

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Hearing Date: Tuesday, December 15, 2020
Place: Department B - Courtroom #13
Fresno, California

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

Pursuant to District Court General Order 618, no persons are permitted to appear in court unless authorized by order of the court until further notice. All appearances of parties and attorneys shall be telephonic through CourtCall. The contact information for CourtCall to arrange for a phone appearance is: (866) 582-6878.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

9:30 AM

1. [20-10800](#)-B-11 **IN RE: 4-S RANCH PARTNERS, LLC**
[MF-12](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF MACDONALD
FERNANDEZ LLP FOR RENO F.R. FERNANDEZ III, DEBTORS
ATTORNEY(S)
11-24-2020 [[336](#)]

RENO FERNANDEZ/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Conditionally granted. Applicant to provide
DIP's written consent to the fee award.

ORDER: The minutes of the hearing will be the court's
findings and conclusions. The Moving Party
will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

The motion may be GRANTED provided debtor-in-possession consents as set forth below.

The Law Office of Macdonald Fernandez, LLP ("Movant"), general bankruptcy counsel for debtor-in-possession 4-S Ranch Partners, LLC ("DIP"), requests fees of \$113,577.00 and costs of \$4,162.62, for a total of \$117,739.62 for services rendered from March 2, 2020 through August 31, 2020. Doc. #336; #339. Movant filed a notice on December 14, 2020 indicating a clerical error for hours pertaining to a motion for relief from stay. See *Notice of Errata*. Movant originally requested \$115,839.00 in fees, which erroneously included an additional 7.8 billable hours at \$290.00 per hour. See Doc. #339, Ex. A.

DIP filed a motion to employ Movant on March 5, 2020, which was granted on March 24, 2020. Doc. #35; see also MF-1. The order specified that employment is subject to the terms and conditions of 11 U.S.C. § 328(a), and no compensation would be permitted except upon court order following application pursuant to § 330(a).

Doc. #35, ¶¶ 1-2. Compensation was set at the "lodestar rate" in accordance with the Ninth Circuit decision in *In re Manoa Finance Co.*, 853 F.2d 687 (9th Cir. 1988). *Id.*, ¶ 3.

On October 9, 2020, DIP filed an additional motion to employ Stephen C. Ferlmann of Macdonald Fernandez, LLP, which was granted on October 20, 2020. Doc. #311; *see also* MF-10. This order specified the same terms: (1) employment is subject to the terms and conditions of § 328(a); (2) no compensation would be permitted except upon court order under § 330(a); and (3) compensation was set at the "lodestar rate" in accordance with *Manoa*. Doc. #311, ¶¶ 1-3.

Movant indicates that it received a retainer of \$75,000.00 prior to filing the case. Doc. #336, ¶ 2. This was also reported in Movant's *Disclosure of Compensation of Attorneys for Debtor in Possession*, which specified that that Movant was paid \$50,000 from Steve Sloan dba Sloan Enterprises on September 26, 2019, and an additional \$25,000 from Steve Sloan, Trustee of the Steve Sloan 2012 Trust on October 7, 2019. Doc. #19, ¶ 2. This Disclosure also specified that DIP agreed to pay Movant the following hourly rates for legal services:

- (a) Partners - \$390.00/hour;
- (b) Associates - \$290.00/hour; and
- (c) Paralegals - \$100.00/hour.

Id., ¶ 3. \$66,347.30 of the original \$75,000.00 retainer remained unapplied on the petition date. Doc. #336, ¶ 2. As such, Movant asks to apply the unapplied retainer and requests that DIP be authorized to pay the remaining balance due and owing. *Id.*, ¶ 6. By this court's calculation, the remaining balance for this application period appears to be \$51,392.32.

Movant indicates that its firm spent a total of 422.1 billable hours over this fee application period, which is depicted as follows:

Timekeeper	Hours	Rate	Total Amount
Alexander K. Lee	339.8	\$290.00	\$98,542.00
Daniel E. Vaknin	2.7	\$290.00	\$783.00
Reno Fernandez	3.3	\$390.00	\$1,287.00
Samantha G. Brown	56.9	\$100.00	\$5,690.00
Stephen C. Ferlmann	19.4	\$375.00	\$7,275.00
Totals:	422.1		\$113,577.00

Doc. #339, Ex. A, 4; #336, 6. Additionally, Movant seeks reimbursement of \$4,162.62 for the following expenses incurred:

Expense Category	Expense
Filing Fees	\$31.00
Deposition Fees	\$961.73
Transcripts	\$1,948.99
Telephonic Court Appearance	\$100.50
Outside Printing & Mailing	\$1,118.40
Postage	\$2.00
Total Costs	\$4,162.62

Doc. #339, Ex. A, 76-77; #336, 7.

11 U.S.C. §§ 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . .[a] professional person" and "reimbursement for actual, necessary expenses." Movant's services included, without limitation: (1) preparing and filing the chapter 11 petition, schedules, statement of financial affairs, initial status reports, and appearing for the initial debtor interview and meeting of creditors; (2) seeking and obtaining court approval to retain professionals, including a real estate appraiser (MF-4), hydrogeological consultant (MF-8), water law consultant (MF-6), and its own employment and fee applications (MF-1, MF-10, MF-12); (3) assisting DIP with administration of the case through evaluating operations, reviewing and filing monthly operating reports, drafting status reports, handling banking issues, and developing and implementing a strategy for case maintenance; (4) defending a motion for relief from the automatic stay (WJH-1), which was set for an evidentiary hearing postponed until December 10 and 11, 2020, but then vacated on December 9, 2020 (Doc. #346) pursuant to a stipulation; and (5) preparing, filing, and seeking approval of a disclosure statement (MF-9). The court finds the services reasonable and necessary and the expenses requested actual and necessary.

However, Movant's motion and exhibits did not include a declaration from one of DIP's representatives consenting to this fee application. This matter will be called as scheduled to inquire whether DIP consents to paying this fee application. If DIP consents in writing and there is no other objection, this motion will be GRANTED in accordance with 11 U.S.C. §§ 330(a)(1)(A) and (B).

If DIP provides acceptable written consent, Movant shall be awarded \$113,577.00 in fees and \$4,162.62 in costs. After application of Movant's remaining retainer, DIP will be authorized to pay Movant \$51,392.32 for fees and services rendered through August 31, 2020. The award is on an interim basis under 11 U.S.C. § 331 and is subject to final review when the final fee application is presented to the court.

2. [20-11606](#)-B-11 **IN RE: MICHAEL PENA**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY
PETITION
5-4-2020 [[1](#)]

JUSTIN HARRIS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to January 6, 2021 at 9:30 a.m.

ORDER: The court will issue an order.

The Honorable René Lastreto II has recused himself from hearing this case. Doc. #81. The case has been assigned to the Honorable Jennifer E. Niemann. Accordingly, this status conference will be continued to January 6, 2021 at 9:30 a.m. in Department A of the United States Bankruptcy Court at 2500 Tulare Street in Fresno, California. Check the court website at www.caeb.uscourts.gov for updates regarding court closure due to COVID-19.

3. [20-11606](#)-B-11 **IN RE: MICHAEL PENA**
[HLF-2](#)

CHAPTER 11 DISCLOSURE STATEMENT FILED BY DEBTOR MICHAEL
ANTHONY PENA
10-30-2020 [[62](#)]

JUSTIN HARRIS/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to January 6, 2021 at 9:30 a.m.

ORDER: The court will issue an order.

The Honorable René Lastreto II has recused himself from hearing this case. Doc. #81. The case has been assigned to the Honorable Jennifer E. Niemann. Accordingly, this matter will be continued to January 6, 2021 at 9:30 a.m. in Department A of the United States Bankruptcy Court at 2500 Tulare Street in Fresno, California. Check the court website at www.caeb.uscourts.gov for updates regarding court closure due to COVID-19.

1:30 PM

1. [19-12754](#)-B-7 **IN RE: SUPER TRUCK LINES INC.**
[HRH-3](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
12-1-2020 [[327](#)]

U.S. BANK NATIONAL
ASSOCIATION/MV
THOMAS HOGAN/ATTY. FOR DBT.
RAFFI KHATCHADOURIAN/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's
findings and conclusions. The Moving Party
will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

The movant, U.S. Bank National Association ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to two 2016 Utility 53' Refrigerated Trailers with 2015 Thermo-King S600 Reefer Units ("Trailers"). Doc. #327. Though not required, Super Truck Lines, Inc. ("Debtor") did not file opposition.

On May 15, 2015, Pritpal Sandhu ("Sandu"), Debtor's CEO and authorized representative, entered into a loan and security agreement with Movant's predecessor in interest, GE Capital Commercial, Inc. ("GCC") to finance the purchase of the two Trailers. Doc. #331, Ex. 1. GCC assigned the rights, title, and interest in the agreement and Trailers to BMO Harris Bank, N.A. ("BMO"), on December 1, 2015. *Id.*, Ex. 3. On December 22, 2017, BMO assigned the rights, title, and interest to Movant. *Id.*, Ex. 3, at 3.

On July 1, 2019, Sandhu defaulted under the agreement by failing to make the monthly payment. Doc. #330, ¶ 7. The balance owed to Movant currently totals \$49,757.66, which consists of unpaid payments of \$17,307.06, late charges of \$721.15, and remaining future payments of \$31,729.45. *Id.*, ¶ 8.

Meanwhile, Debtor filed bankruptcy on June 27, 2019. Doc. #1. Included with the schedules, Debtor listed the Trailers with a value of \$55,000.00 each. *Id.*, Schedule A/B, ¶ 48.1 at *Attached List*; see also Doc. #331, Ex. 4. Thus, Movant now seeks relief from the

automatic stay under 11 U.S.C. § 362(d)(1) so that it can enforce its state law remedies. Doc. #327.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." *In re Mac Donald*, 755 F.2d 715, 717 (9th Cir. 1985).

After review of the included evidence, the court finds that "cause" exists to lift the stay because Debtor does not hold title to the Trailers and Sandhu has failed to make at least seventeen post-petition payments. Doc. #322. Movant has produced evidence that Sandhu is delinquent at least \$49,757.66. *Id.*; Doc. #330, ¶ 8.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because Debtor does not possess title to the Trailers, Sandhu has failed to make at least seventeen post-petition payments and is delinquent at least \$49,757.66, and the Trailers are personal property subject to depreciation.

2. [20-13370](#)-B-7 **IN RE: CHRISTOPHER/ESMERALDA GOMEZ**
[GB-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-16-2020 [\[20\]](#)

CONSUMER PORTFOLIO SERVICES,
INC./MV
MARK ZIMMERMAN/ATTY. FOR DBT.
ERICA LOFTIS/ATTY. FOR MV.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). Debtors filed non-opposition on November 23, 2020. Doc. #27. The failure of the creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is

unnecessary. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Consumer Portfolio Services, Inc. ("Movant"), seeks relief from the automatic stay under 11 U.S.C. §§ 362(d)(1) and (d)(2) with respect to a 2018 Dodge Journey ("Vehicle"). Doc. #20.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." *In re Mac Donald*, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtor does not have an equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because debtors have failed to make two pre-petition payments and at least one post-petition payment. The movant has produced evidence that debtors are delinquent at least \$2,125.69. Doc. #22, #24.

The court also finds that the debtors do not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because debtors are in chapter 7. *Id.* The Vehicle is valued at \$14,600.00 and debtor owes \$27,770.23. Doc. #22, #24.

Accordingly, the motion will be granted pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2) to permit the movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because debtors have failed to make two pre-petition payments and at least one post-petition payment to Movant and the Vehicle is a depreciating asset.

3. [14-13885](#)-B-7 **IN RE: TABITHA GRAVES**
[BDB-2](#)

MOTION TO AVOID LIEN OF CAPITAL ONE BANK (USA), N.A.
11-30-2020 [\[46\]](#)

TABITHA GRAVES/MV
BENNY BARCO/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Tabitha Graves ("Debtor") filed this motion seeking to avoid a judicial lien in favor of Capital One Bank (USA), N.A. ("Creditor"), and encumbering residential real property located at 4358 N. Millbrook Ave., Fresno, CA 93726 ("Property"). Doc. #46.

This motion will be GRANTED. In order to avoid a lien under 11 U.S.C. § 522(f)(1) the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). § 522(f)(1); *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting *In re Mohring*, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), *aff'd* 24 F.3d 247 (9th Cir. 1994)).

Debtor filed bankruptcy on August 1, 2014 and received a discharge on December 11, 2014. Doc. #1, #27. The case was reopened on November 25, 2020. Doc. #42.

Here, a judgment was entered, and an abstract issued, against Debtor in favor of Creditor in the sum of \$8,068.17 on March 28, 2011. Doc. #49, Ex. A. The abstract of judgment was recorded in Fresno County on May 19, 2011, which attached to Debtor's interest in Property. *Id.* As of the petition date, Property had an approximate value of \$131,000.00. Doc. #48; #1, Schedule A. The unavoidable liens totaled \$100,848.71 on that same date, consisting of a deed of trust in favor of Wells Fargo. Doc. #48; #1, Schedule D. Debtor claimed an exemption pursuant to California Civ. Proc. Code ("C.C.P.")

§ 704.730 in the amount of \$75,000.00. Doc. #19; Doc. #49, Ex. C. Property's encumbrances can be illustrated as follows:

Fair Market Value of the Property on filing date		\$131,000.00
Total amount of all other liens on the Property on the date of filing (excluding judicial liens)	-	\$100,848.71
Amount of Equity Available in Property	=	\$30,151.29
Amount of Debtor's claimed exemption in the Property under C.C.P. § 704.730	-	\$75,000.00
Amount of Creditor's Judicial Lien	-	\$8,068.17
Extent of impairment of Debtor's exemption	=	(\$52,916.88)

Doc. #48. Creditor does not appear to have filed a proof of claim. Regardless, Property was accurately scheduled and exempted, and Creditor was properly listed in Schedule F. Doc. #1; #19.

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is insufficient equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under § 522(f)(1). Therefore, this motion will be GRANTED.

4. [14-13885](#)-B-7 **IN RE: TABITHA GRAVES**
[BDB-3](#)

MOTION TO AVOID LIEN OF NEWPORT CAPITAL RECOVERY GROUP II,
LLC
11-30-2020 [\[51\]](#)

TABITHA GRAVES/MV
BENNY BARCO/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party will submit a proposed order after hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Tabitha Graves ("Debtor") filed this motion seeking to avoid a judicial lien in favor of Newport Capital Recovery Group II, LLC

("Creditor"), and encumbering residential real property located at 4358 N. Millbrook Ave., Fresno, CA 93726 ("Property"). Doc. #51.

This motion will be GRANTED. In order to avoid a lien under 11 U.S.C. § 522(f)(1) the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). § 522(f)(1); *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting *In re Mohring*, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), *aff'd* 24 F.3d 247 (9th Cir. 1994)).

Debtor filed bankruptcy on August 1, 2014 and received a discharge on December 11, 2014. Doc. #1, #27. The case was reopened on November 25, 2020. Doc. #42.

Here, a judgment was entered against Debtor in favor of Creditor in the sum of \$5,648.62 on May 9, 2011. Doc. #54, Ex. A. The abstract of judgment was issued on June 17, 2011 and recorded in Fresno County on June 22, 2011, which attached to Debtor's interest in Property. *Id.* As of the petition date, Property had an approximate value of \$131,000.00. Doc. #53; #1, Schedule A. The unavoidable liens totaled \$100,848.71 on that same date, consisting of a deed of trust in favor of Wells Fargo. Doc. #53; #1, Schedule D. Debtor claimed an exemption pursuant to California Civ. Proc. Code ("C.C.P.") § 704.730 in the amount of \$75,000.00. Doc. #19; Doc. #54, Ex. C. Property's encumbrances can be illustrated as follows:

Fair Market Value of the Property on filing date		\$131,000.00
Total amount of all other liens on the Property on the date of filing (excluding judicial liens)	-	\$100,848.71
Amount of Equity Available in Property	=	\$30,151.29
Amount of Debtor's claimed exemption in the Property under C.C.P. § 704.730	-	\$75,000.00
Amount of Creditor's Judicial Lien	-	\$5,648.61
Extent of impairment of Debtor's exemption	=	(\$50,497.32)

Doc. #53. Creditor filed a proof of claim on January 20, 2015 through its attorney, the Law Offices of Kenosian and Miele. Claim no. 15. Property was accurately scheduled and exempted, and Creditor was properly listed in Schedule F. Doc. #1; #19.

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is insufficient equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under § 522(f)(1). Therefore, this motion will be GRANTED.