

(SPACE BELOW FOR FILING STAMP ONLY)

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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,

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re

MARIO A. GUERRA,

Debtor.

CASE NO. 17-11365

Chapter 7

DC NO. WW-1

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.

v.

MARIO A. GUERRA, and TRUDI G.
MANFREDO, 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

TO THE HONORABLE RENÉ LASTRETO II, UNITED STATES BANKRUPTCY

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)

00145850-MPB-06.07.2017

LP0000033

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 MARIO A. GUERRA (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.

Case 17-11365 Filed 04/26/17 Doc 15

Fill in this information to identify your case:

Debtor 1	Mario Alberto Guerra		
	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 (If known)	17-11365		

☐ 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.

Part 1: List All Secured Claims

2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

2.1 Golden 1 Credit Union

Creditor's Name

Attn.: Bankruptcy
8945 Cal Center Dr.
Sacramento, CA 95826

Number, Street, City, State & Zip Code

Describe the property that secures the claim:

2016 Ford Explorer 42000 miles
Excellent condition as per Kelley
Blue Book specifications

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Nature of lien. Check all that apply.

- ☐ An agreement you made (such as mortgage or secured car loan)
☐ Statutory lien (such as tax lien, mechanic's lien)
☐ Judgment lien from a lawsuit

☒ Other (including a right to offset) **Purchase Money Security**

Column A

Amount of claim
 Do not deduct the value of collateral.

\$14,201.00**Column B**

Value of collateral that supports this claim

\$31,539.00**Column C**

Unsecured portion if any

\$0.00**Who owes the debt?** Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim relates to a community debt

Opened
02/14 Last
Active

Date debt was incurred **12/30/16**Last 4 digits of account number **8117**

Add the dollar value of your entries in Column A on this page. Write that number here:

If this is the last page of your form, add the dollar value totals from all pages.

Write that number here:

\$14,201.00**\$14,201.00****Part 2: List Others to Be Notified for a Debt That You Already Listed**

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

EXHIBIT A
 Page 1 Of 1

LP0000035

Case 17-11365 Filed 04/26/17 Doc 15

Fill in this information to identify your case:

Debtor 1	Mario Alberto Guerra		
	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 (if known)	17-11365		

☐ 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	Afni, Inc. Nonpriority Creditor's Name Po Box 3097 Bloomington, IL 61702 Number Street City State Zip Code Who incurred the debt? Check one. <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Last 4 digits of account number 5674 When was the debt incurred? Opened 09/16 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 checked="" type="checkbox"/> Other. Specify Collection Attorney At T Mobility	\$1,615.00
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EXHIBIT **B**
 Page **1** Of **3**

LP0000036

Case 17-11365 Filed 04/26/17 Doc 15

Debtor 1 Mario Alberto Guerra

Case number (if know)

17-11365

4.2

Penn Credit Corporatio

Last 4 digits of account number

1316\$316.00

Nonpriority Creditor's Name

916 S 14th St

When was the debt incurred?

Opened 05/16**Harrisburg, PA 17104**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

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 Salt River Project

4.3

Stephen R. Cromwell

Last 4 digits of account number

\$1,500,000.00

Nonpriority Creditor's Name

CORNWELL & SAMPLE, LLP

When was the debt incurred?

7045 N. Fruit Avenue**Fresno, CA 93711-0761**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

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**

4.4

Synco/walmart

Last 4 digits of account number

9164\$138.00

Nonpriority Creditor's Name

Po Box 965024

When was the debt incurred?

Opened 09/16 Last Active 2/14/17**Orlando, FL 32896**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

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 Charge Account

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Debtor 1 **Mario Alberto Guerra**

Case number (if know)

17-11365

4.5

Thunderbird Collection

Last 4 digits of account number

1633**\$1,458.00**

Nonpriority Creditor's Name

3200 N Hayden Rd Ste 110

When was the debt incurred?

Opened 08/15**Scottsdale, AZ 85251**

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

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 Willow Springs
Apartments/Tiem****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

Mark P. Robinson, Jr.

On which entry in Part 1 or Part 2 did you list the original creditor?

ROBINSON CALCAGNIE ROBINSONLine 4.3 of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims**SHAPIRO**☒ Part 2: Creditors with Nonpriority Unsecured Claims**19 Corporate Plaza Drive****Newport Beach, CA 92660**

Last 4 digits of account number

Name and Address

Richard A. Belardinelli

On which entry in Part 1 or Part 2 did you list the original creditor?

GEORGE AND BELARDINELLILine 4.3 of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims**7060 N. Fresno Street, Ste. 250**☒ Part 2: Creditors with Nonpriority Unsecured Claims**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.

		Total Claim	
Total claims from Part 1	6a. Domestic support obligations	6a. \$	0.00
	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
	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. \$	1,503,527.00
	6j. Total Nonpriority. Add lines 6f through 6i.	6j. \$	1,503,527.00