



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

In re:  
Alexey Ott,

Case No.: 2:25-bk-21229-NB  
Chapter: 13

Debtor.

**ORDER: (1) CONTINUING HEARING ON DEBTOR’S MOTION FOR CONTEMPT AND (2) SETTING DEADLINE FOR CANYON VIEW TO FILE A MOTION TO RETROACTIVELY ANNUL THE AUTOMATIC STAY AND/OR OTHER RESPONSIVE PAPERS**

Prior Hearings on Motion for Contempt:  
Date: January 6, February 10, and February 24, 2026  
Time: 10:00 a.m. and 11:00 a.m.

Continued Hearing on Motion for Contempt:  
Date: April 21, 2026  
Time: 10:00 a.m.  
Place: Courtroom 1545  
255 E. Temple Street  
Los Angeles, CA 90012  
(or via Zoomgov per posted procedures)

On December 18, 2025, Alexey Ott (“Debtor”) filed a motion seeking contempt sanctions for alleged violation of the automatic stay of § 362(a)<sup>1</sup> (dkt. 9, the “Motion for

<sup>1</sup> 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

1 Contempt”). That motion is part of a long history of litigation involving (x) a  
2 manufactured home (the “Manufactured Home”), (y) the mobile home site on which it  
3 has been located, at 19936 Northcliff Drive, Space 168, Santa Clarita, California 91351  
4 (the “Land”), and (z) mobile home park operator Canyon View Limited dba Canyon View  
5 Estates (“Canyon View”). That litigation includes extensive proceedings in a bankruptcy  
6 case filed on August 22, 2025, by Debtor’s parents, Lada Ott and Andrey Ott (Case No.  
7 2:25-bk-17321-VZ, the “Parents’ Case”).

### 8 **1. Background**

9 The Land itself is not presently at issue in this case. But this Court notes that on  
10 March 27, 2025, Canyon View obtained a judgment for possession of the Land from the  
11 Superior Court of California for the County of Los Angeles.<sup>2</sup> The Los Angeles County  
12 Sheriff delivered possession of the Land to Canyon View on October 21, 2025.<sup>3</sup>

13 What is at issue in this case is the Manufactured Home. Debtor’s position is that  
14 he acquired ownership of the Manufactured Home through a quitclaim deed recorded  
15 on December 12, 2025.<sup>4</sup> He filed his chapter 13 bankruptcy petition on December 15,  
16 2025. on December 16, 2025, Canyon View conducted a foreclosure sale (aka a lien  
17 sale) of the Manufactured Home. The Motion for Contempt asserts that the foreclosure  
18 sale is void *ab initio* as a violation of the automatic stay, and it seeks (A) a declaration  
19 invalidating the sale, (B) a determination that Canyon View willfully violated the  
20 automatic stay, and (C) damages under § 362(k).

21 This Court has repeatedly continued the hearings on the Motion for Contempt  
22 (dkt. 9) as set forth in the caption above. This Court continued those hearings because  
23 it appeared that proceedings in the Parents’ Case regarding Canyon View’s motion for  
24 relief from the automatic stay in that case might moot the Motion for Contempt.

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26 Procedure or other federal or local rule, and other terms have the meanings provided in the Code, Rules,  
and the parties’ filed papers.

27 <sup>2</sup> See Canyon View R/S Motion (dkt. 18, Case No. 2:25-bk-17321-VZ (“Parents’ Case”), Ex. D  
(PDF pp. 114–16)).

28 <sup>3</sup> See Canyon View Opp. to § 522(f) Mtn. (Parents’ Case dkt. 83) p. 3:9–12.

<sup>4</sup> Motion for Contempt (dkt. 9) p. 2:20–21.

1 Specifically, it appeared that Judge Zurzolo, who was presiding over those proceedings,  
2 might make findings of fact or conclusions of law that could make the automatic stay in  
3 this case inapplicable, or otherwise moot the Motion for Contempt.

4 But, so far as the undersigned Bankruptcy Judge can discern, the order issued  
5 by Judge Zurzolo does not moot the Motion for Contempt. True, that order rules that, to  
6 the extent the automatic stay applies, it is terminated as to the Land – not only in *that*  
7 *case* but also in any *future* case (no matter who the debtor might be, under § 362(d)(4),  
8 “due to a transfer to ‘delay, hinder, or defraud creditors’”), and in “any *pending*”  
9 bankruptcy case, which would include this case. Order (Case No. 2:25-bk-17321-VZ,  
10 dkt. 175) p. 3, ¶¶ 18.1, 18.3, 18.4 (emphasis added). But that order does not appear to  
11 apply to the Manufactured Home, nor does it grant retroactive relief (aka annulling the  
12 automatic stay) in the Parents’ Case or any other case.

13 Based on all of the foregoing, it appears that the Motion for Contempt has not  
14 been mooted and that further proceedings are required. This order sets deadlines for  
15 the parties to address the Motion for Contempt and related issues.

## 16 **2. Preliminary analysis**

17 To aid both sides in focusing their arguments, and to aid this Court in its own  
18 determinations, this Court provides the following preliminary analysis. This Court  
19 believes that there are three primary issues: (a) whether the automatic stay applies to  
20 Canyon View’s foreclosure sale of the Manufactured Home, (b) whether Canyon View  
21 qualifies for retroactive relief from the automatic stay (aka annulment), and (c) whether,  
22 if there were any violation of the automatic stay, there are any cognizable damages.  
23 The parties remain free, of course, to address any additional relevant issues.

### 24 **(a) Whether the automatic stay applied to the foreclosure sale of the** 25 **Manufactured Home**

26 This Court is aware of authority that the automatic stay does not apply, at least  
27 as to real property, when there is a prepetition judgment for possession and a writ of  
28 possession, because in that situation the debtor/estate has no legal or equitable interest

1 in the real property under State law. That authority applies with even greater force  
2 when, as in this case, the Sheriff has actually delivered possession. *See In re Perl*, 811  
3 F.3d 1120, 1127-28 *et seq.* (9th Cir. 2016) (“We conclude that under California law,  
4 entry of judgment and a writ of possession following unlawful detainer proceedings  
5 extinguishes all other legal and equitable possessory interests in the real property at  
6 issue”) (citation omitted).

7 But *Perl* did not expressly address whether extinguishment of all legal and  
8 equitable interests in real property also makes the automatic stay inapplicable to  
9 personal property and/or fixtures. As applied to this case, the question is whether  
10 Debtor’s lack of any interest in the Land means that the automatic stay also does not  
11 apply to the Manufactured Home. This Court has not researched that issue.

12 On the one hand, *Perl* itself noted that the Sheriff proceeded postpetition with a  
13 lockout and evicted the debtor, and as a result the debtor “was unable to remove some  
14 of his personal belongings.” *Perl*, 811 F.3d 1120, 1124 (emphasis added). On the  
15 other hand, the rest of the analysis in *Perl* focused on the real property, not the personal  
16 property.<sup>5</sup>

17 Assuming for the sake of discussion that *Perl* itself does not resolve the issue of  
18 whether the automatic stay applied to the Manufactured Home, it provides a roadmap  
19 for the analysis. Specifically, the parties presumably will need to address whether,  
20 starting with property rights under California law, Debtor as a fractional owner of the  
21 Manufactured Home had any interests or rights that fell within the protection of one of  
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23 <sup>5</sup> In the interest of full disclosure, the undersigned Bankruptcy Judge notes that he was the judge  
24 who was reversed by *Perl*. Based on that role, the following information might be relevant.

25 The undersigned recalls that the personal property and/or fixtures at issue included some high-  
26 end stereo equipment, speakers, and wiring that had been installed in the real property that the debtor  
27 wished to remove, although that does not appear to be reflected in the written record. *See generally In re*  
28 *Perl* (Bankr. C.D. Cal., Case No. 2:13-bk-26126-NB). In the view of the undersigned, it is not surprising  
that the Court of Appeals for the Ninth Circuit in *Perl* did not devote any extensive discussion to the  
personal property and/or fixtures, even though that had been the debtor’s real concern when he  
commenced his bankruptcy case, because by the time of the appeal he had already removed those  
things, so he did not participate in the appeal. *See Perl*, 811 F.3d 1120, 1123 (“No appearance for  
Appellee”).

1 the paragraphs of § 362(a) notwithstanding that, before Debtor acquired his interest,  
2 (i) the State Court had already issued a judgment for possession of the Land and the  
3 Sheriff had already delivered possession of the Land to Canyon View and (ii) significant  
4 time had passed without Debtor or his family exercising any rights they might have had  
5 to remove the Manufactured Home from the Land.

6 The tentative ruling is that, unless Canyon View can establish that Debtor had no  
7 cognizable property interest, the automatic stay did apply under §§ 102(2) and  
8 362(a)(1)-(6). But the existence of any property interest under California law remains  
9 an open question.

10 **(b) Whether Canyon View qualifies for annulment of the automatic**  
11 **stay**

12 This Court expresses no view whether retroactive relief (annulment of the  
13 automatic stay) is or is not appropriate. But the parties may wish to address the  
14 following authorities. *See In re Nat'l Enviro. Waste Corp.*, 129 F.3d 1052, 1054-56 (9th  
15 Cir. 1997); *In re Fjeldsted*, 293 B.R. 12 (9th Cir. BAP 2003); *and see also In re*  
16 *Merriman*, 616 B.R. 381, 389-90 & n. 6 and 391-95 (9th Cir. BAP 2020) (retroactive  
17 relief is permissible, and *Fjeldsted* factors should not be applied mechanically); *In re*  
18 *Williams*, 323 B.R. 691, 697-702 (9th Cir. BAP 2005) (various issues involving  
19 annulment, and application of *Fjeldsted*), *aff'd*, 204 Fed.Appx. 582 (9th Cir. 2006),  
20 *overruled on other issues by Perl*, 811 F.3d 1120 (scope of automatic stay).

21 **(c) Whether, if there were any violation of the automatic stay, there**  
22 **were any cognizable damages**

23 This Court is not aware of how Debtor was harmed by any alleged violation of the  
24 automatic stay. He has not suggested any way in which he could have or would have  
25 moved the Manufactured Home to a new location, or sold it to someone else who would  
26 do so. In other words, although the Manufactured Home had a great deal of  
27 sentimental and personal value to Debtor and his family if they could continue living in it  
28 on the Land without moving it, this Court is not aware of any evidence that the fair

1 market value of the Manufactured Home exceeded the cost of removing it from the Land  
2 and moving it to some other suitable mobile home park or other location. To the  
3 contrary, in this Court's experience with other mobile home parks involved in bankruptcy  
4 cases, there might not be any location anywhere nearby to which any manufactured  
5 home realistically could be moved, so it might be commercially worthless.

6 In addition, even if the Manufactured Home had some fair market value, it is not  
7 apparent from the record that Debtor was harmed in any legally cognizable way by the  
8 occurrence of the foreclosure sale when it happened. The reason is that, if Canyon  
9 View had not conducted the foreclosure sale when it did, it seems very likely on the  
10 present record that Canyon View would have obtained relief from the automatic stay to  
11 foreclose a few days later. A delay of a few days, when Debtor and his family were no  
12 longer occupying the Manufactured Home, does not appear likely to have caused any  
13 cognizable damage.

#### 14 (d) Conclusion

15 This Court has outlined its preliminary analysis based on the limited record that  
16 has already been presented. To be clear, this Court remains open to any explanation of  
17 different or additional facts and circumstances, or any different factual or legal analysis,  
18 that might change any of the foregoing. The goal is only, as stated above, to aid both  
19 sides (and this Court) by focusing the parties' arguments and presentation of evidence.

#### 20 3. Ordering paragraphs

21 Based upon the foregoing, and good cause appearing therefor, it is hereby  
22 ORDERED that:

- 23 (1) To provide Canyon View sufficient time to seek retroactive annulment of the  
24 automatic stay in this case, the hearing on the Motion for Contempt (dkt. 9) is  
25 CONTINUED as set forth in the caption above. (This Court previously  
26 continued the hearing on the Motion for Contempt to March 24, 2026 at 10:00  
27 a.m. but, for the reasons set forth above, the continued hearing on the Motion  
28 for Contempt will instead take place as set forth in the caption of this order.)

- 1 (2) **March 24, 2026, is the deadline** for Canyon View to file and serve its motion  
2 for retroactive relief (annulment) referenced in ordering paragraph “(1),”  
3 above and its Opposition to the Motion for Contempt addressing any issues it  
4 wishes to address (*e.g.*, the *Perl* issues and damages issues noted above).
- 5 (3) With respect to Canyon View’s motion for retroactive relief (annulment)  
6 referenced in ordering paragraphs “(1)–(2),” above, **April 7, 2026, is the**  
7 **deadline** for Debtor to file and serve any opposition papers, and **April 14,**  
8 **2026, is the deadline** for Canyon View to file and serve any reply papers.
- 9 (4) With respect to Debtor’s Motion for Contempt (dkt. 9), **April 7, 2026, is the**  
10 **deadline** for Debtor to file any reply papers to Canyon View’s opposition  
11 papers (see ordering paragraph “(2),” above).

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24 Date: March 12, 2026



Neil W. Bason  
United States Bankruptcy Judge

