

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>COURT PREPARED ORDER</p> <p><input type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for Movant</p>	<p>FOR COURT USE ONLY</p> <div data-bbox="1047 262 1437 535"><p>FILED & ENTERED</p><p>MAY 31 2016</p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY bakchell DEPUTY CLERK</p></div>
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA –<u>Los Angeles</u> DIVISION</p>	
<p>In re:</p> <p>HELEN FUNG,</p> <p>Debtor(s).</p>	<p>CASE NO.: 2:16-bk-15784-RK CHAPTER: 7</p> <p>ORDER GRANTING MOTION FOR ORDER IMPOSING A STAY OR CONTINUING THE AUTOMATIC STAY</p> <p>DATE: May 31, 2016 TIME: 11:00 a.m. COURTROOM: 1675 PLACE: 255 E. Temple Street Los Angeles, CA 90012</p>
<p>Movant (name): Helen Fung</p>	

1. The Motion was: ☒ Opposed ☐ Unopposed ☐ Settled by stipulation

2. The Motion affects the following property (Property): All property of the estate.

☐ Vehicle (describe year, manufacturer, type and model):

Vehicle identification number:

Location of vehicle (if known):

☐ Equipment (describe manufacturer, type, and characteristics):

Serial numbers(s):

Location (if known):

☐ Other personal property (*describe type, identifying information, and location*):

☐ Real property:

Street Address:

Unit Number:

City, State, Zip Code:

Legal description or document recording number (*including county of recording*):

☐ See attached page.

3. The Motion is granted on the grounds that:

- a. ☒ The present case was filed in good faith.
- b. ☐ The Property is of consequential value or benefit to the estate.
- c. ☐ The presumption of bad faith under 11 U.S.C. § 362(c)(3)(C)(i) or (c)(4)(D)(i) has been overcome as to all creditors.
- d. ☐ The presumption of bad faith as to the Secured Creditor/Lessor under 11 U.S.C. § 362(c)(3)(C)(ii) or (c)(4)(D)(ii) has been overcome.

4. The stay of 11 U.S.C. § 362(a) is

- a. ☒ Imposed as to all creditors until further order of the court.
 - b. ☐ Imposed as to the Secured Creditor/Lessor with respect to actions to collect the debt owed to the Secured Creditor/Lessor until further order of the court.
 - c. ☐ Imposed as to the Secured Creditor/Lessor with respect to the Property until further order of the court.
 - d. ☐ Continued as to all creditors until further order of the court.
 - e. ☐ Continued in effect as to the Secured Creditor/Lessor with respect to actions to collect the debt owed to the Secured Creditor/Lessor until further order of the court.
 - f. ☐ Continued in effect as to the Secured Creditor/Lessor with respect to the Property until further order of the court.
5. ☐ The stay shall be imposed or continued in effect subject to the terms and conditions set forth in the Adequate Protection Attachment to this order.
6. ☐ See attached continuation page for additional provisions.

See continuation of the court's ruling on the next page.

The court declines to grant Debtor's request in her motion to reimpose the automatic stay as to the property located at 286 Hazelridge Dr., Rancho Palos Verdes, CA 90275, because: (1) the court by Judge Zurzolo in debtor's prior bankruptcy case, No. 2:15-bk-21213 VZ Chapter 13 (Bankr. C.D. Cal., stay relief order entered on August 28, 2015), granted in rem stay relief pursuant to 11 U.S.C. 362(d)(4), which is a final order of the court and has res judicata effect, and evidence in opposition to the motion indicates that this stay relief order was duly recorded as required by the order; and (2) the property was sold in a foreclosure sale on or about October 8, 2015 before the debtor's bankruptcy petition was filed in this case, which apparently shows that the property is not an asset of this bankruptcy estate (however, the court does not reach the merits of any claim that there was a wrongful foreclosure since such a claim is not properly before the court on this motion). See, *In re Perl*, 811 F.3d 1120 (9th Cir. 2016).

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Date: May 31, 2016



Robert Kwan
United States Bankruptcy Judge