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3 UNITED STATES BANKRUPTCY COURT  
4 EASTERN DISTRICT OF CALIFORNIA  
5 SACRAMENTO DIVISION  
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8 In re: )  
9 ) Case No. 03-32446-B-7  
10 Laurie Zamora )  
11 ) Docket Control No. RDM-2  
12 Debtor. ) Date: January 9, 2007  
 ) Time: 9:30 a.m.  
\_\_\_\_\_ )

13 On or after the calendar set forth above, the court issued  
14 the following ruling. The official record of the ruling is  
appended to the minutes of the hearing.

15 Because the ruling constitutes a "reasoned explanation" of  
16 the court's decision under the E-Government Act of 2002 (the  
17 "Act"), a copy of the ruling is hereby posted on the court's  
Internet site, [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov), in a text-searchable  
18 format, as required by the Act. However, this posting does not  
constitute the official record, which is always the ruling  
appended to the minutes of the hearing.

19 **DISPOSITION AFTER ORAL ARGUMENT**

20 Neither the respondent within the time for opposition nor  
21 the movant within the time for reply has filed a separate  
22 statement identifying each disputed material factual issue  
23 relating to the motion. Accordingly, both movant and respondent  
24 have consented to the resolution of the motion and all disputed  
25 material factual issues pursuant to FRCivP 43(e). LBR 9014-  
26 1(f)(1)(ii) and (iii).

27 The motion is denied without prejudice.

28 As an initial matter, the court notes that movant's notice

1 of hearing violates LBR 9014-1(d)(3) because it fails to apprise  
2 potential respondents where and on whom written opposition is to  
3 be served. In this instance, the court will address the merits  
4 of the motion. Counsel should modify his form of notice.

5 It is unclear what property is affected by the subject lien.  
6 To the extent that it was property owned by the debtor when she  
7 filed bankruptcy and to which the lien affixed pre-petition,  
8 movant has failed to set forth a valid legal basis for avoiding  
9 respondent's judicial lien. The fact that the lien "impairs the  
10 debtor's credit and ability to obtain financing on a debt which  
11 is entitled to be discharged under 11 U.S.C. § 727(b)" is not a  
12 basis for its avoidance. The bankruptcy discharge only  
13 extinguished debtor's personal liability on the debt. See 11  
14 U.S.C. § 524(a).

15 [D]ischarge does not affect liability *in rem*, and  
16 prepetition liens remain enforceable after  
17 discharge. 3 Collier on Bankruptcy ¶ 524.02[1]  
18 (Lawrence P. King ed., 15th ed. 1994); see Dewsnap  
19 v. Timm, 502 U.S. 410, ----, 112 S.Ct. 773, 778, 116  
20 L.Ed.2d 903 (1992); Johnson v. Home State Bank, 501  
21 U.S. 78, 81-83, 111 S.Ct. 2150, 2153, 115 L.Ed.2d 66  
22 (1991); In re Isom, 901 F.2d 744, 745 (9th Cir.  
23 1990); Southtrust Bank v. Thomas (In re Thomas), 883  
24 F.2d 991, 997 (11th Cir. 1989), *cert. denied*, 497  
25 U.S. 1007, 110 S.Ct. 3245, 111 L.Ed.2d 756 (1990);  
26 Estate of Lellock v. Prudential Ins. Co., 811 F.2d  
27 186, 189 (3d Cir.1987).

1 Wrenn v. American Cast Iron Pipe Co. (In re Wrenn), 40 F.3d 1162,  
2 1164 (11th Cir. 1994).

3       However, to the extent that the lien is affecting property  
4 obtained post-petition, relief is not available by motion.  
5 Federal Rule of Bankruptcy Procedure 7001(2) requires an  
6 adversary proceeding to determine the validity, priority, or  
7 extent of a lien or other interest in property. The exception to  
8 that Rule would not apply because exemptions are fixed as of the  
9 petition date and property obtained post-petition is therefore  
10 not subject to an exemption "to which debtor would have been  
11 entitled."