

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA**

**Minute Entry**

**Hearing Information:**

**Debtor:** BARRY WEISBAND  
**Case Number:** 4:09-BK-05175-EWH                      **Chapter:** 13  
**Date / Time / Room:** THURSDAY, AUGUST 06, 2009 02:00 PM COURTROOM 206  
**Bankruptcy Judge:** EILEEN W. HOLLOWELL  
**Courtroom Clerk:** CINDY TURNBULL  
**Reporter / ECR:** ALICIA JOHNS

**Matter:**

PRELIMINARY HEARING ON MOTION FOR RELIEF FROM STAY RE: 5424 EAST PLACITA APAN, TUCSON, ARIZONA 85718 FILED BY JOSEPHINE PIRANIO OF PITE DUNCAN, LLP ON BEHALF OF GMAC MORTGAGE, LLC.  
**R / M #:** 32 / 0

**Appearances:**

CRAIG MORRIS, ATTY FOR DIANNE C. KERNS, TRUSTEE  
RONALD RYAN, ATTORNEY FOR BARRY WEISBAND  
JOSEPHINE E PIRANIO, ATTORNEY FOR GMAC MORTGAGE, APPEARING BY PHONE

**Proceedings:**

MR. MORRIS STATES THIS IS A MODIFIED CONDUIT PLAN. THE DEBTOR PROPOSES A TRUSTEE'S FEE OF 4% ON THE MORTGAGE PAYMENTS, AND THE NORMAL FEE ON EVERYTHING ELSE.

MS. PIRANIO RESPONDS.

MR. RYAN REPLIES.

COURT: A FINAL HEARING WILL BE SET FOR SEPTEMBER 3, 2009 AT 2:00 P.M. (1 MIN.) A FINAL EVIDENTIARY HEARING WILL BE SET SHORTLY THEREAFTER. MR. RYAN IS TO FIX THE PLAN. MR. RYAN CAN'T PAY 4% FOR THE TRUSTEE'S FEE ON THE MORTGAGE PAYMENTS.

MR. RYAN RENDERS FINAL COMMENTS.

MS. PIRANIO ASKS IF DIRECT TESTIMONY CAN BE BY DECLARATION.

COURT: YES, BUT THE WITNESS MUST BE AVAILABLE FOR CROSS-EXAMINATION. THE COURT IS NOT FOND OF HAVING WITNESSES APPEAR BY PHONE.

\*\*\*SUBSEQUENTLY, THE FINAL EVIDENTIARY HEARING WILL BE SET FOR SEPTEMBER 15, 2009 AT 1:30 P.M.