

LIEN AVOIDANCE (§522(f)) PROCEDURES

1. Contents of Motion - The motion must be in writing and state:
 - a. Name and address of lienholder(s) whose liens are to be voided;
 - b. The subsection of §522(f) under which relief is requested;
 - c. The nature of the security interests or liens;
 - d. The date upon which the security interests or liens were perfected;
 - e. A description of the collateral sufficient for identification;
 - f. The fair market value of the collateral;
 - g. A description of and the amounts due upon any other security interests or liens upon the collateral;
 - h. Description of nature and amount of exemptions impaired;
 - i. The present balance owing on the security interests or liens upon the collateral, excluding any precomputed interest or other unearned charges;
 - j. Extent to which fixing of the liens should be avoided;
 - k. Any other facts which would be relevant in determining whether the motion should be granted.
2. Notice of Motion - The debtor's attorney (or debtor(s), if no attorney) must completely fill out the current version of [Local Form #717](#).
3. Service of Motion AND of Notice of Motion - The debtor(s) must serve copies of both the Motion and Notice of Motion on all interested parties.
4. Filing of Motion and Notice of Motion with Clerk's Office - The debtor(s) must file both the original Motion AND original Notice of Motion with the Clerk of Court (if not filed electronically, within 3 days of serving the copies).
5. Response - If any party wishes to resist a motion filed against them, the party must file with the Clerk of the Bankruptcy Court, within the time fixed in the Notice of Motion, both:
 - a. A written Response; and
 - b. A certificate showing service of a copy thereof on the debtor's attorney (or debtor(s), if no attorney).
6. Contents of Response - A response must state the specific grounds upon which the motion is resisted.
7. Hearing - If a timely response is filed, the Court will decide whether a hearing will be required. If so, the hearing will be set and noticed by the Clerk.
8. Failure to Respond - If no timely response is filed, the Court may sign an ex parte order, submitted by the debtor(s), granting the motion.