

# UNITED STATES BANKRUPTCY COURT

WESTERN DISTRICT OF NORTH CAROLINA  
401 WEST TRADE STREET, ROOM 111  
CHARLOTTE, NORTH CAROLINA. 28202

J. CRAIG WHITLEY  
JUDGE

TELEPHONE (704) 350-7575

## **ANNOUNCEMENT**

In view of the Coronavirus, the Cleveland County Courthouse remains closed. **JUDGE WHITLEY'S MAY 1, 2020 SHELBY DIVISION HEARINGS** will be conducted as follows:

1. Except as provided in paragraph 3(b), **ALL HEARINGS WILL BE CONDUCTED TELEPHONICALLY.** Parties and counsel will not be permitted in the courtroom. Call in information is found below in paragraph 4.
2. ALL PARTIES AND COUNSEL, INCLUDING INDIVIDUALS NOT REPRESENTED BY COUNSEL ("PRO SE PARTIES"), MAY APPEAR TELEPHONICALLY. Represented parties wishing to participate in the hearing should call in with their counsel, on a single telephone line.
3. Exceptions:
  - a) Lengthy hearings: If a hearing will require more than 30 minutes, the parties should confer with one another and then contact chambers (704-350-7575) in advance of the scheduled hearing date for the purpose of obtaining a special setting. Normally, special settings will be heard later in the day of the originally scheduled hearing date. However, if these matters cannot be accommodated on that day, they will be set for another date.
  - b) Evidentiary hearings: If the hearing will require evidence, the parties should first confer with one another and then contact chambers (704-350-7575) in advance of the hearing date to obtain a special setting and to coordinate the presentation of that evidence. Evidentiary hearings will typically be set for a later date and conducted by Skype Business. Counsel and parties should confer and attempt to stipulate to as many of the uncontroverted facts and exhibits, as possible.
4. Call-in & Other Technical Information:
  - a) Parties should call in 15 minutes before the scheduled time of the hearing. When Court begins, the phone lines will be locked.
  - b) The call-in numbers for these hearings are:

**Teleconference Number: 888-684-8852**  
**Access Code: 7389051#**  
**Security Code: 5041#**
  - c) Please call in using a landline, if possible. The use of cell phones is discouraged due to the possibility of dropped connections. If you choose to use a cell phone and the connection is dropped, you will not be able to reconnect to the courtroom.

- d) When Court begins, and UNTIL YOUR CASE IS CALLED, please MUTE your phone. Do not place the call on hold. WHEN YOUR CASE IS CALLED, UNMUTE your phone. The Court will ask for appearances in the case. At that point, state your name and your relationship to the case.
- e) When your case is over, the Judge will tell you when it is appropriate to disconnect. Attorneys having multiple cases should, at the end of their last case, advise the Judge.

If you have questions, please contact chambers at 704-350-7575 or email [hearings@ncwd.net](mailto:hearings@ncwd.net). We appreciate your patience during this unprecedented public health challenge.

***PLEASE SCROLL DOWN TO VIEW THE COURT CALENDAR***

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
SHELBY DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

FRIDAY, MAY 1, 2020

9:30 a.m.

1) 13 Javon D. Patterson 20-40059 Court Order for Debtor to Appear and Show Cause [for failure to disclose filing(s)] (8)

Court Order for Debtor to Appear and Show Cause [for failure to timely pay the filing fee for this case] (16/6)

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2) 13 Emanuel D. Brady, Jr. 17-40442 Continued hearing on Trustee's Motion to Dismiss Case (54)  
Megan Y. Brady

NACHAMIE

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3) 13 Howard S. Inman, Jr. 18-40221 Hearing on Debtors' Motion to Settle Insurance Claim and to Substitute Collateral (30)  
Patricia M. Inman

SIGMON

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4) 13 Timothy N. Burrell 18-40362 3rd continued hearing on Debtor's Motion to Amend Exemption Election (25); Trustee's Response (27)

2nd continued hearing on Trustee's Motion for Status Hearing (47)

Continued hearing on Trustee's Motion to Dismiss Case (64)

CARRUTHERS

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|-----|----|---|----------|---|
| 5)  | 13 | Wanda K. Hilton<br>HAY<br>-----                     | 19-40056 | Continued hearing on Trustee's Motion<br>for Status Hearing (27)  |
| 6)  | 13 | Edna W. Bridges<br><br>BLOSSOM<br>WILLIAMS<br>----- | 19-40111 | Hearing on Trustee's Notice of Suspension<br>of Disbursement on Claim (27); Response<br>of Carefree Rentals, LLC (29)                           |
| 7)  | 13 | Gary M. Davis<br><br>MOORE<br>-----                 | 19-40136 | Hearing on Debtor's Motion for<br>Moratorium (51); Trustee's Response (52)  |
| 8)  | 13 | Jeffrey L. McGalliard<br><br>LEONARD<br>-----       | 19-40410 | Hearing on Trustee's Motion to Dismiss<br>Case (13)   |
| 9)  | 13 | Leta M. Wakefield<br><br>CUMMINGS<br>-----          | 19-40456 | Hearing on Debtor's Motion for<br>Moratorium in Plan Payments (24/22);<br>Trustee's Response (23)   |
| 10) | 13 | Kimberly F. Truelove<br><br>WOOD<br>-----           | 19-40377 | Hearing on Trustee's Motion to Dismiss<br>Case and Modify Plan (21)   |
| 11) | 13 | Brian M. Wright<br><br>WOOD<br>REDMAN<br>-----      | 20-40010 | Hearing on Motion of Consumer Portfolio<br>Services, Inc. for Relief from Automatic<br>Stay and Co-Debtor Stay (24); Debtor's<br>Objection (27) |

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|-----|----|--------------------------------------|----------|---|
| 12) | 13 | Amanda L. Torrez                     | 18-40176 | Hearing on Trustee's Motion to Dismiss Case (39)  |
|     |    | WILLCOX                              |          |   |
|     |    | -----                                |          |   |
| 13) | 13 | Ricko L. Kerlee<br>Barbara G. Kerlee | 18-40188 | Hearing on Trustee's Motion to Dismiss Case (40)  |
|     |    |                                      |          | Hearing on Motion of Home Credit Corporation for Relief from Automatic Stay or for Adequate Protection (41); Debtors' Response (42) |
|     |    | WILLCOX                              |          |   |
|     |    | HILL                                 |          |   |
|     |    | -----                                |          |   |
| 14) | 13 | Lisa R. Alvis                        | 18-40405 | Hearing on Trustee's Motion to Dismiss Case (44)  |
|     |    | WILLCOX                              |          |   |
|     |    | -----                                |          |   |
| 15) | 13 | Walter E. Timmes                     | 19-40239 | Hearing on Trustee's Objection to Claim [New Rez LLC] ( 17); Response of New Rez LLC (21)   |
|     |    | WILLCOX                              |          |   |
|     |    | REDMAN                               |          |   |
|     |    | -----                                |          |   |
| 16) | 13 | Christopher M. Efird                 | 17-40251 | Hearing on Debtor's Motion for Modification (34); Trustee's Response (35)   |
|     |    | CARTER                               |          |   |
|     |    | -----                                |          |   |
| 17) | 13 | Barry E. Taylor<br>Linda M. Taylor   | 17-40396 | Hearing on Debtors' Motion for Payment Moratorium (68); Trustee's Response (69)   |
|     |    | CARTER                               |          |   |
|     |    | -----                                |          |   |

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| 18) | 13 | Lori A. Stearns                           | 17-40452 | Hearing on Debtor's Motion for Payment Moratorium (38); Trustee's Response (39)  |
|     |    | CARTER                                    |          |  |
|     |    | -----                                     |          |  |
| 19) | 13 | Robin J. Daye                             | 19-40170 | Hearing on Motion of North State Acceptance, LLC for Relief from Automatic Stay or for Adequate Protection (31); Debtor's Response (32)                    |
|     |    | CARTER                                    |          |  |
|     |    | HILL                                      |          |  |
|     |    | -----                                     |          |  |
| 20) | 13 | Nancy L. Luckey                           | 19-40444 | Hearing on Debtor's Motion to Approve Trial Mortgage Modification and Plan Modification (17); Trustee's Response (19)                                      |
|     |    | CARTER                                    |          |  |
|     |    | -----                                     |          |  |
| 21) | 13 | Joanna Rybczyk                            | 18-40247 | Hearing on Debtor's Motion for an Accounting; for Sanctions for Failure to Comply with FRBP; and for Sanctions for Stay Violation (33)                     |
|     |    | PLANER                                    |          |  |
|     |    | -----                                     |          |  |
| 22) | 13 | William T. Tallent<br>Margaret N. Tallent | 19-40133 | 2nd continued hearing on Trustee's Motion for Status Hearing (31)  |
|     |    |   |          | Hearing on Debtors' Motion to Approve Agreement Between Debtors and Blue Rock Investments, LLC and the Incurring of Credit Attendant Thereto (39)          |
|     |    | PLANER                                    |          |  |
|     |    | -----                                     |          |  |
| 23) | 13 | Debra P. Goforth                          | 19-40354 | Hearing on Motion of Specialized Loan Servicing, LLC for Relief from Automatic Stay and Co-Debtor Stay or Adequate Protection (21); Debtor's Response (22) |
|     |    | PLANER                                    |          |  |
|     |    | LAMB                                      |          |  |
|     |    | -----                                     |          |  |

24)	13	Wayne E. Degree	19-40435	Hearing on Trustee's Objection to Confirmation of Plan; Motion to Dismiss (10/9/3)
		PLANER		
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25)	13	Kenneth W. Harlow, Jr.	19-40441	Hearing on Debtor's Motion for Loan Modification Management (29); Trustee's Response (31)
		PLANER		
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26)	13	John S. Brooks	19-40447	Hearing on Trustee's Objection to Confirmation of Plan; Motion to Dismiss (12/9/3)
		PLANER		
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27)	13	Mary Ree S. Burgin	16-40012	Hearing on Trustee's Motion to Dismiss Case (27)
		FARMER		
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28)	13	Yee Thao Mee Lor Thao	16-40527	Hearing on Trustee's Motion to Dismiss Case (60)
		FARMER		
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29)	13	David A. Greene	17-40176	Hearing on Trustee's Motion to Dismiss Case (44)
		FARMER		
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30)	13	Karl W. Brace	17-40324	Hearing on Trustee's Motion to Dismiss Case (37)
		FARMER		
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- 31) 13 Roger B. Walker 17-40343 Hearing on Trustee's Motion to  
Tammy W. Walker Dismiss Case (26)
- FARMER
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- 32) 13 Darrell D. Heusinkveld 17-40383 Continued hearing on Trustee's Motion to  
Dismiss Case (41)
- Hearing on Debtor's Motion to Modify  
Chapter 13 Plan to Surrender Collateral  
and Reduce Plan Payments (44); Trustee's  
Response (46)
- FARMER
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- 33) 13 Dale S. Roberson 19-40051 Hearing on Trustee's Motion to Dismiss  
Lois E. Roberson Case (25)
- FARMER
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- 34) 13 Gregory A. Freeman 19-40106 Continued hearing on Trustee's Motion to  
Dismiss Case (44)
- FARMER
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- 35) 13 Johnny E. Rhodes, III 19-40108 Continued hearing on Trustee's Motion to  
Dismiss Case (22)
- FARMER
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- 36) 13 Jeffrey L. Little 19-40352 Continued haring on Objection of Wells  
Anita G. Little Fargo Bank, N. A. to Confirmation of  
Plan (23/18)
- Hearing on Debtors' Motion to Modify  
Chapter 13 Plan (30)
- FARMER  
JONAS
-



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|-----|----|---------------------------------------|----------|---|
| 37) | 13 | Mary E. Curry                         | 16-40036 | Hearing on Trustee's Motion to Dismiss Case (46)  |
|     |    | LUTZ                                  |          |   |
|     |    | -----                                 |          |   |
| 38) | 13 | Casey J. Huntley<br>Susan R. Huntley  | 17-40053 | Hearing on Debtors' Motion for Authority to Approve Purchase <i>Nunc Pro Tunc</i> (28/29)   |
|     |    | LUTZ                                  |          |   |
|     |    | -----                                 |          |   |
| 39) | 13 | James R. Boheler<br>Brenda D. Boheler | 17-40211 | Hearing on Debtors' Motion to Retain Insurance Proceeds and Substitute Collateral (27); Response of Santander Consumer USA, Inc. (30) |
|     |    | LUTZ<br>KEENAN                        |          |   |
|     |    | -----                                 |          |   |
| 40) | 13 | Jimmy L. Lawrence                     | 17-40216 | Hearing on Trustee's Motion to Dismiss Case (33)  |
|     |    | LUTZ                                  |          |   |
|     |    | -----                                 |          |   |
| 41) | 13 | Nicholas J. Causby                    | 18-40008 | Hearing on Trustee's Motion to Dismiss Case (38)  |
|     |    | LUTZ                                  |          |   |
|     |    | -----                                 |          |   |
| 42) | 13 | Kathy A. Tonelis                      | 18-40086 | Hearing on Motion of Wells Fargo Bank, N.A. for Relief from Automatic Stay or, in the Alternative, Adequate Protection (32)           |
|     |    | LUTZ<br>JONAS                         |          |   |
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| 43) | 13 | Kenneth E. Moore<br>Keisha A. Moore   | 18-40092 | 2nd continued hearing on Motion of Fay Servicing, LLC for Relief from the Automatic Stay or, in the Alternative, Adequate Protection (73); Debtors' Objection (74) |
|     |    | LUTZ<br>VINING<br>-----               |          |  |
| 44) | 13 | Sandra C. Davis                       | 18-40337 | Hearing on Debtor's Motion to Modify (37); Trustee's Response (38)   |
|     |    | LUTZ<br>-----                         |          |  |
| 45) | 13 | James P. Toole, III<br>Karen R. Toole | 18-40427 | Continued hearing on Trustee's Motion to Dismiss Case (32)   |
|     |    | LUTZ<br>-----                         |          |  |
| 46) | 13 | Travis L. Goble<br>Melissa S. Goble   | 18-40429 | Continued hearing on Trustee's Motion to Dismiss Case (27)   |
|     |    | LUTZ<br>-----                         |          |  |
| 47) | 13 | Debbie L. Braswell                    | 19-40149 | Continued hearing on Trustee's Amended Motion to Dismiss or Modify Plan (31/20)  |
|     |    | LUTZ<br>-----                         |          |  |
| 48) | 13 | Michael J. Mintz                      | 19-40001 | Hearing on Trustee's Motion to Dismiss Case (31)   |
|     |    | LUTZ<br>-----                         |          |  |
| 49) | 13 | Carla L. Keeter                       | 19-40012 | Continued hearing on Trustee's Motion to Dismiss Case (27)   |
|     |    | LUTZ<br>-----                         |          |  |

- 50) 13 Edwin C. Howard 19-40233 Continued hearing on Trustee's Motion to Dismiss Case (15)  
Linda H. Howard  
LUTZ  
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- 51) 13 Rochelle M. Avant 20-40023 Hearing on Trustee's Objection to Confirmation of Plan; Motion to Dismiss (11/10/2)  
LUTZ  
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- 52) 13 Larry B. Ware 20-40035 Hearing on Objection of Wells Fargo Bank, N.A. to Confirmation of the Chapter 13 Plan (12/2)  
LUTZ  
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- 53) 12 Katherine M. Pfaff 12-40126 Court ordered status hearing regarding Motion for Discharge and Motion for Sanctions (133/118/113)  
W. S. GARDNER  
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- 54) 13 Joseph A. Ledford 15-40436 Hearing on Debtors' Motion to Approve 401(K) Distribution and Use of Funds (40)  
Donna L. Ledford  
W. S. GARDNER  
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- 55) 13 Rellie McDowell, Jr. 16-40339 Hearing on Debtors' Motion to Modify Plan to Lower Plan Payment (47); Linda L. McDowell Trustee's Response (49)  
W. S. GARDNER  
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- 56) 13 Marlon V. Vinson 16-40402 Hearing on Trustee's Motion to Dismiss Case (40)  
W. S. GARDNER  
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- 57) 13 Dimitrios N. Mantis 17-40031 Hearing on Debtor's Motion to Allow Moratorium/Modification as to Plan Payments (2); Trustee's Response (31)  
W. S. GARDNER  
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- 58) 13 Angela L. Beam 18-40251 4th continued hearing on Trustee's Motion to Dismiss Case (29)  
W. S. GARDNER  
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- 59) 13 Melissa A. Vega 18-40460 Hearing on Trustee's Motion to Dismiss Case (49)  
W. S. GARDNER  
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- 60) 13 Sherre L. DeMao 18-40464 Continued hearing on Trustee's Motion to Dismiss Case (19)  
  
Hearing on Debtor's Motion to Allow Moratorium/Modification as to Plan Payments (28); Trustee's Response (29)  
W. S. GARDNER  
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- 61) 13 Bobby E. Williams 19-40150 Continued hearing on Debtor's Motion to Reconsider Order of Dismissal (45/42); Trustee's Response (46)  
W. S. GARDNER  
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- 62) 13 Sadie J. Pryor 19-40198 Hearing on Trustee's Motion for Status Hearing (34)  
W. S. GARDNER  
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- 63) 13 Beverley P. Burns 19-40272 Continued hearing on Motion of RTO Group, LLC for Relief from Automatic Stay (33); Debtor's Objection (37)  
  
Hearing on Trustee's Motion to Dismiss Case (43)  
  
W. S. GARDNER  
WILLIAMS  
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- 64) 13 Linda S. Denny 19-40434 2nd continued hearing on Trustee's Amended Objection to Confirmation of Plan; Motion to Dismiss (15/10)  
  
W. S. GARDNER  
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- 65) 13 Margaret L. Freeman 19-40467 Continued hearing on Trustee's Motion to Dismiss Case (19)  
  
Hearing on Trustee's Objection to Confirmation of Plan (29/24/14)  
  
W. S. GARDNER  
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- 66) 13 Darryl J. Wilburn 20-40003 Hearing on Debtor's Objection to Claim of NC Department of Revenue (14)  
  
PLANER  
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- 67) 13 Mark E. Wyatt 20-40022 Hearing on Trustee's Objection to Confirmation of Plan; Motion to Dismiss (20/9)  
  
W. S. GARDNER  
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- 68) 13 Vernon L. Dusenbury, Jr. 20-40024 Objection of Specialized Loan Servicing, LLC to Confirmation (19/12)  
  
W. S. GARDNER  
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69) 13 Doris B. Clary 20-40043 Continued Court Order for Debtor to  
Appear and Show Cause (5/1)  
W. S. GARDNER

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70) 13 William T. Patterson, II 20-40045 Hearing on Objection of Bank OZK to  
Confirmation of Chapter 13 Plan (9/2);  
Debtor's Response (10)

W. S. GARDNER

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10:30 a.m.

71) 11 Garry W. Beam 16-40485 3rd continued hearing on Motion of the  
Debra H. Beam United States to Dismiss for Failure to File  
Plan or Disclosure Statement (124/122)

Hearing on Motion of Buford A. Tyler, Jr.  
for Conversion or Dismissal (210)

JOHNSON  
SULLIVAN  
SHELTON

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72) 7 Joel E. White 20-40057 Hearing on Debtor's Motion to Conduct  
341 Hearing Through Written  
Interrogatories (6)

LUTZ  
SUMMERLIN, TR.

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