

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
_____ DIVISION**

In re:	}	Case No.
	}	Chapter
	}	
	}	
Debtor(s)	}	

MOTION TO AVOID JUDICIAL LIEN PURSUANT TO 11 U.S.C. § 522(f)(1)(A)

NOW COMES _____ ("Debtor"), by and through his or her attorney, _____, pursuant to 11 U.S.C. § 522(f), Federal Rules of Bankruptcy Procedure 4003(d) and 9014, and Local Rule 4003-2 to request that this Court enter an order avoiding the judicial lien recorded in Book _____ at Page _____, or Instrument Number _____, _____ County, _____ (state) (the "Judicial Lien"), a copy of the recorded certificate of judgment is attached, held by _____ ("Creditor").

In support of this motion, the Debtor states:

1. This Court has jurisdiction in this matter pursuant to 28 U.S.C. § 1334(a). This matter is a core proceeding as provided by 28 U.S.C. § 157(b)(2)(K).
2. The Debtor filed a voluntary petition under chapter ____ of the Bankruptcy Code on _____. At the time of the filing, the Debtor owned and claimed an exemption in certain property; specifically, the Debtor claimed an exemption in (describe property): _____ (the "Property").
3. The Property is subject to the following mortgages or judicial liens, which do not secure a debt of the kind set forth in 11 U.S.C. § 523(a)(5)(domestic support obligations):
 - a. _____ obtained by _____ on _____;
 - b. _____ obtained by _____ on _____;
 - c. _____ obtained by _____ on _____.
4. The Debtor is entitled to an exemption in the Property in the amount of \$_____ pursuant to _____ (insert relevant exemption statute).
5. The Debtor's Property has a fair market value of \$_____.
6. 11 U.S.C. § 522(f)(2)(A) of the Bankruptcy Code provides that "a lien shall be considered to impair an exemption to the extent that the sum of -- (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(B) provides that "[i]n the case of a property subject to more than 1 lien, a lien that has been avoided shall not be considered in making the calculation under subparagraph (A) with respect to other liens."

7. Following the formula set forth in 11 U.S.C. § 522(f)(2) for determining whether a lien impairs an exemption, the Debtor:

a. Adds the lien being requested to be avoided of \$ _____,
all other liens which total \$ _____,
and the maximum exemption allowable in the
absence of liens of \$ _____,
to get a sum of \$ _____.

b. From the sum above of \$ _____,
subtracts the value of the property in the absence of
liens of \$ _____,
and finds that the extent of the impairment is \$ _____.

8. Because the extent of the impairment of the exemption, \$ _____,
exceeds the entire value of the Creditor's lien, \$ _____,
the entire lien is avoidable.

-OR-

Because the extent of impairment, \$ _____,
is less than the entire value of the lien, \$ _____,
the Creditor's lien can be avoided only to the extent of
the impairment of the exemption, \$ _____,
and the rest remains as a lien in the amount of \$ _____.

9. A declaration, consistent with Local Rule 4003-2 and the lien avoidance forms found on the Court's website at www.alnb.uscourts.gov/localforms.cfm, or other admissible evidence is attached and submitted in support of this motion.

WHEREFORE, the Debtor respectfully requests that this Court enter an order that avoids the Judicial Lien held by Creditor.

DATED:

By: _____