

United States Bankruptcy Court District Of

In re:

Debtor

Case No.

Chapter

Motion to Avoid Judicial Lien

The above-captioned Debtor requests entry of an order pursuant to 11 U.S.C. § 522(f) and Federal Rule of Bankruptcy Procedure 4003(d) that avoids the judicial lien held by the Respondent,

In support of this Motion, the Debtor states:

1. The Debtor filed a voluntary bankruptcy petition ("Petition Date") on:
2. A copy of the Respondent's judgment is attached hereto as Exhibit A (the "Judgment Lien"). The Judgment Lien is in the amount of and was obtained on:
3. The Debtor asserts that Respondent's Judgment Lien may constitute a lien on the following property, commonly described as (the "Property"):

Debtor's valuation of the Property as of the Petition Date:

4. As of the Petition Date, the Property was subject to the following liens. The amount of any non-judicial lien (e.g., any deed of trust, mortgage or statutory lien) is determined as of the Petition Date:

Creditor's Name	Type of lien (e.g., deed of trust, mortgage, statutory, or judicial)	Amount Owed
	<i>Judicial Lien to be Avoided</i>	
		Total:

5. The Debtor states that the Respondent's Judgment Lien impairs the Debtor's exemption following the formula set forth in 11 U.S.C. § 522(f)(2):

- A. The total of all liens as stated in ¶ 4:
- B. The amount of the exemption that could be claimed in the absence of any liens on the property:
Statutory basis for exemption:
- C. Sum of ¶¶ A and B:
- D. Debtor's valuation of the Property subject to the Respondent's Judicial Lien as of the Petition Date:
- E. Extent of the Impairment. Subtract ¶ D from ¶ C.
If the result is \$0 or less, the Judgment Lien cannot be avoided under § 522(f).

THEREFORE, the Debtor requests entry of an Order that avoids the Respondent's judicial lien to the extent provide in ¶ 5(E), and if the court determines that the amount listed in ¶ 5(E) is equal to or greater than the amount of the Respondent's judicial lien as of the Petition Date, then the Debtor requests entry of an Order that wholly avoids the Respondent's judicial lien.

DATE:

Signed:

Name, Address, Telephone Number, and Bar No. (if applicable)

CERTIFICATE OF SERVICE

I, _____, certify that on this day, _____, I served a true and accurate copy of this Motion to Avoid Judicial Lien on the Respondent pursuant to Fed. R. Bankr. P. 7004, 9013 and 9014(b) as follows:

Address for Service:

United States Bankruptcy Court

District Of

In re:

Case No.

Debtor

Chapter

Order to Avoiding Judicial Lien

The above-captioned Debtor filed a motion pursuant to 11 U.S.C. § 522(f) and Fed. R. Bankr. P. 4003(d) to avoid a judicial lien held by the Respondent,

Having considered the motion the court finds and concludes:

1. The Debtor filed a bankruptcy petition (the "Petition Date") on:
2. As of the Petition Date, the Respondent held a judgment that may constitute a judicial lien on the Debtor's property, commonly described as:
3. The Respondent's lien is evidenced by a judgment, and if recorded, the judgment is in Judgment Book , page , in the County Records in the State of
4. The Debtor served the Debtor's motion to avoid the Respondent's judicial lien pursuant to Fed. R. Bankr. P. 7004, 9013, and 9014(b). The Respondent was afforded notice and an opportunity for a hearing. No timely response was received by the Bankruptcy Clerk's Office.
5. Respondent's judicial lien impairs the Debtor's exemption under the formula set forth in 11 U.S.C. § 522(f)(2)(A).

Therefore, it is

ORDERED that the Respondent's judicial lien be and hereby is avoided as follows:

A. The total of all liens on the Debtor's property and the amount of the exemption that the Debtor could claim in the property in the absence of any liens is . The value of the Debtor's property is . Because the total of all liens against the Debtor's property and the amount of the exemption that the Debtor could claim in the absence of any liens exceeds the value of the Debtor's property by , (the "Extent of the Impairment") the Respondent's judicial lien of may be avoided to the up to the dollar amount of the Extent of the Impairment. When the Extent of the Impairment exceeds the value of the Respondent's judicial lien, the judicial lien is wholly avoided.

B. The avoidance of the Respondent's judicial lien is effective on entry of discharge. When recording this Order Avoiding Judicial Lien, it shall be accompanied by the Debtor's order of discharge.