



**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SAN FERNANDO VALLEY DIVISION**

In re:

Leonor C Zimmerman

Debtor(s).

Case No.: 1:11-bk-14045-GM

CHAPTER 11

**COURT WRITTEN TENTATIVE RULING
REGARDING MOTION FOR RELIEF FROM
THE AUTOMATIC STAY BY WEBER WAY
LJM, LLC**

Date: July 8, 2014
Time: 10:00 a.m.
Courtroom: 303

Service: Ok.

Background:

Leonor C. Zimmerman (“Debtor”) filed a voluntary Chapter 11 petition on April 1, 2011. On May 8, 2012, Debtor filed a Second Amended Modified Chapter 11 Plan of Reorganization (“Plan”). The Plan was confirmed on June 29, 2012. Under the Plan, Class #8, First Citizens Bank & Trust Company (“FCB”) was a senior secured lender holding a lien on property located at 12838 Webber Way, Hawthorne, California. FCB was to receive monthly mortgage payments in the amount of \$6,974.19 commencing April 1, 2012. Additionally, it was to receive monthly arrearage payments in the amount of \$3,060.47 commencing April 1, 2012. However, prior to confirmation of the Plan and as of May 8, 2012, Debtor decided to abandon the Weber Way Property back to FCB.

On January 7, 2013, an Order was entered Granting Final Decree and Closing Chapter 11 Case. On February 13, 2013, an Order was entered Amending the Order

1 Confirming the Debtor's Second Amended Modified Chapter 11 Plan so that a
2 Discharge may be Granted.

3 Motion for Relief from Stay:

4 On June 10, 2014, Weber Way LJM, LLC, filed a Motion for Relief from the
5 Automatic Stay under 11 U.S.C. §362(d)(1) and (d)(2)(A). The Weber Way property is
6 the subject of this Motion. Movant, Weber Way LJM, contends that it is the assignee of
7 the original holder's interest in the Weber Way Property. Movant contends it is not
8 adequately protected. Moreover, Weber Way LJM contends that Debtor has no equity
9 in the property and the property is not necessary to an effective reorganization.

10 According to Weber Way LJM, the fair market value of the Weber Way Property
11 is \$1,700,000. Weber Way LJM contends it is owed \$1,766,217.03. Further, Movant
12 contends no post-petition payments have been made.

13 Analysis:

14 Weber Way LJM attaches various deeds which ultimately evidences the transfer
15 of the Weber Way Property to Weber Way LJM. Based on the Assignment of Deed of
16 Trust, Debtor executed a Deed with Temecula Valley Bank on November 3, 2008 for the
17 Weber Way Property. This Deed was subsequently assigned to FCB. FCB then
18 assigned its interest in the Property to Beverly Palm Properties. Finally, on May 8,
19 2014, Beverly Palm Properties granted the Property to Weber Way LJM. See, Exh. 5 to
20 Motion for Relief from Stay.

21 Pursuant to the confirmed Plan, the confirmation of the Plan reverts all of the
22 property of the estate in the Debtor. Moreover, pursuant to the Plan, the Weber Way
23 Property was abandoned back to FCB on May 8, 2012.

24 Pursuant to 11 USC §362(c), the stay of an act against property of the estate
25 terminates when the property is no longer property of the estate. This property was
26 removed from the estate by the terms of the Plan and therefore this motion appears
27 merely to be a request for a "comfort order," which is frowned on by the Court.

28 Therefore, based on the terms of the confirmed Plan, it appears there are no
grounds to approve relief from the automatic stay as no automatic stay exists and the
Weber Way Property is no longer part of Debtor's estate and the Debtor has not interest
in it.

No appearance necessary if you submit on the tentative ruling. Except in the case of a trustee's final
report and simultaneous hearing on applications for approval of professional fees, the prevailing party is
to lodge a proposed order in conformance with this tentative ruling within seven court days after the
hearing, serving all interested parties with a copy of the proposed order.

Date: July 11, 2014



Geraldine Mund
United States Bankruptcy Judge