

JUDGE DAVID JONES
Yvonne V. Valdez, Trustee
September 7, 2023 2:30 pm

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Attorney <i>Pet Filed</i> Bar Date <i>Month/Term</i>	Case # Debtor(s) <i>AMI/BMI-ESF/PPR</i>	Matters Notes	Arrears <i>Last Rcpt</i> Plan Pmt <i>Pmt Method</i>	Trustee Recommendation
BARTO 07/01/22 09/09/22 13/60 Tracey	22-50041 YADIRA ROQUE <i>BMI-PPR</i>	Dismissal Post-Confirmation Trustee's Motion to Dismiss filed 06/12/23 at #98 for non-payment. No response filed by Debtor. There are several months where only a partial payment was made.	\$4,959.92 or 2.75 mth 07/24/23 \$1,804.96 <i>Money</i> <i>Order</i>	Trustee recommends dismissal.
BARTO 07/01/22 09/09/22 13/60 Tracey	22-50043 ELSA ESTRADA <i>BMI-</i>	Dismissal Post-Conf. Trustee's Motion to Dismiss was filed 08/02/23 at #47 for non-payment. No response filed by Debtor. Debtor is inconsistent with making plan payments. There are several months where no payment was made at all.	\$3,453.60 or 2.03 mth 07/24/23 \$1,698.16 <i>Money</i> <i>Order</i>	Trustee recommends dismissal.
BARTO 07/27/22 10/05/22 13/60 Tracey	22-50048 LUIS A MIRELES DANAE L DE MIRELES <i>BMI-ESF</i>	Dismissal Post - Conf. Trustee's Motion to Dismiss filed 03/02/23 at #46 for non-payment. Response to Trustee's Motion to Dismiss filed 03/29/23 at #48. There are several months where only partial payments were made.	\$1,281.45 or 2.53 mth 08/21/23 \$506.21 <i>Wage</i> <i>Order</i>	Trustee recommends dismissal.

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BARTO 08/31/22 11/09/22 11/60 Bridget1	22-50056 ANGELICA FERNANDEZ DE CASTILLO <i>BMI-PPR</i>	Dismissal Post-Conf. Trustee's Motion to Dismiss was filed 08/02/23 at #58 for non-payment. No response filed by Debtor. There are several months where only a partial payment was made and a few months where no payment was made at all.	\$2,665.62 or 2.58 mth 06/20/23 \$1,033.28 <i>Wage Order</i>	Trustee recommends dismissal.
BARTO 10/11/22 12/20/22 10/60 Tracey	22-50070 ROLANDO GUERRA <i>BMI-PPR</i>	Dismissal Post-Confirmation Trustee's Amended Motion to Dismiss filed 08/31/23 at #76 for non-payment and plan deficiency. Plan #68 filed 05/25/23 no longer provides for all secured and priority claims in full. No response filed by Debtor. Plan Payments: 1 (Nov 2022) - 6 (Apr 2023) \$2,655.55. 7 (May 2023) - 7 (May 2023) \$3,280.00. 8 (Jun 2023) - 60 (Oct 2027) \$3,310.00	\$8,209.98 or 2.48 mth 08/17/23 \$3,310.00 <i>ePay</i>	Trustee recommends dismissal.

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BARTO	22-50079	Dismissal	\$5,153.00 or 4.22 mth 08/08/23 \$1,220.00 ePay	Trustee recommends dismissal.
10/31/22 01/09/23 10/60 Tracey	AMPARO M RAMIREZ <i>BMI-</i>	Post-Conf. Trustee's Motion to Dismiss filed 03/29/23 at #40 for non-payment. Response filed on 06/29/23 at #45. There are a few months where only a partial payment was made and some where no payment was made at all.		
BARTO	23-50007	Confirmation	\$7,200.00 or 4.00 mth 07/07/23 \$1,800.00 Money Order	Trustee does not recommend confirmation and recommends dismissal.
01/31/23 04/11/23 7/60 Leanne1	RODRIGO J GARZA KARLA G GARZA <i>BMI-</i>	Dismissal Plan #31 filed 04/04/23 works, paying 57% to general unsecured creditors, but cannot be recommended because the Trustee has not received any wage deductions pursuant to the wage order (#14) signed 02/02/2023 for Tejas Carriers. Debtors are delinquent 4 payments through August, totaling \$7,200.00, with the next payment due on the 09/28/23. Plan payments: 1 (Feb 2023) - 60 (Jan 2028) \$1,800.00. Trustee's Motion to Dismiss filed 03/17/23 at #29. No response filed by Debtor.		

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BARTO	23-50047	Confirmation	Current	Trustee recommends confirmation of Plan #2 filed 05/26/23.
05/26/23 08/04/23 3/36 Leanne1	DALIA G HERNANDEZ <i>BMI-ESF</i>	Plan #2 filed 05/26/23 works, paying 16.73% to the general unsecured creditors. Plan payments: 1 (Jun 2023) - 36 (May 2026) \$650.00	08/29/23 \$650.00 <i>ePay</i>	
BARTO	23-50048	Confirmation Dismissal	\$1,350.00 or 2.00 mth 06/22/23 \$675.00 <i>Money Order</i>	Trustee does not recommend confirmation and recommends dismissal.
05/30/23 08/08/23 2/36 Bridget1	EVARISTO BARRAZA <i>BMI-</i>	At the 8/3/2023 hearing, the Court was informed that Debtor passed away and requested that Trustee receive a copy of the death certificate. Trustee has not received any such documentation, nor has a suggestion of death been filed with the Court. 1. Trustee alleges that Plan #22 filed on 06/27/23 fails to provide all of Debtor's disposable income into the plan. 2. The Statement of Financial Affairs #1 filed 05/30/23 is incomplete as it does not disclose all of Debtor's income. 3. Debtor has failed to provide Trustee with proof of income for his girlfriend. 4. Trustee alleges Schedule J is inaccurate as it fails to disclose an expense for ad valorem taxes. 5. Trustee alleges Schedule B is inaccurate as it fails to disclose debtor's cell phone, account ending in 0801 and the savings account included on the Laredo Federal Credit Union bank statement. Payments: 1 (Jun 2023)- 36 (May 2026) \$675.00. Trustee's Motion to Dismiss #24 filed 07/03/23.		

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No response filed by Debtor.

BARTO	23-50053	Confirmation	\$4,477.92 or	Trustee does not recommend confirmation and recommends dismissal.
	HEBERARDO J LEAL	Dismissal	1.50 mth	
<i>06/05/23</i> <i>08/14/23</i> <i>2/60</i>		Obj Conf Harley-Davidson Credit C	<i>08/04/23</i> \$2,988.96 <i>Cashiers Check</i>	
<i>BMI-</i>				
Leanne1		<p>1. Plan #25 filed on 07/31/23 fails to provide a 100% dividend to the general unsecured creditors as required by Non-Exempt Property of \$11,897.14.</p> <p>2. Plan fails to fully provide for the claim of US Bank Home Mortgage claim #25 filed 07/31/23.</p> <p>3. Based on NADA value of \$25,220.00 as required by Order #13, the Plan does not provide sufficient adequate protection of \$315.25 to Harley Davidson Credit Corp.</p> <p>4. Based on NADA value of \$24,275.00 as required by Order #13, the Plan does not provide sufficient adequate protection of \$303.44 to Laredo Federal Credit Union.</p> <p>5. Debtor has failed to provide Trustee with proof of income to substantiate the income amounts listed on Schedule I and Debtor's Official Form 122C.</p> <p>6. Plan does not provide for the current trustee fee.</p> <p>7. Debtor is delinquent 1.5 payments through August totaling \$4,477.92, with the next payment due on 09/05/2023.</p> <p>Plan payments: 1 (Jul 2023) - 60 (Jun 2028) \$2,988.96</p> <p>Trustee's Motion to Dismiss filed 07/24/23 at #24. No response filed by Debtor.</p> <p>Objection to Confirmation filed 08/09/23 by Harley-Davidson Credit Corp at #30.</p>		

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BARTO	23-50057	Confirmation		
	EDUARDO J RAMIREZ JR		\$72.32 or 0.08 mth	Trustee does not recommend confirmation.
06/16/23 08/25/23 2/60 Leanne1	AMANDA O RAMIREZ <i>BMI-</i>	<p>1. Plan # 2 filed 06/16/23 proposes to provide for treatment of Crescent Bank & Trust Inc.'s claim #2 in Paragraph #11 despite the 2020 Kia Sportage having been purchased within 910 days of the petition date.</p> <p>2. Based on JD Power value \$13,500 as required by Order #1, the Plan does not provide sufficient adequate protection of \$168.75 to Texas Credit Corp.</p> <p>3. The Statement of Financial Affairs #1 filed 06/16/23 is incomplete as it does not disclose Debtor's business nor business income.</p> <p>Plan payments: 1 (Jul 2023) - 60 (Jun 2028) \$940.00</p> <p>Trustee's Motion to Dismiss filed 08/30/23 at #31 is set for 10/05/23. No response filed by Debtor.</p>	08/28/23 \$940.00 <i>Wage Order</i>	

BARTO	23-50060	Confirmation		
	MIGUEL A GUTIERREZ JR		\$2,386.02 or 0.77 mth	Trustee does not recommend confirmation.
06/29/23 09/07/23 1/0 Krystle	ROSAICELA B GUTIERREZ <i>BMI-</i>	<p>1. Plan #2 filed 6/29/23 fails to list the complete principal residence address.</p> <p>2. Plan fails to list the reason for special classification for Miguel Gutierrez in Paragraph 16.</p> <p>3. Plan fails to establish a sufficient federal income tax reserve for the liability that will come due.</p> <p>4. Debtor has failed to provide Trustee with proof of business income and actual expenses for the six months prior to filing.</p>	08/29/23 \$3,101.84 <i>Wage Order</i>	

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5. Debtor has failed to provide Trustee with statements for all electronic accounts.

Plan Payments:

1 (Jul 2023) - 60 (Jun 2028) \$3,101.85

Trustee's Motion to Dismiss #28 filed 8/17/23 set for 10/5/23.

No response filed by Debtor.

BARTO	23-50061	Confirmation	\$400.00 or 1.00 mth	Trustee does not recommend confirmation.
<i>06/30/23</i> <i>09/08/23</i> <i>1/36</i> Krystle	ALVARO A MILERA <i>BMI-</i>	<p>1. Plan #2 filed 06/30/23 fails to provide for the Zapata County Tax Assessor Collector claim #5 filed 08/14/23.</p> <p>2. Trustee alleges that the Plan fails provide all of Debtor's disposable income into the plan.</p> <p>3. Debtor has failed to provide verification of the son's contribution.</p> <p>4. Debtor has failed to provide Trustee with proof of business income and expenses for the six months prior to filing as well as proof of current income.</p> <p>5. Trustee alleges Schedule B is inaccurate as it fails to disclose the balance of the bank accounts on the filing date per the statements provided.</p> <p>6. Debtor has failed to provide statements for accounts ending in 8720 and 7901 for the months of April and May.</p> <p>7. Debtor has failed to provide the CAD value for all properties listed on Schedule A.</p> <p>8. Trustee alleges Schedule G is inaccurate as it does not disclose the lease for the \$700 rent expense in the business budget.</p> <p>9. Debtor has failed to provide the Sworn Testimony for the business.</p>	<i>07/24/23</i> \$400.00 <i>Money Order</i>	

Plan payments:

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1 (Jul 2023) - 36 (Jun 2026) \$400.00.

Trustee's Amended Motion to Dismiss #24 filed 8/30/23 is set for 10/5/23.
No response filed by Debtor.

MEURER	22-50082	Confirmation	\$1,075.00 or	Trustee does not recommend confirmation and recommends dismissal.
	MELISSA A FLORES	Dismissal	0.44 mth	
11/15/22			08/03/23	
01/24/23			\$2,470.00	
9/60	BMI-ESF		Wage Order	
Bridget1				
	1. Amended Plan #84 filed 08/04/23 fails to provide for the Laredo Medical Center claim #13 filed 01/24/23.			
	Payments:			
	1 (Dec 2022) - 5 (Apr 2023) \$675.00.			
	6 (May 2023) - 7 (Jun 2023) \$2,270.00.			
	8 (Jul 2023) - 60 (Nov 2027) \$2,470.00.			
	Trustee's Motion to Dismiss filed 01/11/23 at #28.			
	No response filed by Debtor.			
	Trustee's Objection to Debtor's Claim of Exemptions filed 01/12/23 at #29 was withdrawn 03/01/23 at #38.			
	Objection to Confirmation filed 01/26/23 by Lakeview Loan Servicing, LLC at #34 was withdrawn 03/01/23 at #39.			

MEURER	23-50059	Confirmation	no pymts received	Trustee does not recommend confirmation.
	SARA A BRIONES		01/01/00	
06/27/23			\$131.36	
09/05/23				
2/36	BMI-			
Leanne1		Plan #33 filed 08/29/23 works, paying 2.52% to general unsecured creditors, but cannot be recommended because the Trustee has not received any payments in this case. Wage order #28 was signed 07/25/23 for Laredo Bufalo Pawn; however, Trustee has not received any wage deductions or payments.		

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Plan payments:
1 (Jul 2023) 36 (Jun 2026) \$131.36

Trustee's Amended Motion to Dismiss filed 08/31/23 at #33 is set for 10/05/23.
No response filed by Debtor.

OLIVA PC (L)	22-50072	Dismissal	\$1,514.43 or	Trustee does not recommend approval and recommends dismissal.
	ARTURO V VAZQUEZ	Modification	0.81 mth	
10/17/22 12/26/22 10/60			08/29/23	
	AMI-ESF		\$1,875.00	
Tracey			<i>Wage Order</i>	
<p>Modification #72 filed 7/5/23 was filed to cure a post-petition payment default, to surrender the 2016 Intl Prostar truck to Transport Funding, to update his income and employment, as well as to deviate from the requirements of Official Form 122-C. The Modified Plan works at 9.41% to the general unsecured creditors, but cannot be recommended because:</p> <p>1. Debtor has failed to make the first payment due under the mod and is delinquent on the payments in the amount of \$1,514.43, as proposed in the Mod. The last payment received was 8/29/23.</p> <p>2. Debtor filed this Mod to cure a delinquency in his Plan payments, yet he just filed his 2022 tax return within a few weeks of proposing the Mod that shows he is receiving \$7,827.00 as a refund, which is not being paid into his Plan. Trustee alleges that the Plan fails to provide for all of the Debtor's disposable income.</p> <p>Mod forgives: \$13,200.00.</p> <p>Payments: 9 (Jul 2023) - 60 (Oct 2027): \$1,875.00.</p> <p>Post-Conf. Trustee's Motion to Dismiss was filed 06/12/23 at #71 for non-payment. Response to Trustee's Motion to Dismiss filed 07/05/23 at #73. There are a few months where only a partial payment was made and some where no payment was made at all.</p>				

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OLIVA PC (L)	23-50028	Confirmation	\$6,750.00 or	Trustee does not recommend confirmation and recommends dismissal.
	JUAN J OLIVARES	Dismissal	3.00 mth	
04/03/23		Obj POC IRS	05/11/23	
06/12/23			\$2,250.00	
4/60	BMI-		ePay	
Bridget1		1. Plan #38 filed 07/12/23 fails to provide for all secured and priority creditors. 2. Debtor is delinquent 3 payments through August totaling \$6,750.00, with next payment due on 09/03/23. Payments: 1 (May 2023)- 60 (Apr 2028) \$2,250.00. Trustee's Motion to Dismiss #27 filed 05/25/23. No response filed by debtor. Debtor's Objection to Proof of Claim #7 of Internal Revenue Service filed 08/04/23 at #43.		
OLIVA PC (L)	23-50032	Confirmation	Current	Trustee recommends confirmation of Plan #46 filed 08/11/23.
	JOSE A CASTILLO		07/28/23	
05/01/23	CECILIA CASTILLO		\$4,400.00	
07/10/23			Wage Order	
3/60	AMI-			
Bridget1		Plan #46 filed on 08/11/23 works paying 79% dividend to the general unsecured creditors. Payments: 1 (Jun 2023)- 3 (Aug 2023) \$4,400.00. 4 (Sep 2023)- 7 (Dec 2023) \$3,200.00. 8 (Jan 2024)- 60 (May 2028) \$4,200.00. Trustee's Motion to Dismiss #32 filed 07/03/23 was withdrawn 08/31/23 at #49. No Response filed by Debtor.		

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OLIVA PC (L)	23-50051	Confirmation	no pymts received	Trustee does not recommend confirmation and recommends dismissal.
06/05/23 08/14/23 2/60 Krystle	FERNANDO D GUTIERREZ, JR	Dismissal	01/01/00 \$1,850.00	
	BMI-BOTH			
		1. Debtor did not appear at the 07/18/23 341 meeting of creditors. Debtor passed away June 30, 2023.		
		2. Plan #21 filed on 06/16/23 fails to provide for the claim of ACAR Leasing #2 filed 6/8/23.		
		3. Plan fails to fully provide for Falcon International Bank claim #3 filed 07/17/23.		
		4. Trustee alleges that the plan is not feasible as Debtor has a lump sum payment due in April 2024 (month 36) and failed to disclose the source of funds.		
		5. Debtor is delinquent 2 payment through August totaling \$3,700.00. There have been no payments received in this case.		
		6. Plan fails to fully provide for IRS claim #4 filed 07/25/23.		
		Plan Payments: 1 (Jul 2023) - 59 (May 2028) \$1,850.00. 60 (Jun 2028) - 60 (Jun 2028) \$150,000.00.		
		Trustee's Motion to Dismiss #30 filed 7/20/23. No Response filed by Debtor.		

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OLIVA PC (L)	23-50052	Confirmation	\$3,000.00 or	Trustee does not recommend confirmation and recommends dismissal.
	VICENTE E RIO	Dismissal	1.00 mth	
06/05/23			08/28/23	
08/14/23			\$3,000.00	
2/57	AMI-ESF		ePay	
Bridget1		<p>1. Plan #2 filed 06/05/23 fails to provide a 100% dividend to the general unsecured creditors as required by Debtor's Official Form 122-C #4 filed on 06/05/23.</p> <p>2. Trustee alleges the Plan fails provide all of Debtor's disposable income into the plan.</p> <p>3. Plan fails to fully provide for Rushmore Loan Management Services claim #7 filed 08/07/23.</p> <p>4. Plan fails to provide for the Notice of Mortgage Payment Change #30 filed 07/07/23.</p> <p>5. Trustee alleges Schedule B is inaccurate as it fails to disclose Debtor's business assets.</p> <p>6. The Statement of Financial Affairs #1 filed 06/05/23 is incomplete as it does not disclose Debtor's 2023 year to date income and does not appear to disclose any income from the Vicente Del Rio Consulting self-employment.</p> <p>7. Plan fails to list the reason for special classification for the Navient Solutions, LLC in Paragraph 16.</p> <p>8. Debtor is delinquent 1 payment through August totaling \$3,000.00, with next payment due on 09/05/23.</p> <p>Plan payments: 1 (Jul 2023) - 57 (Mar 2028) \$3,000.00.</p> <p>Trustee's Motion to Dismiss #34 filed 07/20/23. No Response filed by Debtor.</p>		

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VASQUEZ LAW FIRM 02/06/23 04/17/23 6/60 Leanne1	23-50009 AMADA ESTRADA <i>BMI-BOTH</i>	Confirmation Dismissal Obj Conf Wilmington Savings Fund	\$910.00 or 1.00 mth 08/08/23 \$910.00 <i>ePay</i>	Trustee does not recommend confirmation and recommends dismissal.
<p>1. Plan #36 filed cannot be recommended because the objection filed by Wilmington Savings Fund Society remains unresolved.</p> <p>2. Plan misstates creditor name for Kazen Meurer & Perez LLP claim #5 filed 03/15/23.</p> <p>3. Debtor has failed to provide the 2022 tax return. Debtor provided tax returns for 2021 and 2020, and an Affidavit of No Income indicating Debtor did not file tax returns for 2019, 2020, 2021 and 2022.</p> <p>Plan Payments: 1 (Mar 2023) - 5 (Jul 2023) \$850.00 6 (Aug 2023) - 60 (Feb 2028) \$910.00</p> <p>Trustee's Motion to Dismiss filed 03/27/23 at #22. No Response filed by Debtor.</p> <p>Objection to Confirmation filed 08/15/23 by Wilmington Savings Fund Society at #45.</p>				
VASQUEZ LAW FIRM 06/05/23 08/14/23 2/60 Krystle	23-50050 MARCELLA I CHAIRES <i>BMI-ESF</i>	Confirmation Dismissal Obj Conf Service First Mortgage	Current 08/25/23 \$2,935.00 <i>ePay</i>	Trustee does not recommend confirmation and recommends dismissal.
<p>1. Plan #16 filed 06/19/23 fails to provide a 100% dividend to the unsecured creditors as required by Non-Exempt Property of \$612,500.00.</p> <p>2. Plan fails to fully provide for the claim #2 of Service First Mortgage Company.</p> <p>3. IRS claim #1 filed 07/25/23 reflects Debtor has not filed a tax return for the years 2019, 2020 and 2021. Trustee has</p>				

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not received a copy of these returns. Claim reflects a priority amount of \$4,418.89. Plan fails to provide treatment for the IRS claim #1 filed 07/25/23.

4. Debtor has failed to provide the Trustee with the Declaration for Electronic Filing.

5. Trustee alleges Schedule J is inaccurate as Debtor has included an ADVAL Tax Reserve expense of \$601.95; however, the plan does not propose any reserve in Schedule 23 and proposes an escrow component to the mortgage claim of Service First Mortgage. Schedule J fails to show sufficient income to fund the plan.

6. Debtor has failed to provide the Trustee with proof of income or bank statements reflecting the deposits of the income from benefits.

Plan payments:

1 (Jul 2023) - 60 (Jun 2028) \$2,935.00

Trustee's Motion to Dismiss #26 filed 7/20/23.

No Response filed by Debtor.

Objection to Confirmation filed 06/27/23 by Service First Mortgage at #19.