

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF OKLAHOMA

In Re:

Case No. _____
Chapter ____

Debtor(s),

MOTION TO AVOID LIEN WITH

1. Debtor _____ commenced this case on _____ 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 _____ on the following _____ 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 _____, _____ obtained a judgment against the Debtor and obtained a lien against the Debtor's real property located at _____ . The judgment is entered of record in _____, in _____ . The amount of the judgment is \$ _____ plus court costs and attorneys' fees, which constitutes the amount of the lien.
4. The fair market value of the _____ owned by Debtor and subject to the judicial lien is \$ _____ *List each item as appropriate.*
5. The Debtor claimed an exemption as to this property on Schedule _____ in the amount of \$ _____.
6. At the time Debtor filed this bankruptcy petition, the Creditor's judicial lien secured an indebtedness in the amount of \$ _____.
7. On _____ The Debtor obtained a consumer loan from the creditor in the amount of \$ _____ . As for security, the Debtor gave _____ a security interest in _____ in Debtor's possession. The loan was neither obtained nor used for the purpose of buying said _____.
8. The real property is encumbered with the following liens _____ list mortgages and other liens in order of priority and place an "x" as to the lien to be avoided by this Motion.

<i>Name of Lien Holder</i>	<i>x</i>	<i>Date Lien Recorded</i>	<i>Original Lien Amount</i>	<i>Current Lien Amount</i>	<i>Date of Current Lien</i>

9. Debtor attaches copies of the following document in support of the Motion as appropriate:

10. Debtor declares under penalty of perjury that the foregoing is true and correct.

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

S/ _____
 Debtor's Signature Dated:

S/ _____
 Debtor's Signature Dated:

S/ _____
 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

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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.