UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF OKLAHOMA

In Re: Case No.

 Chapter \_\_\_

 Debtor(s),

**MOTION TO AVOID LIEN WITH**

[REAL PROPERTY][PERSONAL PROPERTY]

1. Debtor [name of debtor] commenced this case on [date of petition] by filing a voluntary petition for relief under Chapter \_\_\_ of the United States Bankruptcy Code.
2. The Court has jurisdiction pursuant to 28 U.S.C. Sec. 1334 to avoid and cancel the judicial lien held by [name of creditor] on the following [real property][ personal property] of the Debtor pursuant to 11 U.S.C. Sec. 522(f). *Attach a legal description,* *Describe each item of personal property*
3. On or about [date], [name of creditor] obtained a judgment against the Debtor and obtained a lien against the Debtors real property located at [address of property]. The judgment is entered of record in [case number, case name], in [court name, division and location], date of Entry of Judgement, Instrument Number or Map/Book/Page. The amount of the judgment is $ [dollar amount] plus court costs and attorneys fees, which constitutes the amount of the lien.
4. The fair market value of the [real property] [personal property] owned by Debtor and subject to the judicial lien is $ [dollar amount]. *List each item as appropriate*.
5. The Debtor claimed an exemption as to this property on Schedule\_\_\_\_\_ in the amount of $ [dollar amount].
6. At the time Debtor filed this bankruptcy petition, the Creditor's judicial lien secured an indebtedness in the amount of $ [dollar amount].
7. On \_\_\_\_\_\_\_\_\_\_\_The Debtor obtained a consumer loan from the creditor in the amount of $ [dollar amount]. As for security, the Debtor gave a security interest in [personal property] in Debtors possession. The loan was neither obtained nor used for the purpose of buying said [personal property].
8. The real property is encumbered with the following liens [name of creditor] list mortgages and other liens in order of priority and place an x as to the lien to be avoided by this Motion.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| *Name of Lien Holder* | *x* | *Date Lien**Recorded* | *Original**Lien Amount* | *Current* *Lien Amount* | *Date of* *Current Lien* |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

1. Debtor attaches copies of the following document in support of the Motion as appropriate:
2. Debtor declares under penalty of perjury that the foregoing is true and correct.

WHEREFORE, Debtor prays for an order against [name of creditor] avoiding and canceling the judicial lien in the above-mentioned property to the extent of the lien impairs Debtors exemptions and for such additional or alternative relief as may be just and proper.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Debtors Signature Dated:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Debtors Signature Dated:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney Name, Fed. & State Bar #

Attorney for Movant/Debtor

Address

City, State, Zip Code

Phone: Fax:

e-mail

***NOTE: A Certificate of Service of a pleading upon a domestic or foreign corporation, a partnership, or other unincorporated association pursuant to Bankruptcy Rule 7004(b)(3) or upon an insured depository institution pursuant to Bankruptcy Rule 7004(h) must identify the individual to whom service was addressed by name and/or title. A Certificate of Service of a pleading upon an insured depository institution pursuant to Bankruptcy Rule 7004(h) shall indicate: (1) that such entity is an insured depository institution; (2) whether the institution has appeared by its attorney in the bankruptcy case; and (3) manner of service.***