

**Pre and Post Conf Galveston Hearing
Judge Jeffrey P. Norman, Galveston
William E. Heitkamp, Trustee
September 24, 2021 10:00 am**

Reset Dates:
10/29/2021
11/12/2021
12/17/2021

Highlighted = H Claims

<u>Case #</u> <u># of R/S</u> <u>Petition Dt</u>	<u>Debtor(s)</u> <u>Plan Pmt</u> <u>Pmt Method</u>	<u>Arrears</u> <u>No of Mos</u> <u>Last Rcpt</u>	<u>Notes</u>	<u>Attorney</u>	<u>Recommendation</u> <u>Case Disposition</u>
10:00 am					
17-80106 0 Resets 4/10/17 53 of 60	Reva and Daniel Reyna \$2,769.77 WO	\$8,100.77 2.92 Mos 9/15/21 \$600.46	<u>TRUSTEE'S MOTION TO DISMISS FOR NON-PAYMENT</u> <u>DOC #159 FILED 7/28/2021</u> Debtor filed response on 8/2/2021 at #160. Case is on partial wage order. Employer is not paying. Debtors pay via TFS. Last payment posted on 9/15/2021 for \$600.46. Only partial payments are coming in. Delinquency is increasing.	BOTTING, MELISSA	Trustee Recommends Dismissal.
17-80116 0 Resets 4/21/17 53 of 51	JOE LOUIS and KELLY RRAE GONZALES \$0.00 No Pmt info	\$0.00 0.00 Mos 5/18/21 \$595.32	<u>AMENDED UNIFORM MODIFICATION #119 FILED 9/18/2021</u> <u>AMENDED TRUSTEE'S OBJECTION TO MOD FILED 9/20/2021, DOC #121</u> <u>TRUSTEE'S MOTION TO DISMISS FOR NON-PAYMENT</u> <u>DOC #109 FILED 7/28/2021</u> Modification was filed to reduce the plan term from 60 to 51 months, ending the plan in July 2021. Mod fails to comply with the Court's Order entered on 8/4/17 (Doc #53), which requires that the modified plan provide for a 100% payment to holders of general unsecured claims and Debtors have provided no proof of decreased income or increased expenses. Mod plan has been proposed in bad faith. The proposed plan does not provide for all of Debtor's projected disposable income to be received in the applicable commitment period. Mod Plan Summary fails to reflect the correct amount of pre-modification distributions to secured creditors (Correct Amount: \$123,676.28; Plan \$122,833.79). Mod Plan Summary fails to provide for the Current Posted Chapter 13 Trustee Fee Percentage. Schedule I understates Debtors current income. Motion to dismiss for non-payment. Debtors had been making payments via wage	BOTTING, MELISSA	Trustee Recommends Amended Mod #119 be Denied. Trustee Recommends Dismissal.

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order, but there have been several months in which only partial employer payments have posted. Last payment posted on 5/18/2021 for \$595.32.					
The mod payment is \$0. Debtors are current per the Mod. If the Mod is not approved, Debtors will be delinquent \$10,742.14.					
21-80008	MARIA	\$242.00	<u>AMENDED UNIFORM MODIFICATION #52 FILED 9/18/2021</u>	BOTTING, MELISSA	Trustee
0 Resets	PURIFICACION	0.14 Mos	<u>AMENDED TRUSTEE'S OBJECTION TO MOD FILED 9/20/2021, DOC #56</u>		Recommends
1/21/21	STRAND	9/8/21	Modification was filed to defer a student loan.		Amended Mod
8 of 58	\$1,681.00 WO	\$780.00			#52 be Denied.
The plan provides for only 53 ongoing monthly mortgage payments to be paid during the term of a 58-month plan.					
Mod Plan Summary fails to reflect the correct amount of post-modification deposits into the HOA Reserve (Correct Amount: \$624; Plan: \$684).					
Mod fails to provide for the correct Remaining Claim to Rushmore Loan mortgage (Remaining Claim: \$11,714.69; Plan: \$10,578.08).					
The mod payment is \$1,681. Per the mod, Debtor is delinquent \$242. If the mod is not approved, Debtor will be delinquent \$578.					
20-80029	BRICE WAYNE and	(\$1,507.20)	<u>AMENDED UNIFORM MODIFICATION #58 FILED 8/24/2021</u>	GALLEVO, MICHAEL	Trustee
2 Resets	MAVEN	-1.00 Mos	<u>AMENDED TRUSTEE'S OBJECTION TO MOD FILED 9/10/2021, DOC #66</u>		Recommends
1/29/20	GALLEPOSO	9/15/21			Amended Mod
20 of 60	BORDEN	\$1,507.20	<u>TRUSTEE'S MOTION TO DISMISS FOR NON-PAYMENT</u>		#58 be Denied.
	\$1,507.20 EFT		<u>DOC #52 FILED 5/21/2021</u>		Trustee
Modification was filed to cure delinquency.					
Mod Plan Summary fails to reflect the correct amount of pre-modification distributions to secured creditors (Correct Amount: \$19,220.63; Plan: \$19,693.44).					
Debtors failed to file an amended wage order or electronic payment mechanism					

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<p>consistent with the proposed modification in compliance with BLR 3015-1(c)(1).</p> <p>Debtors failed to provide documentation to support the income reflected on Schedule I.</p> <p>Schedule J does not show disposable income sufficient to fund the plan.</p> <p>Motion to dismiss for non-payment. Debtors had been making payments via TFS, but there have been several months in which only partial payments or no payments have posted. Last payment posted on 9/15/2021 via TFS.</p> <p>The mod payment is \$1,507.20. Debtors are current per the Mod. If the Mod is not approved, Debtors will be delinquent \$3,015.30.</p>					
21-80099	CLIFTON EDWARD	\$2,373.90	<u>CONFIRMATION HEARING</u>	GALLEVO, MICHAEL	Recommend
0 Resets	GASPARD	0.69 Mos	Amended Plan #29 filed 9/15/2021 works paying 2.827% to the general unsecured creditors.		confirmation of
6/9/21	\$3,429.00	9/9/21			plan #29 filed
3 of 60	WO	\$3,165.24	Trustee has verified that Debtor is still working and the wage garnishment returned for insufficient funds was actually a stop payment due to a lost check. Employer will be sending another payment from Debtor's 9/17/2021 paycheck.		9/15/2021.
21-80110	JIMMIE OLIVARES	(\$284.62)	<u>CONFIRMATION HEARING</u>	GUZMAN, ELOISE A	Trustee
0 Resets	\$560.00	-0.51 Mos	Plan #27 filed 9/15/2021 works paying 100% to the general unsecured creditors.		recommend
6/23/21	WO	9/20/21	Trustee requests a C4-100% confirmation order.		confirmation of
3 of 60		\$281.54			plan #27 filed
					9/15/2021 with a
					C4 confirmation
					order.
21-80101	WILLIAM DENZIL	\$1,250.00	<u>CONFIRMATION HEARING AND TRUSTEE'S OBJECTION TO CONFIRMATION</u>	HARDWICK,	Trustee
0 Resets	REED, JR.	2.00 Mos	<u>AND MOTION TO DISMISS #18 FILED 8/5/2021.</u>	MICHAEL L	recommends
6/14/21	\$625.00	7/29/21	Debtor is delinquent 2 payments through September 14, 2021 totaling \$1,250.00.		dismissal.
3 of 60	No Pmt info	\$625.00	Plan #15 filed 7/28/2021 works paying 3.69% to the general unsecured creditors.		

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<u># of R/S</u>	<u>Plan Pmt</u>	<u>No of Mos</u>			<u>Case Disposition</u>
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21-80100	MONROE CORDELL	\$0.00	<u>CONFIRMATION HEARING AND TRUSTEE'S OBJECTION TO CONFIRMATION</u>	PAYNE, KYLE	Trustee recommends dismissal.
0 Resets	SANDERS	0.00 Mos	<u>AND MOTION TO DISMISS #21 FILED 8/5/2021</u>	KENNETH	
6/11/21	\$620.00	9/20/21	IRS claim #9 filed 7/13/2021 reflects Debtor has not filed a tax return for the years 2017, 2019 and 2020. Trustee has received signed copies of the 2017, 2019 and 2020 tax returns on July 16, 2021.		
3 of 60	EFT	\$620.00	Plan #2 filed 6/11/2021 fails to fully provide for the claim of the Internal Revenue Service (POC: \$28,936.84, Plan \$3,654.93).		
			Based on NADA value (\$43,555.00) as required by Order #10, the Plan does not provide sufficient adequate protection of \$544.44 to Ford Motor Credit Company.		
			Paragraph 10 of the Plan is incomplete as the Date Last Payment is Due has not been provided for Craig Auto.		
			Objection to Confirmation of Plan Filed by Ford Motor Credit Company LLC. #15 filed 6/17/2021.		
21-80104	BETTY LYNN	\$2,459.84	<u>CONFIRMATION HEARING AND TRUSTEE'S OBJECTION TO CONFIRMATION</u>	PEREZ, GABE	Trustee does not recommend confirmation.
0 Resets	KLAPPENBACH	1.06 Mos	<u>AND MOTION TO DISMISS #25 FILED 8/5/2021. AMENDED TRUSTEE'S</u>		
6/17/21	\$2,330.50	9/13/21	<u>OBJECTION TO CONFIRMATION AND MOTION TO DISMISS #30 FILED</u>		
3 of 60	No Pmt info	\$2,119.33	<u>9/9/2021</u>		
			Response to Chapter 13 Trustee's Motion to Dismiss #26 filed 8/5/2021.		
			Debtor is delinquent 1.6 payments through September 17, 2021 totaling \$2,459.84.		
			Debtor has failed to implement a wage deduction order as required by Local Bankruptcy Rule 1007-1(c).		
			Emergency Motion to Waive Wage Order #32 filed 9/14/2021 sets hearing for 10/13/2021 at 1:30 p.m.		
			Plan #31 filed 9/9/2021 works paying 3.796% to the general unsecured creditors. Trustee requests a C3 order for non-exempt property.		

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18-80197 1 Reset 7/22/18 38 of 60	TIMOTHY WAYNE and KATHY JO GEMMILL \$2,660.00 WO	(\$3,559.02) -1.34 Mos 9/17/21 \$613.85	<u>AMENDED UNIFORM MODIFICATION #90 FILED 9/11/2021</u> Modification was filed to cure delinquency. Amended Mod works @ 11% to general unsecured creditors with no adverse effect on any creditor requiring additional notice. Order on confirmation #64 stated: "in no event shall the total payment to general unsecured creditors be less than \$11,004.60." Debtors' delinquency caused more interest to accrue on secured claims and plan no longer pays the minimum required amount of \$11,004.60 to general unsecured claims and no longer meets the standards of confirmation. TRUSTEE REQUESTS ORDER #92 BE ENTERED.	POLANSKY, CHRISTINE A	Trustee Recommends Approval of Amended Mod #90 WITH ORDER #92.
19-80073 0 Resets 3/13/19 30 of 52	MARK ONG CAYSIDO \$2,750.00 EFT	\$0.00 0.00 Mos 9/15/21 \$2,750.00	<u>UNIFORM MODIFICATION #65 FILED 8/3/2021</u> Modification was filed to reduce the plan term from 60 to 52 months. Mod works at 100% to general unsecured creditors per Debtor's OF122C requirement and plan length.	RASHID, AZWAR-RADI M	Trustee Recommends Approval of Mod #65 - WITH M4 ORDER.
19-80271 0 Resets 8/28/19 25 of 60	RANDY WAYNE REID \$1,495.00 WO	(\$1,380.00) -0.92 Mos 9/15/21 \$690.00	<u>AMENDED UNIFORM MODIFICATION #57 FILED 9/15/2021</u> Modification was filed to add post-petition mortgage payments and remove American Credit Acceptance (2017 Mercedes) from the plan. The vehicle has been sold and the lien paid off with permission from the Court. Amended Mod works @ 8% to general unsecured creditors with no adverse effect on any creditor requiring additional notice.	RASHID, AZWAR-RADI M	Trustee Recommends Approval of Amended Mod #57.
17-80370 0 Resets 12/22/17 45 of 60	ANTONIO FONSECA \$1,724.67 WO	\$6,846.40 3.97 Mos 5/10/21 \$1,724.67	<u>TRUSTEE'S MOTION TO DISMISS FOR NON-PAYMENT</u> <u>DOC #55 FILED 7/28/2021</u> No response filed. Case is on a full wage order. Employer is not paying. Debtor was paying via ePay. Last payment posted on 5/10/2021 for \$1,724.67.	SMITH, JOHN E	Trustee Recommends Dismissal.

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19-80002	CLAY NORWOOD	(\$969.51)	<u>TRUSTEE'S MOTION TO DISMISS FOR FEASIBILITY #62 FILED 7/30/2021</u>	SMITH, JOHN E	Trustee
0 Resets	\$3,494.62	-0.28 Mos	Confirmation order #43 required 100% return to holders of general unsecured claims due to non-exempt property. Amended proof of claim (court claim #14-2) filed by IRS for \$8,696.00 on 10/8/2019 is not provided for in the confirmed plan (docket #38); therefore the plan no longer provides for a 100% return to holders of general unsecured claims.		Recommends
1/1/19	WO	9/20/21			Dismissal
32 of 60		\$806.45			
No response filed.					
Trustee recommends dismissal.					
20-80054	PAUL JOSEPH and	\$16,567.47	<u>TRUSTEE'S MOTION TO DISMISS FOR NON-PAYMENT</u>	SMITH, JOHN E	Trustee
0 Resets	MADELINE	4.46 Mos	<u>DOC #45 FILED 7/28/2021</u>		Recommends
2/7/20	GONZALES	8/9/21	No response filed. No payments posted in June or July. Last payment posted on 8/9/2021 for \$840 via TFS.		Dismissal.
19 of 57	\$3,714.25	\$840.00			
	No Pmt info				
19-80091	TERRY D.	\$12,978.93	<u>TRUSTEE'S MOTION TO DISMISS FOR NON-PAYMENT</u>	WEBB, TIMOTHY	Trustee
0 Resets	SOWELLS	2.66 Mos	<u>DOC #95 FILED 7/28/2021</u>		Recommends
3/30/19	\$4,881.65	9/9/21	Debtor filed response on 7/29/2021 at #96.		Dismissal.
30 of 60	WO	\$7,000.00			
Case is on a full wage order. Employer is not paying. Debtor pays via TFS. No payments posted in July or August. Last payment posted on 9/9/2021 for \$7,000.					