

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Lisa F. Collins-Williams, SBN 176655 Law Offices of Lisa F. Collins-Williams 2601 W. Martin Luther King Jr. Blvd Los Angeles, CA 90008-2744 323-290-6650 Fax: 323-924-7129 lawkeeper@msn.com	FOR COURT USE ONLY <div style="border: 1px solid black; padding: 10px; text-align: center;"> FILED & ENTERED SEP 27 2016 <small>CLERK U.S. BANKRUPTCY COURT Central District of California BY jones DEPUTY CLERK</small> </div> <p style="text-align: center; color: red; font-weight: bold; font-size: 1.1em;">CHANGES MADE BY COURT</p>
<input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for Debtor	

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA LOS ANGELES DIVISION

In re: <p style="text-align: center; font-weight: bold;">Herbert David Medrano</p>	CASE NO.: 2:14-bk-14284-RK CHAPTER: 7
ORDER <input type="checkbox"/> GRANTING <input checked="" type="checkbox"/> DENYING MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)	
<input checked="" type="checkbox"/> No hearing held <input type="checkbox"/> Hearing held Date: Time: Courtroom: Place:	
Debtor(s).	

Creditor Holding Lien to be Avoided (name): Citibank South Dakota, N.A.

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.
3. The real property to which this order applies is as follows:
 - a. Street address (specify): **12816 Stagecoach Lane, Norwalk, CA 90650**

b. Legal description (*specify*): See attached page

4. Recording information regarding lien to be avoided:

- a. Date of recordation of lien (*specify*): **November 3, 2011**
b. Recorder's instrument number or map/book/page number (*specify*): **20111493336**

5. Motion granted:

- a. The judicial lien sought to be avoided impairs an exemption to which Debtor would otherwise be entitled under 11 U.S.C. § 522(d)
b. The judicial lien is hereby declared void and unenforceable:
(1) In its entirety
(2) In the following amount *only*: \$ _____. The balance of \$ _____ remains a valid and enforceable lien against the property.

6. Motion denied on the following grounds:

with prejudice without prejudice

- a. Insufficient notice (**see Failure to comply with FRBP 7004(b)(3) and FRBP 7004(h) below**)
b. Insufficient evidence of the exempt status of the property in question
c. Failure to comply with FRBP 7004(b)(3) or FRBP 7004(h). **Movant failed to properly serve the 2nd and 3rd lienholders, "State Tax Lien" and American Express Bank, respectively, with the motion, notice and supporting documents as required by Local Bankruptcy Rule 9013-1(o) and 4003-2(c)(2), and Federal Rule of Bankruptcy Procedure 7004(b)(3).**
d. Insufficient evidence of fair market value. **The lay opinion of Movant, even if he is a licensed real estate agent, is neither admissible nor credible evidence of valuation of the subject property unless there is a detailed explanation and analysis of how he arrived at the valuation based on scientifically accepted principles (i.e., sales comparable analysis) with supporting data, not just his say-so. Fed. R. Evid. 701; *In re Meeks*, 349 B.R. 19, 22 (Bankr. E.D. Cal. 2006); 2 Russell, Bankruptcy Evidence Manual, Section 701.2 at 845 (2015-2016). This court generally requires an appraisal by a certified appraiser or a licensed real estate broker or agent in a declaration under penalty of perjury based on an appropriate sales comparable analysis to support a lien avoidance motion under 11 U.S.C. 522(f).**
e. Motion is incomplete.
f. Other (*specify*): **Movant has failed to submit admissible and credible evidence establishing the National City Mortgage and State Tax liens (such as copies of trust deeds with recordation data), as well as admissible and credible evidence of the amount of the State Tax Lien. For evidence of the National City Mortgage and State Tax liens, and the amount of the State Tax Lien, Movant relies on an unauthenticated title report, Fed. R. Evid. 901, that is inadmissible hearsay and not based on personal knowledge, Fed. R. Evid. 602. See also Fed. R. Evid. 802.**

7. The court further orders as follows (*specify*): **The court grants leave to Debtors to file an amended motion which corrects these deficiencies within 60 days of entry of this order.**

See attached page

Date: September 27, 2016



Robert Kwan
United States Bankruptcy Judge