

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION**

In re:  
Juana Mateo De Matias,

Case No.: 2:23-bk-10334-NB  
Chapter: 13

Debtor(s)

**MEMORANDUM DECISION RE  
DISMISSAL WITH A BAR TO BEING A  
DEBTOR IN BANKRUPTCY**

Hearing Date:  
Date: May 4, 2023  
Time: 9:30 a.m.  
Place: Courtroom 1545  
255 E. Temple Street  
Los Angeles, CA 90012  
(or via Zoomgov per posted procedures)

On May 8, 2023, this Bankruptcy Court entered an order dismissing this case with a 180-day bar to being a debtor in bankruptcy pursuant to 11 U.S.C. § 109(g). Dkt. 45 (the “Dismissal Order”). This Memorandum Decision explains this Bankruptcy Court’s rationale for dismissing this case and imposing a refiling bar.

**1. Background**

**a. History of bankruptcy filings**

Prior to Debtor filing this bankruptcy case, Debtor’s husband, Andres Matias, filed three unsuccessful bankruptcy cases. See 2:18-bk-13504-WB (filed 3/29/18, dismissed

1 8/16/22); 2:21-bk-11210-WB (filed 2/16/21, dismissed 5/6/21); 2:22-bk-16427-WB (filed  
2 11/22/22, dismissed 2/2/23). In each case Mr. Matias listed his residence as 426 W 81<sup>st</sup>  
3 Street, Los Angeles, CA 90003 (the “Property”) and in two of those cases he asserted a  
4 fee simple ownership interest in the Property. See 2:18-13504-WB, dkt. 1, PDF p. 11 &  
5 2:22-bk-16427-WB, dkt. 12, PDF p. 4. Mr. Matias’ most recent bankruptcy case (2:22-  
6 bk-16427-WB) was dismissed at his own request after he filed a “Motion for Voluntary  
7 Dismissal of Chapter 13 Case” on January 24, 2023 (*id.*, dkt. 35, the “Dismissal Motion”)  
8 on the grounds that he intended to “negotiate direct [sic] with secured creditors.” *Id.*, p.  
9 2, para. 4. Notwithstanding this stated intent, on January 21, 2023 – three days prior to  
10 Mr. Matias’ filing of the Dismissal Motion and two days prior to a scheduled foreclosure  
11 sale – Debtor filed the above-referenced case with assistance from the same  
12 bankruptcy counsel assisting Mr. Matias.

13 **b. Inaccurate bankruptcy schedules**

14 This Bankruptcy Court has reviewed Debtor’s Bankruptcy Schedules and the  
15 documents filed in this bankruptcy case and Mr. Matias’ bankruptcy cases. Based on  
16 that review, it appears Debtor’s Bankruptcy Schedules are inaccurate and/or  
17 misleading, despite being signed under penalty of perjury. For example, Debtor’s  
18 Schedule A/B asserts a fee simple ownership interest in the Property (dkt. 7, PDF p. 4),  
19 but Debtor is not the borrower or on title. See dkt. 31, Ex. 1 (Note), Ex. 2 (Deed of  
20 Trust), Ex. 4 (Loan Modification Agreement). Debtor’s Schedule H does not identify Mr.  
21 Matias as a co-borrower, but Mr. Matias signed the Note, Deed of Trust and Loan  
22 Modification Agreement. *Id.* & dkt. 7, PDF p. 16. More issues exist that this Bankruptcy  
23 Court will not detail, but the point is that these issues make it difficult for this Bankruptcy  
24 Court or other parties in interest to rely on the information provided.

25 **c. No attempt to value the Property**

26 Debtor’s original and amended plans (dkt. 8, PDF pp. 2, 6 & dkt. 20, PDF p. 2, 6)  
27 state that Debtor intends to file a motion to value the Property pursuant to 11 U.S.C. §  
28 506(a) and (d), but Debtor never filed a motion to value or otherwise addressed how

1 someone who is not on the loan would have the ability to modify the repayment terms or  
2 otherwise deal with the secured debt on the Property.

3 **d. Failure to pay pre-confirmation plan payments**

4 At the above-referenced date and time this Bankruptcy Court held a confirmation  
5 hearing in this case. Appearances were as noted on the record. Counsel for the  
6 Chapter 13 Trustee requested dismissal of this case, in part, on the grounds that Debtor  
7 had failed to pay all required pre-confirmation plan payments.

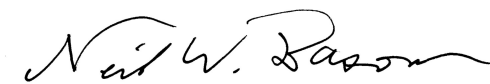
8 **2. Analysis**

9 For all of the foregoing reasons, this Bankruptcy Court finds and concludes that  
10 dismissal of this case is proper pursuant to 11 U.S.C. § 1307(c) (dismissal for “cause”),  
11 (c)(1) (“unreasonable delay by the debtor that is prejudicial to creditors”) and (c)(4)  
12 (“failure to commence making timely payments under section 1326 of this title”).

13 This Bankruptcy Court further finds and concludes that Debtor has willfully failed  
14 to appear in proper prosecution of this case pursuant to 11 U.S.C. § 109(g)(1) so it is  
15 appropriate to impose a 180-day bar to being a debtor in bankruptcy, effective as of the  
16 date of entry of the Dismissal Order.

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24 Date: May 12, 2023



Neil W. Bason  
United States Bankruptcy Judge

**CERTIFICATE OF SERVICE**

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I, the below-named deputy clerk of the United States Bankruptcy Court, certify that I placed a true and correct copy of the attached document in a sealed envelope for collection and mailing, no later than the next business day that is not a court-observed holiday, in the United States mail, first class, postage prepaid, and addressed as follows:

Debtor  
Juana Mateo De Matias  
426 W 81<sup>st</sup> Street  
Los Angeles, CA 90003

Service information continued on attached page

Date: 5/12/2023      Signature:           /s/ Sharon Sumlin            
Deputy Clerk [*printed name*]:           Sharon Sumlin