

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

**In re:**

}  
}  
}  
}  
}

**Case No.  
Chapter**

**Debtor(s)**

**MOTION TO AVOID NONPOSSESSORY, NON-PURCHASE MONEY LIEN  
ON CERTAIN HOUSEHOLD AND PERSONAL GOODS  
PURSUANT TO 11 U.S.C. § 522(f)(1)(B)**

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 nonpossessory, non-purchase money security interest 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 nonpossessory, non-purchase money security interests:
  - 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](http://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 nonpossessory, non-purchase money security interest or lien on household and personal goods held by Creditor.

**DATED:**

By: \_\_\_\_\_