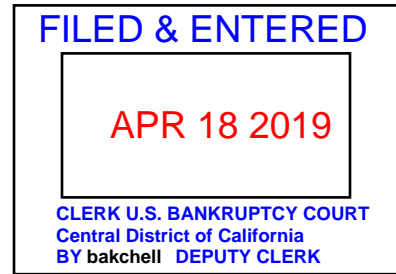


1 J. Alexandra Rhim (SBN 180636)
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as successor-in-interest by merger between
7 BBCN BANK and WILSHIRE BANK



8 UNITED STATES BANKRUPTCY COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 LOS ANGELES DIVISION

11 In re
12 RENATO H HAHN and LISA HAHN,
13 Debtors.

Case No. 2:18-bk-10171-RK

ORDER DENYING DEBTORS' MOTION
REQUESTING COURT TO APPOINT
TRUSTEE TO ADMINISTER ASSETS IN
CONNECTION WITH THE ORDER
TEMPORARILY DENYING MOTION TO
AVOID LIEN

Hearing

Date: April 16, 2019

Time: 2:30 p.m.

Place: Courtroom 1675 (Hon. Robert N. Kwan)
255 East Temple Street
Los Angeles, California 90012

19
20 At the above-captioned date, time, and place, the Court held a hearing on the Debtors' Motion
21 Requesting Court to Appoint Trustee to Administer Assets in Connection with the Order Temporarily
22 Denying Motion to Avoid Lien (Dkt. No. 43) ("Motion"). Young K. Chang, Esq., appeared for the
23 Debtors and Christopher D. Crowell, Esq., appeared for creditor Bank of Hope ("Bank").

24 The Court, having considered the Motion and the Bank's Opposition to the Motion filed April
25 2, 2019 (Dkt. No. 45), hereby orders as follows:

- 26 1. The Tentative Ruling on the Motion, a true and correct copy of which is attached
27 hereto, is adopted as the Final Ruling on the Motion.
28 2. The Motion is denied.

HEMAR, ROUSSO & HEALD, LLP
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3. The Clerk of the Court is directed to close this bankruptcy case.

###

Date: April 18, 2019



Robert Kwan
United States Bankruptcy Judge

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, April 16, 2019

Hearing Room 1675

2:30 PM

2:18-10171 Renato H Hahn and Lisa Hahn

Chapter 7

#24.00 Hearing re: Motion requesting court to appoint trustee to administer assets of the
bankruptcy estate in connection with the order temporarily denying motion to avoid lien

Docket 43

Tentative Ruling:

Deny debtors' motion to appoint trustee because there is no basis for the court to determine that a trustee is necessary to protect the interests of creditors and the debtors or to insure efficient administration of the bankruptcy estate as required by FRBP 5010. Debtors contend that the trustee should be reappointed to administer surplus proceeds from a foreclosure sale of certain real property, which they had scheduled, but not administered by the trustee at the time of the closing of the case because stay relief had been granted as to the property, and had been technically abandoned to them upon closing of the case pursuant to 11 U.S.C. 554(c). The reopening of the case does not nullify the technical abandonment of the real property to debtors. In re Menk, 241 B.R. 896, 914 (9th Cir. BAP 1999). The reopening of the case also does not reinstate the trustee unless the court orders the trustee reappointed pursuant to FRBP 5010. Id. There is no basis to reappoint the trustee in this case because there is no property of the estate to administer by her for creditors or debtors because the property (and the resulting surplus proceeds) was and is technically abandoned to debtors, who can assert their own exemption rights in the pending state court proceedings to decide what party is entitled to the surplus sales proceeds. The trustee is not needed for this because debtors can assert their own rights in the surplus sales proceedings now pending in state court. Appearances are required on 4/16/19, but counsel may appear by telephone.

Party Information

Debtor(s):

Renato H Hahn

Represented By
Young K Chang

Joint Debtor(s):

Lisa Hahn

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, April 16, 2019

Hearing Room 1675

2:30 PM

CONT... Renato H Hahn and Lisa Hahn

Chapter 7

Young K Chang

Trustee(s):

Carolyn A Dye (TR)

Pro Se