

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA**

**In re:** \_\_\_\_\_

**Case No. xx-xxxxx  
Chapter xx**

**Debtor(s)**

**MOTION TO AVOID LIEN PURSUANT TO 11 U.S.C. § 522(F)(2)**

[name of debtor(s)], pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014, move for an order avoiding the [judicial lien(s) and/or nonpossessory, nonpurchase-money security interest] held by [name of respondent] on [description of property] (the "Property"). In support of this Motion, the Debtor(s) states the following.

1. This Court has jurisdiction in this matter pursuant to 28 U.S.C. § 1334(a). This matter is a core proceeding as provided by 28 U.S.C. § 157(b)(2)(K).
2. The Debtor filed a voluntary petition under Chapter \_\_\_\_ of the Bankruptcy Code on [date].
3. The Debtor is entitled to an exemption in the Property in the amount of \$ \_\_\_\_\_, pursuant to [cite legal authority].
4. The Debtor's Property has a fair market value of \$ \_\_\_\_\_. This valuation is based upon [describe basis for valuation (e.g. grand list, real estate appraisal, other source)].
5. The Property is subject to the following mortgages, judicial liens, and/or nonpossessory, nonpurchase-money security interests:

*[Note: Include the Respondent's lien/interest in chart.]*

Type of lien/interest	Holder of lien/interest	Date lien/interest originated/arose	Original amount of lien/interest	Outstanding balance of lien/interest

6. Respondent's interest in the Property is not a statutory lien.

7. Section 522(f)(2)(A) of the Bankruptcy Code provides:

A lien shall be considered to impair an exemption to the extent that the sum of—

- (i) the lien;
- (ii) all other liens on the property; and
- (iii) the amount of the exemption that the debtor could claim if there were no liens on the property;

exceeds the value that the debtor’s interest in the property would have in the absence of any liens.

11 U.S.C. § 522(f)(2)(A). Section 522(f)(2)(B) provides that “[i]n the case of a property subject to more than 1 lien, a lien that has been avoided shall not be considered in making the calculation under subparagraph (a) with respect to other liens.”

8. Following the formula set forth in § 522(f)(2)(A) for determining whether a lien impairs an exemption, the Debtor:

Adds the lien being tested for avoidance:	+ \$ _____
Adds all other liens:	+ \$ _____
Adds the maximum exemption allowable in the absence of liens:	+ \$ _____
Totaling:	= \$ _____
<i>Then, from this total sum,</i>	
Subtracts the value of the Property absent any liens:	<i>less</i> \$ _____
To determine the extent of the impairment:	= \$ _____.

9. Since the extent of the impairment of the exemption, \$ \_\_\_\_\_, exceeds the entire value of Respondent’s lien, \$ \_\_\_\_\_, the entire lien is avoidable.

— OR —

9. Since the extent of the impairment on the exemption, \$ \_\_\_\_\_, is less than the entire value of the lien, \$ \_\_\_\_\_, the Respondent’s lien can be avoided only to the extent of the impairment of the exemption, \$ \_\_\_\_\_, and the balance of \$ \_\_\_\_\_ remains as a lien.

THEREFORE, the Debtor(s) respectfully requests that this court enter an order (A) avoiding the [judicial lien(s) and/or nonpossessory, nonpurchase-money security interest(s)] held by [name of respondent] on the Property in the amount of \$ \_\_\_\_\_, and (B) granting such other relief as is fair and equitable.

Respectfully submitted,  
[name of debtor]

Dated at [location] this [day] of [month] [year].

By: \_\_\_\_\_  
*(signature of movant/attorney)*  
 [Provide name, address, e-mail address,  
 phone number, and fax number of Mo-  
 vant/Attorney]