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6 Attorneys for Movants
7 CAL LeDUC; TORI ABBY; MILEY ABBY, a
Minor, by and through her Guardian ad Litem
8 TORI ABBY; MANDY JOBE; LUKUS LeDUC;
JAY LeDUC; and CAL LeDUC as successor
9 In interest to the estate of Marsha Kay LeDUC,

10
11 IN THE UNITED STATES BANKRUPTCY COURT
12 EASTERN DISTRICT OF CALIFORNIA
13 FRESNO DIVISION

In re

14 DANIEL M. CANCHOLA,
15 Debtor.

CASE NO. 17-11346

Chapter 7

DC NO. WW-1

17 CAL LeDUC; TORI ABBY; MILEY ABBY, a
18 Minor, by and through her Guardian ad
Litem TORI ABBY; MANDY JOBE; LUKUS
19 LeDUC; JAY LeDUC; and CAL LeDUC as
20 successor In interest to the estate of
Marsha Kay LeDUC,

Movants.

v.

23 DANIEL M. CANCHOLA, and JAMES E.
SALVEN, Chapter 7 Trustee,

Respondents.

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF CAL LeDUC et. al's
MOTION FOR AN ORDER GRANTING
RELIEF FROM STAY TO PURSUE
PENDING ACTION IN NON-
BANKRUPTCY FORUM PURSUANT
TO 11 U.S.C. 362(d)(1)**

Date: July 6, 2017

Time: 9:30 a.m.

Place: 2500 Tulare Street
Fresno, CA 93721
Courtroom 13

Judge: Honorable René Lastreto II

27 TO THE HONORABLE RENÉ LASTRETO II, UNITED STATES BANKRUPTCY

28 JUDGE:

MOTION FOR AN ORDER GRANTING RELIEF FROM -1-
STAY TO PURSUE PENDING ACTION IN NON-
BANKRUPTCY FORUM PURSUANT TO 11 U.S.C.
362(d)(1)

00145847-MPB-06.07.2017

LP0000014

CAL LeDUC; TORI ABBY; MILEY ABBY, a Minor, by and through her Guardian ad Litem TORI ABBY; MANDY JOBE; LUKUS LeDUC; JAY LeDUC; and CAL LeDUC as successor In interest to the estate of Marsha Kay LeDUC, ("Movants"), parties in interest in the Chapter 7 bankruptcy proceeding of DANIEL M. CANCHOLA (the "Debtor"), hereby submit the following Request for Judicial Notice in Support of its Motion for Relief from the Automatic Stay.

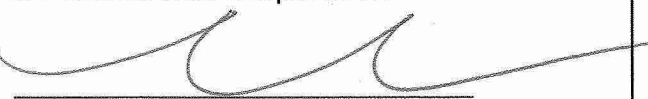
Movants request that the Court take judicial notice of the pleadings as set forth below in accordance with Federal Rule of Evidence 201. *See* F.R.E. 201; *see also, e.g., United States v. Wameke*, 199 F.3d 906, 909 n.1 (7th Cir. 1999); *Doran v. Eckold*, 409 F.3d 958, 962, n.1 (8th Cir. 2005); *Disabled Rights Action Comm. v. Las Vegas Events, Inc.*, 375 F.3d 861, 866 n.1 (9th Cir. 2004). The documents are attached and concurrently filed as numbered below.

<u>EXHIBIT NO.</u>	<u>TITLE OF EXHIBIT</u>
A	Schedule D
B	Schedule E/F

Dated: June 7, 2017

WALTER WILHELM LAW GROUP,
a Professional Corporation

By:


Michael L. Wilhelm, Attorneys for Movants
CAL LeDUC; TORI ABBY; MILEY ABBY, a
Minor, by and through her Guardian ad
Litem TORI ABBY; MANDY JOBE;
LUKUS LeDUC; JAY LeDUC; and CAL
LeDUC as successor In interest to the
estate of Marsha Kay LeDUC.

Fill in this information to identify your case:

Debtor 1 Daniel M. Canchola
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: EASTERN DISTRICT OF CALIFORNIA

Case number 17-11346
(If known)

☐ Check if this is an
amended filing

Official Form 106D

Schedule D: Creditors Who Have Claims Secured by Property

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, number the entries, and attach it to this form. On the top of any additional pages, write your name and case number (if known).

1. Do any creditors have claims secured by your property?

- ☐ No. Check this box and submit this form to the court with your other schedules. You have nothing else to report on this form.
- ☐ Yes. Fill in all of the information below.

Fill in this information to identify your case:

Debtor 1	Daniel M. Canchola		
	First Name	Middle Name	Last Name
Debtor 2			
(Spouse if, filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: EASTERN DISTRICT OF CALIFORNIA			
Case number	17-11346		
(If known)			

☐ Check if this is an amended filing

Official Form 106E/F

Schedule E/F: Creditors Who Have Unsecured Claims

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on Schedule A/B: Property (Official Form 106A/B) and on Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G). Do not include any creditors with partially secured claims that are listed in Schedule D: Creditors Who Have Claims Secured by Property. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. If you have no information to report in a Part, do not file that Part. On the top of any additional pages, write your name and case number (if known).

Part 1: List All of Your PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims against you?

☐ No. Go to Part 2.
☐ Yes.

Part 2: List All of Your NONPRIORITY Unsecured Claims

3. Do any creditors have nonpriority unsecured claims against you?

☐ No. You have nothing to report in this part. Submit this form to the court with your other schedules.
☐ Yes.

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

Total claim

4.1	1st Crd Srvc Nonpriority Creditor's Name 377 Hoes Lane Piscataway, NJ 08854 Number Street City State Zip Code Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes	Last 4 digits of account number 6155 When was the debt incurred? Opened 12/21/11 As of the date you file, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input type="checkbox"/> Other. Specify 05 Xcelerate Fitness Reedley	\$318.00
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Debtor 1 **Daniel M. Canchola**

Case number (if know) **17-11346**

4.2 Grant Mercantile Age Last 4 digits of account number **1491** **\$2,342.00**
Nonpriority Creditor's Name
49099 Road 426
Oakhurst, CA 93644
Number Street City State Zip Code
Who incurred the debt? Check one.
☐ Debtor 1 only ☐ Contingent
☐ Debtor 2 only ☐ Unliquidated
☐ Debtor 1 and Debtor 2 only ☐ Disputed
☐ At least one of the debtors and another
Type of NONPRIORITY unsecured claim:
☐ Check if this claim is for a community debt ☐ Student loans
☐ Is the claim subject to offset? ☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ No ☐ Debts to pension or profit-sharing plans, and other similar debts
☐ Yes ☐ Other. Specify **Collection Attorney Sequoia Safety Council**

4.3 Stephen R. Cromwell Last 4 digits of account number **\$1,500,000.00**
Nonpriority Creditor's Name
CORNWELL & SAMPLE, LLP
7045 N. Fruit Avenue
Fresno, CA 93711-0761
Number Street City State Zip Code
Who incurred the debt? Check one.
☐ Debtor 1 only ☐ Contingent
☐ Debtor 2 only ☐ Unliquidated
☐ Debtor 1 and Debtor 2 only ☐ Disputed
☐ At least one of the debtors and another
Type of NONPRIORITY unsecured claim:
☐ Check if this claim is for a community debt ☐ Student loans
☐ Is the claim subject to offset? ☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ No ☐ Debts to pension or profit-sharing plans, and other similar debts
☐ Yes ☐ Other. Specify **Attorney for CAL Le DUC, TORI ABBY, MILEY ABBY, TORI ABBY, MANDY JOBE, LUKUS LeDUC and JAY LeDUC - See also SOFA**

Part 3: List Others to Be Notified About a Debt That You Already Listed

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Name and Address On which entry in Part 1 or Part 2 did you list the original creditor?
Mark P. Robinson, Jr. Line **4.3** of (Check one): ☐ Part 1: Creditors with Priority Unsecured Claims
ROBINSON CALCAGNIE ROBINSON ☐ Part 2: Creditors with Nonpriority Unsecured Claims
SHAPIRO
19 Corporate Plaza Drive
Newport Beach, CA 92660

Last 4 digits of account number

Name and Address On which entry in Part 1 or Part 2 did you list the original creditor?
Richard A. Belardinelli Line **4.3** of (Check one): ☐ Part 1: Creditors with Priority Unsecured Claims
GEORGE AND BELARDINELLI ☐ Part 2: Creditors with Nonpriority Unsecured Claims
7060 N. Fresno Street, Ste. 250
Fresno, CA 93720

Last 4 digits of account number

Part 4: Add the Amounts for Each Type of Unsecured Claim

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. §159. Add the amounts for each type of unsecured claim.

Debtor 1 **Daniel M. Canchola**

Case number (if know) **17-11346**

Total
claims
from Part 1

6a. Domestic support obligations

6a. \$ **0.00**

Total Claim

6b. Taxes and certain other debts you owe the government

6b. \$ **0.00**

6c. Claims for death or personal injury while you were intoxicated

6c. \$ **0.00**

6d. Other. Add all other priority unsecured claims. Write that amount here.

6d. \$ **0.00**

6e. Total Priority. Add lines 6a through 6d.

6e. \$ **0.00**

Total
claims
from Part 2

6f. Student loans

6f. \$ **0.00**

Total Claim

6g. Obligations arising out of a separation agreement or divorce that you did not report as priority claims

6g. \$ **0.00**

6h. Debts to pension or profit-sharing plans, and other similar debts

6h. \$ **0.00**

6i. Other. Add all other nonpriority unsecured claims. Write that amount here.

6i. \$ **1,502,660.00**

6j. Total Nonpriority. Add lines 6f through 6i.

6j. \$ **1,502,660.00**