

PROCEDURES RE: MOTIONS TO AVOID LIENS PURSUANT TO 11 U.S.C § 522(f)

1. **Motion.** A motion to avoid a judicial lien on real property must be filed on [Local Bankruptcy Form \(LBF\) 717.05](#). A motion to avoid a lien on any other collateral under 11 U.S.C. § 522(f) must be in writing and state:
 - a. Name and address of lienholders 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; and
 - k. Any other facts which would be relevant in determining whether the motion should be granted.
2. **Notice of Motion.** The debtor must use the current version of [LBF 717](#).
3. **Filing and Service of Motion and Notice of Motion.** The debtor must serve the motion and notice on all parties listed on the certificate of service of the notice and file them with the clerk.
4. **Objection.** If any party wishes to object to the motion, the party must file a written objection with the clerk by the deadline stated in the notice of motion.
5. **Hearing.** If a timely objection is filed, the court will decide whether a hearing will be required. If so, a notice of hearing will be issued by the clerk.
6. **Failure to Respond.** If no timely objection is filed, the court may sign an order, submitted by the debtor on [LBF 717.07](#) if the lien is a judicial lien on real property, granting the motion.
7. **Order.** An order avoiding a judicial lien on real property must be submitted on [LBF 717.07](#).