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SUSAN M SPRAUL, CLERK  
U.S. BKCY. APP. PANEL  
OF THE NINTH CIRCUIT

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RICHARD W. WICKING  
CLERK, U.S. BANKRUPTCY COURT  
NINTH CIRCUIT

UNITED STATES BANKRUPTCY APPELLATE PANEL  
OF THE NINTH CIRCUIT

RS

CV 11 80 287 MISC

In re:	)	BAP No.	NC-11-1536
	)		
	)	Bk. No.	11-33107
JULIE NELSON BLANKENHORN;	)		
	)		
Debtor.	)		
_____	)		
	)		
JULIE NELSON BLANKENHORN,	)		
	)		
Appellant,	)	<b>ORDER TRANSFERRING IFP MOTION</b>	
	)	<b>(Immediate Action Required)</b>	
	)		
v.	)		
	)		
DANIEL J. ROSENBLEDT, Trustee	)		
of Rosenbledt Pie Trust Dated	)		
March 25, 2000,	)		
	)		
Appellee.	)		
_____	)		

Before: DUNN and PAPPAS, Bankruptcy Judges.

On September 27, 2011, appellant filed a financial affidavit which we construe as a motion for leave to proceed in forma pauperis with respect to this appeal ("IFP Motion").

Under the holding of Perroton v. Gray (In re Perroton), 958 F.2d 889 (9th Cir. 1992) and Determan v. Sandoval (In re Sandoval), 186 B.R. 490, 496 (9th Cir. BAP 1995), the Bankruptcy Appellate Panel has no authority to grant in forma pauperis

motions under 28 U.S.C. § 1915(a) because bankruptcy courts are not "court[s] of the United States" as defined in 28 U.S.C. § 451.

Therefore, appellant's IFP Motion is hereby TRANSFERRED to the United States District Court for the Northern District of California for the limited purpose of ruling on the IFP Motion.

It is appellant's responsibility to take all necessary steps to have the IFP Motion considered by the district court within a reasonable period of time.

No later than **Friday, December 9, 2011**, appellant must file with the Panel and serve on opposing counsel a written response which includes as an exhibit a copy of the district court's order on the IFP Motion or an explanation of the steps appellant has taken to have the IFP Motion considered by the district court.

For the convenience of the district court, copies of the notice of appeal, the orders on appeal and the IFP Motion are attached to this order.

A briefing schedule will be issued concurrently with entry of this order. Appellant's opening brief and excerpts of the record must be filed no later than **Friday, December 23, 2011**. In the briefs, the parties should address whether this appeal has been rendered moot by the dismissal of the Chapter 11 case

on September 27, 2011. See Bankruptcy Court Docket at 38 (Order and Notice of Dismissal).

**Failure to comply with the requirements of this order may result in dismissal of this appeal for lack of prosecution without further notice to the parties. 9th Cir. BAP R. 8070-1.**

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**FILED**

SEP 27 2011

UNITED STATES BANKRUPTCY COURT  
SAN FRANCISCO, CA

1 **JULIE NELSON BLANKENHORN**  
2 **990 AVENUE ALAMBRA**  
3 **EL GRANADA CA 94018**  
4 (650) 757-6528

BAP# NC-11-1536-

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA**

5 **In re:** )  
6 **JULIE NELSON BLANKENHORN** )  
7 **Debtor** )  
8 **DANIEL J. ROSENBLEDT, Trustee of** )  
9 **Rosenbledt PIE Trust Dated** )  
10 **March 15, 2000,** )  
11 **Movant,** )  
12 **vs.** )  
13 **JULIE NELSON BLANKENHORN,** )  
14 **Respondent.** )

**Bankruptcy Case No. 11-33107  
Chapter //**

RECEIVED  
Susan M. Spitzer, Clerk  
U.S. BANKRUPTCY COURT  
OF THE NINT CIRCUIT

SEP 30 2011

FILED \_\_\_\_\_  
DOCKETED 9/30/11 FB  
DATE IN

**NOTICE OF APPEAL TO THE BANKRUPTCY APPELLATE PANEL**

14 **PLEASE TAKE NOTICE** that JULIE NELSON BLANKENHORN, respondent in the  
15 above styled and numbered cause, appeals from the order of the bankruptcy court granting relief  
16 from stay and the same court's subsequent order dated September 19, 2011 denying respondent's  
17 timely filed motion for reconsideration. See Exhibits A & B attached. The names of all parties  
18 to the Order appealed from and the names, addresses and telephone numbers of their respective  
19 attorneys are as follows:

20 1. **Counsel for Plaintiff DANIEL J. ROSENBLEDT, TRUSTEE OF ROSENBLEDT  
21 PIE TRUST DATED MARCH 25, 2000 :**

22 Brenda Cruz Keith  
23 1965 Market Street, 2nd Floor  
24 San Francisco, CA 94103  
25 415.626.6494

2. **Counsel for the Respondent JULIE NELSON BLANKENHORN:**

Julie Nelson Blankenhorn, Respondent / Appellant  
990 Avenue Alhambra  
El Granada, CA 94018

Dated: September 26, 2011

Respectfully submitted,

Julie Nelson Blankenhorn, REspondnent / Appellant  
990 Avenue Alhambra  
El Granada, CA 94018

**CERTIFICATE OF SERVICE**

I, Julie Nelson Blankenhorn declare under penalty of perjury that on September 26, 2011,  
copies of NOTICE OF APPEAL were served by sending a true and correct copy to each party  
by sending a copy thereof by enclosing same in an envelope with first class postage prepaid and  
addressed as follows by depositing same in the post office at El Granada, California :

Brenda Cruz Keith  
1965 Market Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94103  
Attorney for Plaintiff

Dated: September 26, 2011

Respectfully submitted,

Julie Nelson Blankenhorn, Defendant / Appellant  
990 Avenue Alhambra  
El Granada, CA 94018

Entered on Docket  
September 13, 2011  
GLORIA L. FRANKLIN, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: September 12, 2011

*Thomas E. Carlson*  
THOMAS E. CARLSON  
U.S. Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re	)	Case No. 11-33107 TEC
	)	
JULIE NELSON-BLANKENHORN	)	Chapter 11
	)	
	)	
Debtor.	)	Date: September 12, 2011
	)	Time: 1:00 p.m.
	)	Trm: Hon. Thomas E. Carlson
	)	235 Pine St., 23rd Fl.
	)	San Francisco, CA

ORDER RE RELIEF FROM THE AUTOMATIC STAY

On September 12, 2011, the court held a hearing on Daniel J. Rosenbledt's Motion for Relief from the Automatic Stay and Motion for Monetary Sanctions. Brenda Cruz Keith appeared on behalf of Movant. Debtor appeared *pro se* in opposition to the Motions. Upon due consideration, and for the reasons stated on the record at the hearing, the court hereby orders as follows:

(1) The automatic stay under 11 U.S.C. § 362(a) is vacated under 11 U.S.C. § 362(d)(1) as to Movant's interest in real property located at 990 Avenue Alhambra, El Granada, San Mateo County, California, 94018, also designated as 990 Avenue Alhambra, Half Moon Bay, California, 94019 (hereinafter "The Property"),

ORDER RE MOTION FOR RELIEF  
FROM THE AUTOMATIC STAY

1 to permit Movant to pursue all his rights and remedies in and to  
2 The Property.

3 (2) The Movant is permitted to complete all his legal remedies  
4 in state court to obtain possession of The Property.

5 (3) In the event this chapter 11 proceeding is converted to  
6 another chapter, this Order is deemed binding and of full force and  
7 effect in any such converted proceeding as to the parties and The  
8 Property herein.

9 (4) The provisions of Federal Rule of Bankruptcy Procedure  
10 4001(a)(3) shall not apply.

11 (5) Movant's Motion for Monetary Sanctions is denied.

12 (6) Pursuant to 11 U.S.C. § 362(d)(4), Movant's rights and  
13 remedies regarding The Property shall not be affected by any  
14 bankruptcy petition filed by any party under any chapter in any  
15 district on or before September 12, 2013. The San Mateo Sheriff  
16 may rely upon this Order to complete eviction notwithstanding any  
17 bankruptcy petition filed by any party before September 12, 2013.

18 \*\*END OF ORDER\*\*  
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ORDER RE MOTION FOR RELIEF  
FROM THE AUTOMATIC STAY

**Court Service List**

Julie Nelson-Blankenhorn  
990 Avenue Alhambra  
Half Moon Bay, CA 94019



**EXHIBIT A**

**EXHIBIT B**

September 20, 2011  
GLORIA L. FRANKLIN, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: September 19, 2011

THOMAS E. CARLSON  
U.S. Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re	)	Case No. 11-33107 TEC
JULIE NELSON-BLANKENHORN,	)	Chapter 11
aka JULIE BLANKENHORN,	)	
	)	
	)	
Debtor.	)	

ORDER DENYING MOTION FOR RECONSIDERATION

On September 13, 2011, this court granted relief from stay in this case to permit enforcement of a pre-petition unlawful detainer action after a pre-petition foreclosure sale. On September 15, 2011, Debtor filed a motion for reconsideration of that order. The chapter 7 case previously filed by Debtor's husband presents the same issue regarding the same property. Julie Nelson-Blankenhorn's motion for reconsideration is denied for the reasons stated in the Memorandum re Debtor's Motion for Reconsideration filed in the Bruce Allan Blankenhorn bankruptcy case (11-31835 TEC) on July 12, 2011.

**\*\*END OF ORDER\*\***

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Court Service List

Julie Nelson-Blankenhorn  
990 Avenue Alhambra  
Half Moon Bay, CA 94019

*BAP# NC-11-1536*

**FILED**

**SEP 28 2011**

UNITED STATES BANKRUPTCY COURT  
SAN FRANCISCO, CA

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OFFICE OF THE CLERK  
235 Pine Street  
San Francisco, CA 94104  
Mailing Address:  
P.O. Box 7341  
San Francisco, CA 94120-7341

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Susan M. Jensen, Clerk  
U.S. BKCY APP. PANEL  
OF THE NINTH CIRCUIT

**SEP 30 2011**

**TRANSMITTAL FORM**

FILED \_\_\_\_\_

DOCKETED \_\_\_\_\_  
DATE INITIAL

TO: Bankruptcy Appellate Panel of the Ninth Circuit, 125 S. Grand Avenue, Pasadena, CA, 91105

CASE NAME: **Julie Nelson-Blankenhorn**

BANKRUPTCY NO.: **11-33107- TC**

BANKRUPTCY JUDGE: **Thomas E. Carlson**

DATE NOTICE OF APPEAL FILED: **September 27, 2011**

DATE OF ENTRY OF ISSUE: **September 12, 2011 & September 19, 2011**

DATE BANKRUPTCY FILED: **August 24, 2011**

DATE OF TRANSMITTAL: **September 28, 2011**

Da'Wana L. Chambers  
Deputy Clerk

**FILED**

**SEP 28 2011**

**UNITED STATES BANKRUPTCY COURT  
SAN FRANCISCO, CA**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA**

RECEIVED  
Susan M. Spradl, Clerk  
U.S. BAP Panel  
of the Ninth Circuit

**SEP 30 2011**

Re: Julie Nelson-Blankenhorn

Case No.: 11-33107- TC

Chapter 11

Debtor(s) /

FILED \_\_\_\_\_  
DOCKETED \_\_\_\_\_

**NOTICE OF REFERRAL OF APPEAL TO BANKRUPTCY APPELLATE PANEL**

TO ALL PARTIES:

YOU AND EACH OF YOU are hereby notified that the enclosed notice of appeal has been filed by with the Clerk of the Bankruptcy Court. By virtue of the orders of the Judicial Council of the Ninth Circuit and the District Court for this district, the above appeal has been referred to the United States Bankruptcy Appellate Panel of the Ninth Circuit (BAP).

Dated: September 28, 2011

Gloria L. Franklin, Clerk  
United States Bankruptcy Court

By: Da'Wana L. Chambers  
Deputy Clerk

**RECEIVED**

**FINANCIAL AFFIDAVIT**  
 IN SUPPORT OF REQUEST FOR ATTORNEY'S EXPENSES OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

SEP 27 2011

UNITED STATES BANKRUPTCY COURT  
 SAN FRANCISCO, CA

IN UNITED STATES  MAGISTRATE  DISTRICT  APPEALS COURT or  OTHER PANEL (Specify below)

IN THE CASE DANIEL J. ROSENBLUTH FOR JULIE NELSON AT Blattenthal V.S. Blattenthal

LOCATION NUMBER  
**11-33107**

PERSON REPRESENTED (Show your full name)  
**JULIE NELSON - Blattenthal**  
**190 AVENUE K HAMBURG**

- 1 Defendant-Adult
- 2 Defendant - Juvenile
- 3 Appellant
- 4 Probation Violator
- 5 Parole Violator
- 6 Habeas Petitioner
- 7 2255 Petitioner
- 8 Material Witness
- 9 Other **RESPONDENT / APPELLANT**

DOCKET NUMBERS  
 Magistrate  
 District Court  
 Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box →)  Felony  Misdemeanor

EMPLOYMENT  
 Are you now employed?  Yes  No  Am Self-Employed  
 Name and address of employer: \_\_\_\_\_  
 IF YES, how much do you earn per month? \$ 800.00 IF NO, give month and year of last employment \_\_\_\_\_  
 How much did you earn per month? \$ \_\_\_\_\_  
 If married is your Spouse employed?  Yes  No  
 IF YES, how much does your Spouse earn per month? \$ \_\_\_\_\_ If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ \_\_\_\_\_

OTHER INCOME  
 Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources?  Yes  No  
 IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES

RECEIVED	SOURCES
\$ _____	_____
\$ _____	_____
\$ _____	_____

ASSETS  
 CASH: Have you any cash on hand or money in savings or checking accounts?  Yes  No IF YES, state total amount \$ 1400  
 PROPERTY: Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?  Yes  No  
 IF YES, GIVE THE VALUE AND DESCRIBE IT

VALUE	DESCRIPTION
\$ <u>(200,000)</u>	<u>289 GABLE TRALE DRIVE</u>
\$ _____	_____
\$ _____	_____
\$ _____	_____

OBLIGATIONS & DEBTS  
 DEPENDENTS: MARITAL STATUS  SINGLE  MARRIED  WIDOWED  SEPARATED OR DIVORCED  
 Total No. of Dependents: 3  
 List persons you actually support and your relationship to them:  
BRIAN BLATTENTHAL  
LAUREN BLATTENTHAL  
KEVIN BLATTENTHAL

DEBTS & MONTHLY BILLS (LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)

APARTMENT OR HOME:	Creditors	Total Debt	Monthly Paymt.
<u>289 GABLE TRALE DRIVE</u>	<u>BORG</u>	\$ <u>4007</u>	\$ <u>16,000</u>
<u>HMB</u>		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) 9/26/11

SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED) Julie Nelson

**11-1536**

DistCt, San Francisco  
District of California Northern (San Francisco)  
450 Golden Gate Avenue  
16th Floor, Room 1111  
San Francisco, CA 94102

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