

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

SHELBY DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

FRIDAY, DECEMBER 2, 2016

Steven G. Tate, Trustee

9:30 a.m.

- 1) 12 Andrew M. Boggs, Jr. 11-40473 Hearing on Debtors' Motion to
Virginia A. Boggs Modify Plan to Add Tax Debt (217)

O. M. GARDNER

- 2) 13 Greetle B. Beach 13-40477 Continued Hearing on Debtor's
motion to Compel CashCall, Inc. to
Disgorge and Refund Payments made
on Proof of Claim and Granting Other
Related Relief (44)

SUMMERLIN

- 3) 13 Jason A. Jarrett 14-40185 Hearing on Trustee's Motion to
Dismiss Case or to Modify Plan (26);
Debtor's Response (27)

SUMMERLIN

- 4) 13 Janice L. Dellinger 15-40100 Hearing on Trustee's Motion to
Dismiss Case or to Modify Plan (23)

VUJOVIC

- 5) 13 Jeremy R. Terry 16-40011 Hearing on Trustee's Motion to
Elizabeth R. Conn Dismiss Case or to Modify Plan (16)

PITTS, BEN

6) 13 Cynthia M. Staben 16-40055 Hearing on Trustee's Motion for Status Hearing (34)

Hearing on Debtor's Motion to Modify Plan (36); Trustee's Response (37)

HAY

7) 13 Danielle M. Faria 16-40061 Hearing on Trustee's Motion for Determination of Status of Claims in Confirmed Plan (20); Trustee's Response (24)

Hearing on Trustee's Motion to Modify Plan (21); Concurrence with Trustee's Motion by the State of Michigan, Department of Treasury (22); Debtor's Response (25)

SIGMON
KAKISH

8) 13 Robin L. Trent 16-40170 Hearing on Debtor's Motion for Sanctions Against Marty E. Heesch, DDS for Violation of Automatic Stay (15)

BLOSSOM

9) 13 Brandon W. Arthur 14-40097 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (29)
Brandi D. Arthur

MALLORY

10) 13 Kenneth E. Ervin 16-40338 Hearing on Debtors' Amended
Willie Mae Ervin Motion to Extend Time to Pay Second
Payment (27); Trustees Response and
Amended Response (29, 30)

Hearing on Trustee's Amended
Objection to Confirmation of Plan;
Motion to Dismiss (31); Plan and
Amended Plans (3, 16, 20 and 22)

MALLORY

11) 13 Tina E. Boyd 12-40498 Hearing on Trustee's Motion to
Dismiss Case or to Modify Plan (47);
Response by Tina Boyd (52)

POE

12) 13 Leland H. Gorecki 14-40537 3rd continued hearing on Trustee's
Motion to Dismiss Case or to Modify
Plan (31)

POE, WILLCOX

13) 13 Charles H. Owensby 15-40133 Continued hearing on Trustee's
Mary A. Owensby Motion to Dismiss Case or to Modify
Plan (21)

Hearing on Debtors' Motion to
Modify Plan (25); Trustee's Response
(26)

LEONARD

14) 13 Ricky L. Coleman 16-40256 Hearing on Trustee's Motion to
Dismiss Case or to Modify Plan (13)

LEONARD

- 15) 13 Angela D. Davis 14-40237 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (39)

BALENTINE

- 16) Adv Millicent Peace, et al. 15-4012 Status Hearing (15)
v. Ch. 13
Magnus Williams 15-40145

BALENTINE
LUTZ

- 17) 13 Lester G. Vinson 15-40273 Continued hearing on Trustee's
Geraldine M. Vinson Motion to Dismiss Case or to Modify
Plan (30)

BALENTINE

- 18) 13 Jonathan G. Oliver 16-40161 Continued hearing on Trustee's
Motion to Dismiss Case or to Modify
Plan (25)

BALENTINE
TATE, TR.

- 19) 13 Sue M. Gibson 14-40145 8th continued hearing on Debtor's
Motion for Sanctions Against
Nationstar Mortgage, LLC for
Violation of Automatic Stay (36)

PLANER

- 20) 13 Michael R. Bowden 14-40439 Hearing on Trustee's Motion to
Lynn T. Bowden Dismiss Case or to Modify Plan (35)

PLANER

21) 13 Betsy S. Badeaux 16-40060 Plan Confirmed (30); Status Hearing (21)

Hearing on Trustee's Motion for Status Hearing (35)

PLANER

22) 13 Wayne E. Goode, Jr. 16-40480 Hearing on Debtor's Motion to Impose Automatic Stay (6)

PLANER

23) 13 Chris A. Parlier 16-40125 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (33)

Lorrie M. Parlier

Hearing on Debtors' Objection to Proof of Claim [IRS] (34)

WILLCOX

24) 13 Jason A. Rose 16-40150 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (26)

Ronda K. Rose

WILLCOX

25) 13 Michael K. Boeke 16-40344 Continued hearing on Trustee's Objection to Confirmation of Chapter 13 Plan; Motion to Dismiss Case (12); Plan (2)

WILLCOX

26) 13 Benjamin McLean, Jr. 16-40028 Hearing on Debtors' Motion to Modify Plan; Motion to Approve Mortgage Modification (23); Trustee's Response (25)

Sandra F. McLean

CARTER

27) 13 Brian A. Kern 16-40100 Hearing on Debtor's Motion for Authority to Sell Real Property and to Pay Off Bankruptcy Plan (33)

CARTER

28) 13 Pamela L. Coker 16-40114 Hearing on Trustee's Motion for Status Hearing (17)

CARTER

29) 13 Katherine A. Martin 16-40215 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (18)

CARTER

30) 13 Peter A. Degregory 16-40353 Hearing on Trustee's Motion for Status Hearing (33)
April S. Degregory

CARTER

31) 13 Wendy S. Seagle 15-40013 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (33)

WOOD

32) 13 Randy L. Franklin 15-40193 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (32)
Linda D. Franklin

WOOD

33) 13 Rebecca M. Vance 15-40502 2nd continued hearing on Trustee's Motion to Dismiss Case or to Modify Plan (32)

WOOD

34) 13 Brian M. Wright 16-40198 Hearing on Debtor's Motion for Approval to Pay Mortgage Trial Period Payments Directly (23); Trustee's Response (25)

WOOD

35) 13 Jon C. Wehunt, III 16-40200 2nd continued hearing on Trustee's Objection to Confirmation of Chapter 13 Plan; Motion to Dismiss (21); Amended Plan (14); Plan (12)

2nd continued hearing on Objection of First Bank & Trust Company to Confirmation of Plan (24); Amended Plan (14); Plan (12)

WOOD
SUMMERLIN
ANDERSON

36) 13 Patsy A. Stratton 16-40115 Continued hearing on Trustee's Motion to Dismiss Case or to Modify Plan (35)

Continued hearing on Debtor's Motion to Modify Plan (37); Trustee's Response (39)

FARMER

- 37) 13 Alfred D. Shires 11-40389 Continued hearing on Debtors' Motion to Modify Plan to Extend Time for Plan Completion (86)
Christy G. Shires
FARMER

- 38) 13 Elizabeth M. Rudisill 12-40510 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (41)
FARMER

- 39) 13 Pherson H. Weatherman 14-40411 3rd continued hearing on Trustee's Motion to Dismiss Case or to Modify Plan (26)
Carolyn W. Weatherman
FARMER

- 40) 13 Joyce M. Chapman 14-40498 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (58)
FARMER

- 41) 13 Karl W. Brace 15-40530 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (32); Response of Bennett Building Systems, LLC (33)
FARMER

- 42) 13 Daniel M. Bearden 16-40141 Hearing on Debtor's Motion for Moratorium and to Extend Future Default Provision (32); Trustee's Response (34)
FARMER

43) 13 Cynthia C. Helton 16-40302 Hearing on Trustee's Objection to Confirmation of Plan; Motion to Dismiss (24); (Amended Plan 23, Plan 10)

FARMER

44) 13 Bettie L. Hendren 16-40306 Continued hearing on Trustee's Objection to Confirmation of Chapter 13 Plan; Motion to Dismiss Case (17); Plan (15); Response of IRS in Support of Trustee's Objection (21)

FARMER
SULLIVAN

45) 13 Reginald J. Perkins 13-40415 Hearing on Trustee's Motion to Dismiss Case or Modify Plan (29)

LUTZ

46) 13 Jerry R. Anderson 13-40438 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (27)

LUTZ

47) 13 Herman D. Sprouse 13-40667 Hearing on Trustee's Motion to Strike Motion of Carolina Lease Management Group for Relief from Stay and Co-Debtor Stay (28); Debtors' Motion (18)

LUTZ
OLEKSA

- 48) 13 Preston S. Lane 14-40115 Hearing on Debtors' Motion to
Meredith A. Lane Modify Plan (37); Trustee's Response
(38)
LUTZ

- 49) 13 James A. Roberts, Jr. 15-40266 Continued hearing on Motion of
JPMorgan Chase Bank, National
Association to Approve Loan
Modification (40); Trustee's Response
(43)
LUTZ
STALEY

- 50) 13 Eric J. Bridges 15-40356 Continued hearing on Trustee's
Motion to Dismiss Case or to Modify
Plan (33)
LUTZ

- 51) 13 Tera H. Eckard 15-40370 Hearing on Trustee's Motion to
Dismiss Case or to Modify Plan (36);
Correspondence of Lincoln Pediatrics
Clinic, PA (37)
LUTZ

- 52) 13 Gary B. Cobb 16-40135 Hearing on Motion of State
Employees' Credit Union for Relief
from Stay (21); Debtor's Objection (22)
LUTZ
NODELL

- 53) 13 Earl J. Lainhart 16-40394 Hearing on Objection of Sharonview
Federal Credit Union to Confirmation
of Plan (10); Plan (2)
LUTZ
KEENAN

54) 13 Shirley L. Robbs 16-40412 Continued Court Order for Debtor to Appear and Show Cause (6)

Hearing on Trustee's Objection to Confirmation of Plan; Motion to Dismiss (16); Amended Plan and Plan (12, 2)

LUTZ

55) 13 Priscilla W. Cockerham 16-40451 Hearing on Debtor's Motion to Approve Settlement and Substitute Collateral (7), Amendment (9); Trustee's Response (8)

LUTZ

56) 13 Deborah R. Shergill 16-40252 2nd continued hearing on Trustee's Objection to Confirmation of Chapter 13 Plan; Motion to Dismiss (11); Plan (4); Amended Plan (9)

2nd continued hearing on Debtor's Amended Objection to Proof of Claim filed by Internal Revenue Service (14, 13); Trustee's Response (16); Response of the Internal Revenue (20)

W. S. GARDNER
CHOKSI
STALEY

57) 7 Arthur D. Littlejohn 11-40384 Hearing on Debtor's Motion for Sanctions Against Santander and for Release of Title (58); Response of Portfolio Recovery Associates, LLC (59)

W. S. GARDNER
COOPER, TR.
ZWEIG

58) 13 Daniel R. Mitchell 11-40809 Hearing on Debtor's Motion for
Betty W. Mitchell Approval of Reverse Mortgage Loan
and Authority to Use Portion of
Proceeds to Payoff the Balance Owed
(46)

W. S. GARDNER

59) 13 Lou J. Barrow 12-40558 Hearing on Trustee's Motion to
Dismiss Case or to Modify Plan (42)

W. S. GARDNER

60) 13 Eric A. Yates 13-40001 Hearing on Debtors' Motion for
Sherry B. Yates Hardship Discharge (27); Trustee's
Response (29); Debtors' Certifications
in Support of Motion for Hardship
Discharge (30)

W. S. GARDNER

61) 13 Thomas L. Boheler 13-40606 Hearing on Debtor's motion to
Modify Plan to Approve Trial Loan
Modification Period and Reduce
Payment (30); Trustee's Response (31)

W. S. GARDNER

- 62) 13 Michael F. Reid 13-40643 4th continued hearing on Debtors' Motion to Modify Plan to Approve Loan Modification and to Allow for Reduced Payment During Trial Period and to Disburse Funds (47); Trustee's Response (48)
- Dallas R. Reid
- 5th continued Status Hearing. Order Granting Debtors' Motion to Modify Plan (44, 37)
- 5th continued Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (35)

W. S. GARDNER

- 63) 13 Timothy J. Carter 14-40138 3rd continued hearing for Status. Re: Order Partially Approving Motion to Modify Plan (42)
- Sharon A. Carter

W. S. GARDNER

- 64) 13 Mark J. Mode 14-40374 Hearing on Debtor's Motion to Reconsider Order and Future Default Provision (39); Order (37)

W. S. GARDNER

- 65) 13 William E. Roseboro, Jr. 15-40083 Hearing on Debtor's Motion for Approval of Physical Damage Insurance Settlement regarding Motor Vehicle and Motion for Substitution of Collateral (19); Trustee's Response (20)

W. S. GARDNER

66) 13 Jonathan J. Surratt 15-40197 Hearing on Debtor's Motion to Approve Loan Modification (102); Trustee's Response (106)

Hearing on Trustee's Motion to Dismiss Case (105)

Hearing on Motion of Select Portfolio Servicing, Inc. to Approve Trial Modification Loan Securing Real Property (108); Trustee's Response (109)

W. S. GARDNER

67) 13 Robert B. Devoe 15-40242 Continued hearing on Trustee's Objection to Claim No. 7 [HomeTrust Bank] (41); Response of HomeTrust Bank (43)

Hearing on Debtor's Amended Motion to Modify Chapter 13 Plan (63); Trustee's Response (64)

W. S. GARDNER
PINKSTON

68) 12 Donna L. Khan 15-40270 3rd continued hearing on Second Chapter 12 Plan (29, 28)

5th continued Status Hearing. Re: Trustee's Objection to Confirmation (11)

W. S. GARDNER

69) 13 James E. Jackson 15-40368 2nd continued hearing on Trustee's Motion to Dismiss Case or to Modify Plan (35)

W. S. GARDNER

- 70) 13 Chuck W. Barbee 15-40423 Hearing on Motion to Withdraw as
Tiffany E. Barbee Attorney of Record (24)
- W. S. GARDNER
-
- 71) 13 Arthur P. Earls 15-40466 2nd continued hearing on Trustee's
Jolynne P. Earls Motion to Dismiss Case or to Modify
Plan (18)
- W. S. GARDNER
-
- 72) 13 George T. Lattimore 16-40386 Hearing on Debtor's Objection to
Proof of Claim (9); Response of SN
Servicing Corporation (10)
- Hearing on Motion of Lendmark
Financial Services, LLC for Relief
from Stay (11); Debtor's Response (13)
- W. S. GARDNER
FLETCHER
HILL
-
- 73) 13 Ernest M. Elmore, III 16-40387 Hearing on Trustee's Objection to
Confirmation of Plan; Motion to
Dismiss (14); Amended Plan and Plan
(13, 4)
- Hearing on Objection of USA/IRS to
Confirmation of Plan (15); Amended
Plan and Plan (13, 4)
- W. S. GARDNER
SULLIVAN
-
- 74) 13 Marlon V. Vinson 16-40402 Hearing on Debtor's Motion for Order
Extending Time Within Which to Pay
Remainder of First Payment (18);
Trustee's Response (19)
- W. S. GARDNER
-

75) 13 Stacy T. Henson 16-40388 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (10)
PRO SE

76) 13 Christopher D. Morgan 15-40465 Hearing on Trustee's Motion to Dismiss Case or to Modify Plan (30)
Angela R. Morgan
PRO SE

77) 13 Charles M. Gabriel 16-40479 Court Order for Debtor to Appear and Show Cause for Dismissal of Case (7); Voluntary Petition (1)
PRO SE

10:30 a.m.

78) 7 Katherine M. Brown 16-40335 Continued hearing on Motion of Round Point Mortgage Servicing Corporation for Relief from Stay (10); Debtor's Response (11)
MOORE
HENDERSON, F., TR.
STALEY

79) 7 Timothy S. Harrelson 12-40101 2nd continued hearing on Motion of CitiMortgage, Inc. for Relief from Stay (85); Debtors' Response (88)
Kristina S. Harrelson
W. S. GARDNER
HENDERSON, F., Tr.
EMREY

- 80) 11 Kee-Ledbetter, Inc. 16-40063 4th continue hearing for Final Approval of the Disclosure Statement and the Hearing on Confirmation of the Plan (60); Disclosure Statement (55); Plan (56)
- 2nd continued hearing on Amended Application of HomeTrust Bank for Allowance of Compensation for Services Rendered by Dungan, Kilbourne & Stahl, P.A. and Reimbursement of Expenses (83, 77); Debtor's Response (80)
- Continued hearing on Objection of Home Trust Bank to Confirmation of Plan (82); Plan (76)
- Continued hearing on Motion of Home Trust Bank to Approve Creditor's Plan (87); Plan (86)

BALENTINE
KILBOURNE

- 81) 11 Thompson's Mortuary, Inc. 16-40139 Hearing on Debtor's Motion to Extend Time to Confirm Plan and Set Confirmation Hearing (52)

BALENTINE

- 82) 11 Restoration Properties of Shelby, LLC 15-40163 Status Hearing [relating to Aid of Consummation] (101, 92)

W. S. GARDNER

- 83) 11 Alive Apparel, Inc. 15-40189 3rd continued hearing on Debtor's Amended Chapter 11 Small Business Disclosure Statement (133)
- 4th continued hearing on Debtor's Amended Chapter 11 Small Business Plan (135)
- 9th continued Status Hearing as to Motion of Stephen Carter for Appointment of Independent Trustee (88)

W.S. GARDNER
BALENTINE

- 84) 11 Leonard J. McNeilly 15-40342 Hearing on Application for Final Attorney Fees and Expenses (108)
- Jo Nell N. McNeilly

W. S. GARDNER

1:00 pm

- 85) 7 Glenda K. Hooper 15-40443 3rd continued hearing on Debtor's Motion to Transfer Property Deed in Lieu of Foreclosure (96)

**ALL MATTERS ARE CONTINUED
TO JANUARY 27, 2017 AT 10:30 A.M.**

2nd continued hearing on Debtor's Motion to Declare that Funds are not Property of the Chapter 7 Estate (137)

Hearing on Trustee's Application to Employ Peter Lane as Special Counsel (160)

Hearing on Trustee's Motion for Order Directing Penguin Random House, LLC to Comply with Subpoena (163)

W. S. GARDNER
BOWERS, TR., SIGMON & HENDERSON