2023 by Citibank/Shellpoint Mortgage.</p> <p>Plan fails to provide for treatment of secured claim #12 filed 10/13/2023 by Conn's in the amount of \$4,192.02. Objection to Confirmation #27 filed 11/7/2023 by Conn's.</p> <p>Plan fails to provide for treatment of secured claim #23 filed 10/30/2023 by Galveston County in the amount of \$6,531.49.</p>	PEREZ, GABE	Trustee does not recommend confirmation.
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Plan fails to provide a 100% dividend to the general unsecured creditors as required by Debtors' Official Form 122C #13 filed 10/2/2023 and disposable income.

Plan proposes to begin payments later than the 30 days set forth in 1326(a)(1).

Plan provides for direct payment of a 2019 Jaguar in paragraph #9C. However, secured claim #1 filed 9/6/2023 by CarMax reflects pre-petition arrears in the amount of \$1,020.22.

Plan provides for direct payment of a 2018 Lincoln MKC in paragraph #9C. However, secured claim #2 filed 9/7/2023 by Wells Fargo Bank reflects pre-petition arrears in the amount of \$827.75.

Paragraph #8C of the Plan is incomplete as Contract Interest Rate and Date Last Payment is Due have not been provided on the Shellpoint Mortgage claim.

Paragraph #9C of the Plan is incomplete as Date Last Payment is Due has not been provided on the CarMax, Wells Fargo and Hughes FCU vehicle claims.

Trustee alleges the statement of financial affairs fails to list gross income for the years 2021, 2022 and 2023 in paragraph #4.

23-80163	EUGENA MONIQUE	\$919.45	<u>CONFIRMATION HEARING AND TRUSTEE'S OBJECTION TO CONFIRMATION AND MOTION TO DISMISS #23 FILED 10/18/2023.</u>	RASHID, AZWAR-RADI M	Trustee requests Confirmation and Dismissal be continued to 1/19/2024.
0 Resets	FREEMAN	0.32 Mos	Trustee alleges Plan #25 filed 11/7/2023 is not feasible. Amended schedules I and J, doc. #26 filed 11/7/2023 reflect the inability to fund the plan. The debtor is currently unemployed but anticipates gaining new employment to fund the plan within the month.		
8/21/23	\$2,915.00	10/17/23	Amended Plan #25 filed 11/7/2023 works paying 14% to the general unsecured creditors; however, new treatment avoiding the lien for Republic Finance claim #4 filed 8/28/2023 will require proper notice.		
3 of 60	WO	\$1,603.85			

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23-80182	BYRON JOSEPH	(\$2,900.00)	<u>CONFIRMATION HEARING</u>	WILLINGHAM,	Trustee does not recommend confirmation.
0 Resets	MILLER and INGRID	-1.00 Mos	Plan #37 filed 10/16/2023 works, paying 3.83% to the general unsecured creditors.	AMBER L	
9/11/23	LAUREL	11/1/23			
2 of 60	CLARK-MILLER	\$2,900.00	Objection to Confirmation #40 filed 10/27/2023 by Nationstar Mortgage. Objection alleges the pre-petition arrears consists of the principal and interest payment for September 2023; Trustee has not received proof of this payment. Debtor's plan provides for direct payment to Nationstar Mortgage. Nationstar has not filed a proof of claim.		
	\$2,900.00 EFT				