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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re: Tammie Larae Bowser, Debtor(s)	Case No.: 2:25-bk-21068-NB Chapter: 7 **MEMORANDUM DECISION GRANTING CHAPTER 7 TRUSTEE'S MOTION OBJECTING TO DEBTOR'S CLAIMED HOMESTEAD EXEMPTION** Hearing: Date: June 2, 2026 Time: 11:00 a.m. Place: Courtroom 1545 255 E. Temple Street Los Angeles, CA 90012 (or via Zoomgov per posted procedures)

At the time and place set forth in the caption above, this Court conducted a hearing on the "Motion Objecting to Debtor's Claimed Homestead Exemption" (dkt. 90, the "Trustee's Motion") of John P. Pringle in his capacity as the Chapter 7 Trustee (the "Trustee") of the bankruptcy estate of the above-captioned Debtor. Appearances were as noted on the record. At the conclusion of the hearing, this Court took the matter under submission. For the reasons set forth below, Trustee's Motion is granted, Debtor's claimed homestead exemption against the Magnolia House (defined below) is

disallowed, and Debtor's exemption against the Fairview House (defined below) is allowed in the amount of $722,570.00.

1. BACKGROUND

a. Debtor's bankruptcy case

On December 9, 2025 (the "Petition Date"), Tammie Larae Bowser ("Debtor") filed a voluntary Chapter 13 bankruptcy petition and her original Bankruptcy Schedule C. *See* Petition and Sch. C (PDF p. 1 and 17, respectively, of dkt. 1). Debtor's original Bankruptcy Schedule C claimed a homestead exemption of $722,502.00 against the real property located at 704 Fairview Avenue, South Pasadena, CA 91030 (the "Fairview Property") pursuant to CCP § 704.730. *See* Sch. C p.1 (PDF p. 17 of dkt. 1).

On January 27, 2026, this case was converted to chapter 7 and John P. Pringle was duly appointed to serve as the Trustee. *See* dkt. 32. He continues to act in that capacity.

On January 27, 2026, Debtor filed her first amended Bankruptcy Schedule C, which claimed a homestead exemption of $743,681.08 against the Fairview Property pursuant to CCP § 704.730(a)(2). *See* First Am. Sch. C p. 1 (PDF p. 19 of dkt. 26).

The matter was fully briefed (dkt. 90, 97, and 104) and, at the above-captioned hearing, this Court took the matter under submission.[1]

On June 5, 2026, after this matter was taken under submission, Debtor filed her second amended Bankruptcy Schedule C, which claimed a reduced homestead exemption of $722,570.00 against the Fairview Property pursuant to CCP § 704.730(a)(2). *See* Second Am. Sch. C p. 1 (PDF p. 3 of dkt. 165).

Debtor did not expressly identify the real property located at 1101 Magnolia Street, South Pasadena, CA 91030 in her original or amended schedules, including in her original, first amended, and second amended Bankruptcy Schedule C. *See* dkt. 1, 26, and 125.

[1] Debtor's filings at dkt. 111, 116, 117, 127, 129, 136, 143, and 186 are stricken as unauthorized. Alternatively and additionally, this Court has reviewed those filings and they do not change the outcome.

b. Trustee's Objection to Debtor's Homestead Exemption

On May 6, 2026, Trustee filed the Trustee's Motion. Dkt. 90. The Trustee's Motion concerns Debtor's claimed homestead as it relates to Debtor's duplex. The duplex consists of two separates houses: (a) the house with address 704 Fairview Avenue, South Pasadena CA 91030 (the "Fairview House") and (b) the house with address 1101 Magnolia Street, South Pasadena, CA 91030 (the "Magnolia House").

As to the duplex, the following relevant facts are undisputed:

- The Fairview House and the Magnolia House are separate from each other and share a single lot and APN. *See Neiman Decl.* (dkt. 90) p. 17:15-16; Debtor's Opposition (dkt. 97) p. 4.
- Debtor only resides in the Fairview House. *See* Tr. (3/5/26) p. 30:22-24 (PDF p. 32 of dkt. 90) ("There are two houses on a lot . . . I reside in one and my daughter resides in the other."); and Tr. (3/5/26) p. 31:23 (PDF p. 33 of skt. 90) ("I reside in 704."); *Bowser Decl.* (dkt. 97) p. 25, ¶ 2.
- Debtor's daughter has resided in the Magnolia House since July 2025. *See* Tr. (3/5/26) p. 31:24-32:1 (PDF p. 31-32 of dkt. 90); *Bowser Decl.* (dkt. 97) p. 25, ¶ 2.
- Prior to Debtor's daughter residing in the Magnolia House, the Magnolia House was rented to a tenant. *See* Tr. (3/5/26) p. 32:1-2 (PDF p. 32 of dkt. 90).

By the Trustee's Motion, Trustee seeks an order (y) disallowing the Debtor's claimed homestead exemption on the Magnolia House; and (z) reducing the allowed exemption against the Fairview House to $722,570.00.

2. JURISDICTION, AUTHORITY, AND VENUE

This Bankruptcy Court has jurisdiction, and venue is proper, under 28 U.S.C. §§ 1334 and 1408. This is a "core" proceeding in which this Bankruptcy Court has the authority to enter a final judgment or order under 28 U.S.C. § 157(b)(2)(B). *See generally Stern v. Marshall*, 131 S. Ct. 2594 (2011); *In re Deitz*, 469 B.R. 11 (9th Cir.

BAP 2012) (discussing *Stern*); *In re AWTR Liquidation, Inc.*, 547 B.R. 831 (Bankr. C.D. Cal. 2016) (same). Alternatively, the parties have expressly or implicitly consented to this Bankruptcy Court's entry of a final judgment or order. *See Wellness Intern. Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015); *and see In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013). *See also* Rules 7008 & 7012(b) (Fed. R. Bankr. P.); LBR 9013-1(c)(4)&(f)(3).[2]

3. DISCUSSION

a. The Trustee's Motion Is Granted

i. Applicable Standard

A debtor's right to claim an exemption is fixed as of the petition date. *See In re Anderson*, 613 B.R. 279, 282 (9th Cir. BAP 2020) citing *In re Jacobson*, 676 F.3d 1192, 1199 (9th Cir. 2012).

California Code of Civil Procedure ("CCP") § 704.710(c) defines "homestead" as follows:

> "Homestead" means the *principal dwelling* (1) in which the judgment debtor or the judgment debtor's spouse resided on the date the judgment creditor's lien attached to the dwelling, and (2) in which the judgment debtor or the judgment debtor's spouse resided continuously thereafter until the date of the court determination that the dwelling is a homestead. [CCP 704.710] (emphasis added).

"Dwelling" is defined as "a place where a person resides. . . ." CCP § 704.710(a)(1) (emphasis added).

According to the California Supreme Court, the homestead "must be resided upon and used as such. . . ." *Gregg v. Bostwick*, 33 Cal. 220, 228 (1867). *Gregg* remains good law. *See Bond v. CIT Group/Sales Financing, Inc. (Bond)*, 2006 WL 6810941, at *5 (9th Cir. BAP Apr. 26, 2006). Moreover, in *Bond,* the Bankruptcy Appellate Panel for the Ninth Circuit (the "BAP") recognized that property surrounding

[2] Unless the context suggests otherwise, a "chapter" or "section" ("§") refers to the United States Bankruptcy Code, 11 U.S.C. § 101 et seq. (the "Code"), a "Rule" means the Federal Rules of Bankruptcy Procedure or other federal or local rule, and other terms have the meanings provided in the Code, Rules, and the parties' filed papers.

the principal residence "cannot be protected by the homestead if [it is] neither necessary nor convenient for the enjoyment of the home." *See id.*

More recently, in *Rey*, the Ninth Circuit BAP held that a debtor's homestead exemption under CCP § 704.730 was limited to the house and land that the debtor used as his or her residence, and did not extend to a separate dwelling. *In re Rey*, 657 B.R. 634 (BAP 9th Cir. 2024).

A claimed exemption is "presumptively valid." *In re Diener*, 483 B.R. 196, 203 (9th Cir. BAP 2012) (citing *In re Carter*, 182 F.3d 1027, 1029 n.3 (9th Cir. 1999)). Once an exemption has been claimed, it is the objecting party's burden to prove by a preponderance of the evidence that the exemption is not properly claimed. *Id.* (citing Rule 4003(c) (Fed. R. Bankr. P.); *In re Kelley*, 300 B.R. 11, 17 (9th Cir. BAP 2003)). Initially, this means that the objecting party has the burden of production and the burden of persuasion. *In re Carter*, 182 F.3d at 1029 n.3. The objecting party must produce evidence to rebut the presumptively valid exemption. *Id.* If the objecting party can produce evidence to rebut the presumption, the burden of production then shifts to the debtor to come forward with unequivocal to demonstrate that the exemption is proper. *Id.* The burden of persuasion, however, always remains with the objecting party. *Id.*

Notwithstanding the foregoing general rules, this Court is still bound by the standard rule of statutory construction that the specific prevails over the general. Because California has "opted out" of the federal exemption scheme, and because CCP § 703.580(b) places the burden of proof on the party claiming the exemption, Debtor bears the burden to prove that she is entitled to assert any California exemptions, including CCP § 704.710(a)(1). *See In re Diaz*, 547 B.R. 329, 336-37 (9th Cir. BAP 2016). Alternatively, this Court would reach the same result regardless of which party bore the burden of proof.

ii. Debtor's Claimed Homestead Exemption Against the Magnolia House Must Be Disallowed

The undisputed evidence establishes that the Magnolia House was not Debtor's homestead as of the Petition Date. As set forth above, under *Rey,* the allowance of Debtor's claimed homestead exemption turns on Debtor's use of the property. *See In re Rey,* 657 B.R. 634 (BAP 9th Cir. 2024). It is undisputed that Debtor did not use the Magnolia House as her residence on the Petition Date. Rather, Debtor resided in the Fairview House, which is separate from the Magnolia House. Debtor's daughter resided in the Magnolia House, where Debtor's daughter has resided since July 2025 (pre-petition). These key facts are not just undisputed; they are admitted by Debtor, including under oath at her March 5, 2026, 341(a) examination. Moreover, there is no evidence or factual allegation in the record that contends otherwise regarding the use of the Fairview and Magnolia Houses.

Debtor's arguments that the homestead exemption should extend to the Magnolia House are immaterial to the foregoing analysis. *See* Debtor's Opposition (dkt. 97). Debtor's argument that CCP 704.730(a)(1) defines the homestead to include "all contiguous land on which the dwelling is situated" is inaccurate. *See* dkt. 97 (Debtor's Opposition) p. 13. CCP 704.730 contains no such language and, in fact, addresses the amount of the homestead exemption, not its scope. "Homestead" is defined under CCP 704.710(c) and contains no such language.

iii. Debtor's Claimed Homestead Exemption Against the Fairview House Is Allowed In the Amount of $722,570.00

Trustee's Motion requests that Debtor's claimed homestead exemption against the Fairview House be reduced from $743,681.08 to $722,570.00. *See* Trustee's Motion (dkt. 90) p. 9:23-10:2. After Trustee's Motion was filed, Debtor filed her second amended Bankruptcy Schedule C, which claimed a reduced homestead exemption of $722,570.00 against the Fairview Property pursuant to CCP § 704.730(a)(2). *See* Second Am. Sch. C p. 1 (PDF p. 3 of dkt. 165). The Court construes Debtor's second

amended Bankruptcy Schedule C and lack of opposition to Trustee's Motion on this point as consent to the requested relief. Additionally and alternatively, any argument that the homestead exemption should be a different amount has been waived and/or forfeited.

4. CONCLUSION

For the reasons set forth above, this Court grants Trustee's Motion. This Court will prepare and issue a separate order implementing this Memorandum Decision.

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Date: September 18, 2026

Neil W. Bason
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

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 (at address of record)
Tammie Larae Bowser
PO Box 3583
South Pasadena, CA 91030

[Other parties in interest to be served via Notice of Electronic Filing]

☐ Service information continued on attached page

Date: 9/18/2026 Signature: /s/ Sonny Milano

Deputy Clerk [*printed name*]: Sonny Milano