

JUDGE JEFFREY P NORMAN

Yvonne V. Valdez, Trustee  
November 2, 2023 2:30 pm

Next 3 Panels:

12/07/2023

01/03/2024

02/01/2024

Attorney <i>Pet Filed</i> Bar Date <i>Month/Term</i>	Case # Debtor(s) <i>Plan Pmt</i> AMI/BMI- ESF/PPR	Matters Notes	Arrears <i>Last Rcpt</i> Last Rcpt Amt <i>Pmt Method</i>	Trustee Recommendation
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BARTO	22-50007	Dismissal	\$4,485.13 or	<b>Trustee does not recommend approval and recommends dismissal.</b>
	RAFAEL D HINOJOSA	Modification	1.68 mth	
02/15/22			10/17/23	
04/26/22			\$1,110.90	
20/36	\$2,675.00		Wage Order	
Tracey	AMI-ESF			

Modification #60 filed 06/01/23 to cure delinquency and extend the plan term from 36 to 60 months. At the last hearing on October 5, 2023, the Debtor was to file an amended modification within 7 days of the hearing. No amendments were filed. The modification at #60 cannot be recommended because:

1. Per the Mod, Debtor is delinquent \$4,485.13 (1.68 months).
2. The Debtor failed to provide the Trustee with the status of the 2022 tax liability in the amount of \$4,836.00. There is no federal income tax reserve in the proposed Plan or Schedule J.
3. Debtor failed to provide verification of his current income.
4. The remaining claim for M&T Bank in paragraph 8 of the Plan appears to be incorrect for the ongoing monthly payment.
5. Under paragraph 8 of the Plan, Debtor states that the interest rate for M&T Bank varies but does not provide a detailed explanation of this notation. According to the claim filed by M&T Bank, the interest rate is fixed at 4.375 percent.
6. The monthly principal and interest payment to M&T Bank in paragraph 8 states "Pro Rata" but has a fixed escrow payment of \$615.03. The principal and interest portion of the payment needs to be clarified.
7. The post-confirmation claim of M&T Bank under paragraph 8 provides an amount of \$4,271.79, but does not specify which months it includes in the amount.

Plan Payments:

16 (Jun 2023) - 60 (Feb 2027): \$2,675.00.

Mod forgives: \$13,292.46.

Post-Conf. Trustee's Motion to Dismiss filed 03/29/23 at #56 for non-payment.

No response filed by Debtor.

There are several months where no payment was made at all.

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BARTO  07/01/22 09/09/22 15/60  Tracey	22-50041  YADIRA ROQUE  \$1,804.96 <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.	\$3,014.84 or 1.67 mth 10/13/23 \$100.00  <i>Money</i> <i>Order</i>	Trustee recommends dismissal.
BARTO  08/31/22 11/09/22 13/60  Tracey	22-50056  ANGELICA FERNANDEZ DE CASTILLO  \$1,033.28 <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.	\$2,824.58 or 2.73 mth 10/16/23 \$476.90  <i>Wage</i> <i>Order</i>	Trustee recommends dismissal.

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BARTO	22-50084	Dismissal	\$9,600.00 or 3.69 mth 08/01/23 \$800.00 Money Order	Trustee recommends dismissal.
11/22/22 01/31/23 11/60 Tracey	MARTIN TORRES  MARYANN TORRES \$2,600.00 BMI-	Post-Conf. Trustee's Motion to Dismiss was filed 09/28/23 at #79 for non-payment. No response filed by Debtor. There are several months where no payment was made and some where only a partial payment was made. Debtor is not consistent with making plan payments.		
BARTO	23-50060	Confirmation  Dismissal	Current  10/25/23 \$715.81 Wage Order	Trustee does not recommend confirmation and recommends dismissal.
06/29/23 09/07/23 3/0 Krystle	MIGUEL A GUTIERREZ JR  ROSAICELA B GUTIERREZ \$3,101.85 BMI-ESF	Plan #31 filed 10/4/23 cannot be recommended because:  1. Trustee alleges Debtors fail to establish a post-petition federal income tax reserve for future tax liability. Debtors' Schedule J reflects a \$1,600 savings for future income taxes, but this is not provided for in the plan.  2. IRS claim #7 filed 07/21/23 reflects Debtors have not filed a tax return for Heavy Vehicle taxes for 2023. Debtors have not provided proof that these tax returns have been filed.  Plan Payments:1 (Jul 2023) - 60 (Jun 2028) \$3,101.85.  Trustee's Motion to Dismiss #28 filed 8/17/23. No response filed by Debtor.		

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<b>BARTO</b>	<b>23-50061</b>	<b>Confirmation</b>	Current	<b>Trustee does not recommend confirmation and recommends dismissal.</b>
	<b>ALVARO A MILERA</b>	<b>Dismissal</b>	10/10/23	
06/30/23 09/08/23 3/42  Krystle	\$400.00 <i>BMI-</i>	1. Plan #31 filed 10/4/23 provides for Zapata County real property taxes under paragraph 9C rather than paragraph 8C.  2. Debtor failed to provide proof of son's monthly \$1,000 contribution.  3. Debtor's Monthly Operating Reports for August 2023 and September 2023 fail to support the business budget filed 10/05/23 at #33. Debtor failed to provide copies of the June 2023 and July 2023 Monthly Operating Reports. The gross business income on Schedule J is understated per the August 2023 and September 2023 Monthly Operating Reports.  4. Trustee alleges Schedule B is incomplete as it does not provide for a 2007 Chrysler Van.  Plan payments: 1 (Jul 2023) - 42 (Dec 2026) \$400.00.  Trustee's Amended Motion to Dismiss #24 filed 8/30/23. No response filed by Debtor.  Objection to Confirmation filed 09/26/23 by Zapata County at #29 was withdrawn 10/04/23 at #32.		
<b>BARTO</b>	<b>23-50071</b>	<b>Confirmation</b>	Current	<b>Trustee does not recommend confirmation and recommends dismissal.</b>
	<b>ELISA L MONCIVAIS</b>	<b>Dismissal</b>	10/10/23	
07/31/23 10/09/23 2/60  Krystle	\$3,300.00 <i>BMI-PPR</i>	1. Plan #28 filed 10/24/23 fails to list the complete principal residence address in paragraph 8.  2. Plan fails to give proper notice of a new claim added for Laredo College. Schedule D fails to provide for this creditor.  3. Plan fails to specify the address for the tax reserve or specify the reserve amount for each property.		

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4. Debtor failed to provide proof to substantiate the amount of \$4,350.56 to be paid to Webb County. Creditor has not filed a claim and Trustee must disburse according to plan.

5. Debtor is proposing to pay Webb County \$1,125 as a priority claim. Creditor has not filed a claim and Trustee must disburse according to plan. It appears that this is a duplicate claim, as this amount is already included in the United ISD claim #1 filed on 8/1/23.

6. Trustee alleges Schedule J is inaccurate as it fails to provide for the tax reserve expense.

7. Debtor failed to provide a copy of her Cash App statements.

Plan payments:

1 (Aug 2023) - 3 (Oct 2023) \$3,300.00.

4 (Nov 2023) - 60 (Jul 2028) \$3,550.00.

Trustee's Motion to Dismiss #26 filed 09/25/23.

No Response filed by Debtor.

<b>BARTO</b>	<b>23-50074</b>	<b>Confirmation</b>	no pymts received	<b>Trustee does not recommend confirmation.</b>
08/25/23 11/03/23 2/60 Bridget1	<b>QUETZALCOATL A PALAPA</b>	<b>Obj Conf Ally Bank</b>	01/01/00 \$0.00	
	\$2,524.02 <i>AMI-PPR</i>			
	<p>1. Plan #31 filed 10/24/23 fails to fully provide for Ally Bank claim #7 filed 09/22/23.</p> <p>2. Debtor is delinquent 2 payments through October totaling \$5,048.04.</p> <p>3. Wage order #13 signed 08/29/23 for United ISD; however, Trustee has not received any wage deductions.</p> <p>4. Debtor has failed to file an amended wage deduction order with the Court.</p> <p>Payments:</p> <p>1 (Sep 2023)- 2 (Oct 2023) \$2,524.02.</p> <p>3 (Nov 2023)- 60 (Aug 2028) \$2,924.02.</p>			

Trustee's Motion to Dismiss #25 filed 10/06/23. Hearing set for 12/07/23.

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No response filed by Debtor.

Objection to Confirmation filed 09/28/23 by Ally Bank at #23.

Amended Plan #34 filed 10/25/23 is pending review for the 11/2/2023 hearing.

MEURER	23-50065	Confirmation	\$2,665.00 or	Trustee does not
	RAUL CISNEROS	Dismissal	1.00 mth	recommend
07/18/23			09/25/23	confirmation and
09/26/23	CARIDAD CISNEROS		\$1,780.00	recommends
3/60	\$2,665.00		ePay	dismissal.
Leanne1	AMI-BOTH	<p>1. Plan #48 filed 10/25/23 does not fully provide for the ongoing mortgage payment for NationStar Mortgage LLC DBA Mr. Cooper claim #6 filed 09/22/23.</p> <p>2. Debtor has failed to file an amended EFT order with the Court.</p> <p>3. Trustee alleges the Applicable Commitment Period listed in Paragraph 4 is incorrect.</p> <p>Trustee's Motion to Dismiss filed 09/01/23 at #41. No response filed by Debtor.</p> <p>Plan payments: 1 (Aug 2023) - 2 (Sep 2023) \$1,780.00 3 (Oct 2023) - 10 (May 2024) \$2,665.00 11 (Jun 2024) - 14 (Sep 2024) \$1,780.00 15 (Oct 2024) - 22 (May 2025) \$2,665.00 23 (Jun 2025) - 26 (Sep 2025) \$1,780.00 27 (Oct 2025) - 34 (May 2026) \$2,665.00 35 (Jun 2026) - 38 (Sep 2026) \$1,780.00 39 (Oct 2026) - 46 (May 2027) \$2,665.00 47 (Jun 2027) - 50 (Sep 2027) \$1,780.00 51 (Oct 2027) - 58 (May 2028) \$2,665.00 59 (Jun 2028) - 60 (Jul 2028) \$1,780.00</p>		

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MEURER	23-50073	Confirmation	\$2,068.85 or	Trustee does not recommend confirmation and recommends dismissal.
	FELIX RODRIGUEZ JR	Dismissal	0.85 mth	
08/17/23			10/23/23	
10/26/23			\$564.23	
2/60			ePay	
Krystle	\$2,445.00 BMI-	1. Plan #14 filed 08/31/23 does not meet the requirements of §1322(a)(2), as it does not provide for all known future fixed fees that will come due during the life of the plan, pursuant to the fixed fee agreement granted at docket #24.  2. Plan fails to provide for Conn Appliances, Inc. claim #9 filed 09/25/23.  3. Trustee alleges the Statement of Financial Affairs is incomplete as it does not disclose all funds paid over \$600.00 in the last 90 days pursuant to Debtor's 341 testimony.  4. Trustee alleges Plan fails to provide for all of Debtor's disposable income.  5. Plan fails to provide Starting and Ending months for Pro rata claims.  6. Trustee alleges the budget is inaccurate as it fails to disclose Debtor's 401k loans. The income is understated for non-filing spouse pursuant to the pay stubs.  Plan Payment: 1 (Sep 2023) - 60 (Aug 2028) \$2,445.00.  Trustee's Motion to Dismiss #27 filed 10/6/23. No Response filed by Debtor.		

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OLIVA PC (L)	22-50090	Modification	\$505.93 or 0.42 mth 10/20/23 \$600.00 ePay	Trustee recommends approval of Mod #73 filed 10/06/23.
12/22/22 03/02/23 10/60 Tracey	MARIA L CARRION \$1,200.00 BMI-ESF	Modification #73 filed 10/06/23 works at 3.065% to the general unsecured creditors.  Mod filed to cure delinquency and plan deficiency.  Mod forgives \$1,159.61.  Plan payments: 9 (Sep 2023) - 15 (Mar 2024) \$1,200.00 16 (Apr 2024) \$4,100.00 17 (May 2024) - 27 (Mar 2025) \$1,200.00 28 (Apr 2025) \$4,100.00 29 (May 2025) - 39 (Mar 2026) \$1,200.00 40 (Apr 2026) \$4,100.00 41 (May 2026) - 51 (Mar 2027) \$1,200.00 52 (Apr 2027) \$4,100.00 53 (May 2027) - 60 (Dec 2027) \$1,200.00		

VASQUEZ LAW FIRM	22-50051	Modification	\$1,090.00 or 0.30 mth 10/23/23 \$700.00 ePay	Trustee recommends approval of Mod #117 filed 10/24/23.
08/02/22 10/11/22 14/60 Tracey	ADRIANA R CANALES \$3,690.00 BMI-ESF	Modification #117 filed 10/24/23 works at 22.14% to the general unsecured creditors.  Mod filed to cure delinquency and add post-petition mortgage payments.  Mod Forgives \$13,780.00.		

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Plan payments:  
12 (Aug 2023) - 59 (Jul 2027) \$3,675.00  
60 (Aug 2027) - 60 (Aug 2027) \$3,675.00

VASQUEZ LAW FIRM	23-50034 OSCAR J SANCHEZ	Confirmation  Dismissal	\$3,155.00 or 1.99 mth 09/18/23 \$800.00 ePay	Trustee does not recommend confirmation and recommends dismissal.
05/01/23 07/10/23 5/60 Bridget1	\$1,585.00 BMI-BOTH			

At the last hearing on 10/5/2023, the Court was informed that Debtor was employed again, making \$14.50 per hour plus overtime, and would be filing an amended plan. No amendments have been filed.

1. Plan #13 filed on 05/17/23 fails to provide sufficient funds for payment in full of all secured and priority claims.
  2. Plan fails to provide for City of Laredo claim #2 filed 06/13/202 for the Publication Fee and Court Costs.
  3. Plan fails to provide for Kazen Meurer & Perez LLP claim #5 filed 07/10/23 for the Publication Fee and Court Costs.
  4. Plan fails to fully provide for City of Laredo claim #1 filed 06/13/23 for 2020 through 2022 property taxes.
  5. Plan fails to fully provide for Laredo Community College claim #3 filed 07/10/23 for 2021 through 2022 property taxes.
  6. Plan fails to fully provide for Laredo ISD Tax Office claim #4 filed 07/10/23 for the 2022 property taxes.
  7. Plan fails to fully provide for Webb County Tax Assessor claim #2 filed 09/06/23 for the 2021 through 2022 property taxes.
  8. Plan fails to disclose the tax years to be paid through the plan in paragraph 8.
  9. Plan fails to provide the property address in the description for the ad valorem reserve in Paragraph 23.
  10. Debtor is delinquent 2 payments through September totaling \$3,155.00, with next payment due on 10/31/23. Wage order #26 signed 06/22/23 for Toro Oilfield Services, LLC; however, Trustee has not received any wage deductions.
- Payments: 1 (May 2023)- 60 (Apr 2028) \$1,585.00.

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Trustee's Amended Motion to Dismiss #34 filed 07/24/23.  
No Response filed by Debtor.

WAJDA & ASSOCIATES P C 04/04/22 06/13/22 18/60 Tracey	22-50020 HECTOR M AYALA JENNIFER N AYALA \$2,331.63 BMI-	Dismissal     Post-Conf. Trustee's Motion to Dismiss was filed 09/28/23 at #93 for non-payment. No response filed by Debtor. There are several months where no payment was made at all.	\$1,849.97 or 0.79 mth 10/24/23 \$1,026.00 Wage Order	Trustee recommends dismissal.
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