

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA

SHELBY DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

FRIDAY, APRIL 29, 2016

*Steven G. Tate, Trustee*

9:30 a.m.

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|-------|----|--|----------|--|
| 1)    | 12 | Andrew M. Boggs<br>Virginia A. Boggs           | 11-40473 | Hearing on Debtors' Motion to Approve Option to Purchase Agreement (193)   |
|       |    | O. M. GARDNER                                  |          |  |
| ----- |    |  |          |  |
| 2)    | 13 | Rheta A. Lail                                  | 13-40608 | 2nd continued hearing on Trustee's Amended Motion to Dismiss Case or to Modify Plan (33, 31)                     |
|       |    | WOOD   |          |  |
| ----- |    |  |          |  |
| 3)    | 13 | Charles H. Simpson, Jr.<br>Michelle K. Simpson | 14-40060 | Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (45)   |
|       |    | POE  |          |  |
| ----- |    |  |          |  |
| 4)    | 13 | Richard Warech<br>Jean T. Warech               | 14-40593 | Hearing on Debtors' Motion for Hardship Discharge (17); Trustee's Response (18)                                  |
|       |    | HAY  |          |  |
| ----- |    |  |          |  |
| 5)    | 13 | Randy E. Smith                                 | 14-40594 | Hearing on Trustee's Motion for Determination of Status of Claims in Confirmed Plan (44); Debtor's Response (46) |
|       |    | HENDERSON                                      |          |  |
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- 6) 13 Wendy S. Seagle 15-40013 Hearing on Debtor's Motion to Approve Attorney Fees (26)  
ELLIOTT  
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- 7) 13 Richard C. Alexander 15-40341 Hearing on Trustee's Motion to Set Liability of the Debtors as to Claims (19); Debtors' Response (22)  
Teresa D. Alexander  
SIGMON  
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- 8) 13 Sao Nmn Xiong 11-40003 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (22)  
Nhia Nmn Lee  
WILLCOX  
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- 9) 13 Cecil N. Bare 11-40234 Hearing on Debtors' Motion to Deem Mortgage Current (39); Response of HSBC Consumer Lending Mortgage Servicing (42)  
Patricia B. Bare  
WILLCOX  
EMREY  
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- 10) 13 Alfred D. Shires 11-40389 5th continued hearing on Motion of Bayview Loan Servicing to Incur Debt and for Approval of Loan Modification (68); Trustee's Response (71)  
Christy G. Shires  
  
2nd continued hearing on Trustee's Motion to Dismiss Case or to Modify Plan (74)  
  
FARMER  
JONAS  
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11) 13 Julius S. Funderburk 13-40350 Continued hearing on Trustee's  
Jenna C. Funderburk Motion to Dismiss Case (52)

FARMER

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12) 13 Karl W. Brace 15-40530 Hearing on Motion of ACAR Leasing  
Ltd dba GM Financial Leasing for  
Relief from Stay (22); Debtor's  
Response (24)

FARMER  
WHITE

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13) 13 Gladys H. Houk 15-40003 Hearing on Trustee's Motion to  
Dismiss Case or to Modify Plan (25)

CARTER

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14) 13 Rickey Parsley 15-40152 Status Hearing as to debtors' loan  
Kathryn M. Parsley modification (24); Order Confirming  
Chapter 13 Plan (15)

CARTER

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15) 13 Douglas S. Miller 15-40251 Hearing on Trustee's Motion for  
Myra S. Miller Determination of Status of Claims in  
Confirmed Plan (55); Response of  
Chris S. Miller (57)

Hearing on Trustee's Motion to Set  
Liability of the Debtors as to Claims  
(56); Response of Chris S. Miller (57)

CARTER

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| 16) | 13 | Charles D. Surby<br>Lisa D. Surby       | 10-40532 | Continued hearing on Debtors' Motion for Contempt and Sanctions Against Nationstar Mortgage, LLC (51)                    |
|     |    | PLANER                                  |          |  |
|     |    | -----                                   |          |  |
| 17) | 13 | Harold A. Davidson<br>Laura K. Davidson | 10-40537 | Continued hearing on Debtors' Motion for Sanctions Against Nationstar Mortgage, LLC (74); Amendment (76)                 |
|     |    | PLANER                                  |          |  |
|     |    | -----                                   |          |  |
| 18) | 13 | Sue M. Gibson                           | 14-40145 | Continued hearing on Debtor's Motion for Sanctions Against Nationstar Mortgage, LLC for Violation of Automatic Stay (36) |
|     |    | PLANER                                  |          |  |
|     |    | -----                                   |          |  |
| 19) | 13 | Betsy S. Badeaux                        | 15-40055 | 2nd continued hearing for status as to Trustee's Motion to Dismiss, Convert Case, or to Modify Plan (22)                 |
|     |    | PLANER                                  |          |  |
|     |    | -----                                   |          |  |
| 20) | 13 | Paulo Marquez                           | 15-40218 | Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (23)   |
|     |    | PLANER                                  |          | Hearing on Debtor's Objection to Proof of Claim of Lincoln County Tax Collector (27)                                     |
|     |    | -----                                   |          |  |
| 21) | 13 | Shirley M. Lynn                         | 15-40277 | Hearing on Debtor's Motion for Order in Aid of Case Administration (18)  |
|     |    | PLANER                                  |          |  |
|     |    | -----                                   |          |  |

- 22) 13 Bryce D. Lee 12-40267 Hearing on Trustee's Motion to  
Tammy C. Lee Dismiss Case or to Modify Plan (49)

BALENTINE

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- 23) 13 Bruce E. Prince 12-40469 Hearing on Debtors' Motion to Allow  
Ruth G. Prince Late Filed Claim (38); Trustee's  
Response (39)

BALENTINE

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- 24) 13 Michael D. Stilwill 13-40570 Hearing on Debtor's Motion to  
Modify Plan to Surrender Motor  
Vehicle and Reduce Plan Payments  
(21); Trustee's Response (24)

BALENTINE

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- 25) 13 Ruth G. Horne 14-40010 Hearing on Debtor's Motion for  
Moratorium (39); Objection of  
Carolina Trust Bank (40)

Hearing on Motion of Carolina Trust  
Bank for Relief from Stay and Co-  
Debtor Stay (41); Debtor's Response  
(43)

BALENTINE  
SUMMERLIN

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- 26) 13 Donald H. Thompson 14-40442 Hearing on Debtors' Objection to  
Londa J. Von Weter Proof of Claim of the IRS (59)

BALENTINE

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27) 13 Franklin M. Eskridge 14-40464 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (40)  
Yolandra H. Eskridge

BALENTINE

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28) 13 Douglas W. Grondahl, II 15-40203 Hearing on Debtor's Motion to Modify Plan to Surrender Real Property (43); Trustee's Response (46)

Hearing on Debtor's Motion for Approval of Disbursement of Funds (45); Trustee's Response (47)

BALENTINE

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29) 13 Trisa G. Carpenter 15-40350 Continued hearing on Debtor's Motion to Modify Plan (22); Trustee's Response (23)

BALENTINE

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30) 13 Freddy W. Hoyle 15-40509 Hearing on Debtors' Motion to Modify Plan (21); Trustee's Response (25)  
Ann L. Hoyle

BALENTINE

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31) 13 Edwin E. Eskew 12-40428 Hearing on Motion of Consumer Portfolio Services, Inc. for Relief from Stay (40); Debtors' Objection (43)  
Gay H. Eskew

LUTZ  
HIMES

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32) 13 Jeffrey W. Wright 13-40139 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (73)  
Phyllis K. Wright

LUTZ

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- 33) 13 Glenda F. McClinton 14-40465 Hearing on Motion of Carolina Lease Management Group, LLC for Relief from Stay (35)
- LUTZ
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- 34) 13 Danielle D. Nix 14-40560 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (18)
- LUTZ
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- 35) 13 Arthur J. Burkhalter 15-40051 Continued for Status Hearing (50); Re: Motion of Stephen and Jessica Brown for Relief from Stay and Co-Debtor Stay (24); Debtors' Response (27)
- Hester A. Burkhalter
- LUTZ
- MORGAN
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- 36) 13 Michael S. Misenheimer 15-40254 Continued hearing on Trustee's Motion to Dismiss Case or to Modify Plan (24)
- Martha G. Misenheimer
- LUTZ
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- 37) 13 Timothy K. Splawn 15-40420 Hearing on Motion of JPMorgan Chase Bank, N.A. for Relief from Stay (25); Debtors' Response (28)
- Jennifer M. Davis
- LUTZ
- STEWART
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- 38) 13 Hope B. Edwards 15-40441 Hearing on Debtor's Motion for Moratorium (18); Trustee's Response (19)
- LUTZ
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- 39) 13 Richard W. Wright, Sr. 16-40035 Hearing on Objection of Wells Fargo Bank, N.A. to Confirmation of Plan (12); Plan (2); Debtors' Response (14)  
Sherry B. Wright  
  
LUTZ  
STEWART  
  
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- 40) 13 Lucinda Peaks 16-40045 Hearing on Objection of BB&T to Confirmation of Plan (10); Plan (2)  
  
LUTZ  
STALEY  
  
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- 41) 13 Amanda G. Flynn 10-40254 3rd continued hearing on Debtor's Motion for Sanctions Against Caliber Home Loans, Inc. (76); Response of Caliber Home Loans (77)  
  
W. S. GARDNER  
STALEY  
  
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- 42) 13 Gerald T. Haynes, Sr. 13-40046 Hearing on Motion of U. S. Bank National Association for Relief from Stay (74); Debtors' Objection (75)  
Gloria G. Haynes  
  
W. S. GARDNER  
MCKEE  
  
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- 43) 13 Anthony J. Dawkins 13-40192 Hearing on Debtor's Motion to Modify Plan to Surrender Collateral and Reduce Plan Payment (41); Trustee's Response (43)  
  
W. S. GARDNER  
  
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- 44) 13 Mark J. Mode 14-40374 Hearing on Debtor's Motion for Moratorium on Plan Payments (31); Trustee's Response (32)  
  
W. S. GARDNER  
  
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45) 13 Jonathan Surratt 15-40197 Hearing on Trustee's Notice of Hearing (66) as to the Consent Order Settling Objection to Confirmation of Debtor's Proposed Plan (37)

W. S. GARDNER

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46) 12 Donna Khan 15-40270 4th continued hearing on Trustee's Motion to Dismiss (11)

Continued hearing on Second Chapter 12 Bankruptcy Plan (29, 28)

W. S. GARDNER

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47) 13 James E. Jackson 15-40368 2nd continued hearing for status as to Order Overruling Trustee's Objection to Confirmation and Denying Motion to Dismiss (14)

W. S. GARDNER

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48) 13 Champ W. Allen, Jr.  
Laura E. Allen 16-40008 Hearing on Trustee's Motion to Strike Schedules and Amended Plan (12); Amended Plan (10); Amended Statement of Financial Affairs (9)

W. S. GARDNER

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49) 13 Fred T. Tessneer, Jr.  
Elaine M. Tessneer 16-40026 Hearing on Trustee's Objection to Confirmation of Plan; Motion to Dismiss (17); Plan (10); Amended Plan (14)

Hearing on Motion of Sharonview Federal Credit Union for Relief from Stay (18); Debtors' Response (20)

W. S. GARDNER  
KEENAN

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50) 13 George T. Lattimore 16-40048 Hearing on Trustee's Objection to Confirmation of Plan; Motion to Dismiss (9); Plan (4)

W. S. GARDNER

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51) 13 William J. Gold 16-40071 Hearing on Objection of Bank of the Ozarks to Confirmation of Plan (8); Patsy M. Gold Plan (4)

W. S. GARDNER

ACKERMAN

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52) 13 Winfred Roseboro 16-40103 Hearing on Debtors' Motion to Judy D. Roseboro Impose Automatic Stay (7)

W. S. GARDNER

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53) 13 Phil Morehead 12-40409 2nd continued hearing on Trustee's Martha F. Morehead Motion to Dismiss Case or to Modify Plan (33)

PRO SE

W. S. GARDNER

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10:30 a.m.

54) 7 Jamie E. Yelton 12-40742 Hearing on Debtors' Motion for Dana H. Yelton Reconsideration of Order Converting Case and Motion to Convert the Case Back to Chapter 13 (99); Order Granting Trustee's Motion to Convert Case to Chapter 7 (93); Trustee's Response (101)

W. S. GARDNER

HENDERSON, TR.

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- 55) Adv Richard M. Mitchell 15-4017 Hearing on Plaintiff's Motion to  
v. Ch. 7 Approve Settlement with Defendant  
Robert G. McGinnis 13-40540 (14); Response of Lewis Ray Thomas,  
Sr. (15)
- MITCHELL  
PRO SE  
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- 56) 7 Rebecca A. Blair 13-40587 9th continued hearing on Motion of  
The Bank of New York Mellon for  
Relief from Stay (39); Debtor's  
Response (40)
- HAY  
COOPER, TR.  
JONAS  
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- 57) Adv Langdon M. Cooper 15-3010 Continued hearing on Defendant's  
v. Ch. 7 Motion to Set Aside Judgment (15)  
Allen Langley 13-40034
- COOPER  
O. M. GARDNER, LUTZ  
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- 58) 7 Randy J. Silverstine 15-40280 4th continued hearing on Trustee's  
Objection to Exemptions (8)
- HAY  
COOPER, TR.  
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- 59) 7 Peter C. Capece 15-40327 Hearing on Motion of Peoples Bank  
Kellee D. Capece for Relief from Stay (34); Debtors'  
Response (35); Trustee's Objection  
(36)
- BADGER  
COOPER, TR.  
DEATON  
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60) 11 Kee-Ledbetter, Inc. 16-40063 Hearing on Debtor's Amended Motion to Use Cash Collateral (41)  
BALENTINE

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61) 11 Thompson's Mortuary, Inc. 16-40139 Hearing on Debtor's Motion for Authority to Pay Employees' Wages and Salaries (9)

Hearing on Debtor's Motion to Assume Verbal Lease (17)

BALENTINE

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62) 11 Restoration Properties of Shelby, LLC 15-40163 3rd continued hearing on Motion of BB&T for Relief from Stay (51); Debtor's Response (54)

5th continued hearing on Confirmation of Plan (38); Plan (29); Bankruptcy Administrator's Objection to Confirmation (41); Objection of BB&T to Confirmation (44)

W. S. GARDNER  
LIVERMON  
HOFF  
KENNY, BA

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63) 11 Leonard J. McNeilly 15-40342 Continued hearing on Motion of the Bankruptcy Administrator to Require Debtors to Appear and Show Cause (49)  
Jo Nell N. McNeilly

W. S. GARDNER  
KENNY

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- 64) 11 Alive Apparel, Inc. 15-40189 3rd continued hearing on Motion of Stephen Carter for Appointment of Independent Trustee (88); Response of Broad River Asset Solutions, LLC (91)
- Hearing on Motion of Stephen Carter for Relief from Stay (108); Debtor's Response (113)
- Hearing on Combination Chapter 11 Bankruptcy Plan and Disclosure Statement (116, 111); Objection of the Bankruptcy Administrator to Confirmation of Plan (118)

W. S. GARDNER  
KENNY  
BALENTINE

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- 65) 11 Glenda K. Hooper 15-40443 5th continued Hearing on Debtor's Motion to Allow for Secured Debt payments (12); response of HomeTrust Bank (21); Response of the Bankruptcy Administrator (29)
- 5th continued hearing on the Bankruptcy Administrator's motion to Appoint Chapter 11 Trustee (25);
- Hearing on Debtor's Second Motion to Extend the Exclusivity Period (78)

W. S. GARDNER  
BOWERS, TR.  
PINKSTON

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11:00 a.m.

- 66) 13 Jerry E. Bowen 15-40190 5th continued hearing on Trustee's  
Objection to Confirmation of Plan;  
Motion to Dismiss (51); Amended  
Plan (47); Plan (34)

W. S. GARDNER  
TATE, TR.

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ADDITIONS CALENDAR

9:30 a.m.

- 67) 13 Anthony R. Webber 16-40122 Hearing on Debtors' Motion to  
Sheliah C. Webber Extend Automatic Stay (5)

PLANER

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