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| --- | --- |
| 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**  **DENYING DEBTOR’S MOTION TO AVOID LIEN UNDER 11 U.S.C.§ 522(f) (REAL PROPERTY)** |
| No hearing held  Hearing held  DATE:  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.