|  |  |
| --- | --- |
| Attorney or Party Name, Address, Telephone & FAX Numbers, State Bar Number & Email Address | FOR COURT USE ONLY |
| [ ]  *Debtor appearing without attorney*[ ]  *Attorney for:*  |
| **UNITED STATES BANKRUPTCY COURT****CENTRAL DISTRICT OF CALIFORNIA – NAME OF DIVISION** |
| In re: | CASE NUMBER: CHAPTER:  |
| **ORDER [ ]  GRANTING** [ ]  **DENYINGDEBTOR’S MOTION TO AVOID LIEN UNDER11 U.S.C.§ 522(f) (REAL PROPERTY)** |
| [ ]  No hearing held[ ]  Hearing heldDATE: TIME: COURTROOM:ADDRESS: |
| Debtor(s). |
| **Creditor Holding Lien to be Avoided** (*name*)*:*  |

The Motion was: [ ]  Opposed [ ]  Unopposed [ ]  Settled by stipulation

Pursuant to 11 U.S.C. § 522(f), Debtor moved to avoid a judicial lien on real property claimed to be exempt. The court finds and orders as follows:

1. [ ]  Notice of this Motion complied with LBR 9013-1(d).
2. [ ]  Notice of this Motion complied with LBR 9013-1(o).

a. [ ]  There was no opposition and request for hearing.

b. [ ]  Hearing requested and held as indicated in the caption.

1. [ ]  Motion granted as set forth in the **Attachment** to this order.
2. [ ]  Motion denied on the following grounds: [ ]  with prejudice [ ]  without prejudice
3. [ ]  Insufficient notice
4. [ ]  Insufficient evidence of the exempt status of the property in question
5. [ ]  Failure to comply with FRBP 7004(b)(3) or FRBP 7004(h).
6. [ ]  Insufficient evidence of fair market value.
7. [ ]  Motion is incomplete.
8. [ ]  Other (*specify*):
9. [ ]  The court further orders as follows (*specify*):

[ ]  See attached page

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**ATTACHMENT to Motion/Order**

**(11 U.S.C. § 522(f): avoidance of real property judicial liens)**

This court makes the following findings of fact and conclusions of law:

**1. Creditor Lienholder/Servicer:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**2. Subject Lien:** Date (*specify*): \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and place (*specify*): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of recordation of lien; Recorder's instrument number or document recording number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**3. Collateral:** Street address, legal description and/or map/book/page number, including county of recording: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. [ ]  See attached page.

**4. Secured Claim Amount**

 a. Value of Collateral: …………………………………………………………………………… $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

b. Amounts of Senior Liens (reducing equity in the property to which the Subject Lien can attach):

 (1) First lien: ……………………………………….………. ($\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

 (2) Second lien: …………………………………………… ($\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

 (3) Third lien: ……………………………………………… ($\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

 (4) Additional senior liens (*attach list*): ……….……….. ($\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

c. Amount of Debtor’s exemption(s): ……………………………. ($\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

d. Subtotal: ………………………………………………………………………………………. ($\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

e. Secured Claim Amount (negative results should be listed as -$0-): $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Unless otherwise ordered, any allowed claim in excess of this Secured Claim Amount is to be treated as a nonpriority unsecured claim and is to be paid *pro rata* with all other nonpriority unsecured claims (in Chapter 13 cases, Class 5A of the Plan).

**5. Lien avoidance:** Debtor’s request to avoid the Subject Lien is granted as follows. The fixing of the Subject Lien impairs an exemption to which Debtor would otherwise be entitled under 11 U.S.C. § 522(b). The Subject Lien is not a judicial lien that secures a debt of a kind that is specified in 11 U.S.C. § 523(a)(5) (domestic support obligations). The Subject Lien is void and unenforceable except to the extent of the Secured Claim Amount, if any, listed in paragraph 4.e. above.

[ ]  See attached page(s) for more liens/provisions.