In re: Case No.

      ,

 Chapter Choose an item.

Debtor(s).

**PURSUANT TO M.D. ALA., LBR 9007-1, THIS FILING WILL BE TAKEN UNDER ADVISEMENT BY THE COURT AND MAY BE GRANTED/APPROVED UNLESS A PARTY IN INTEREST FILES A RESPONSE WITHIN TWENTY-ONE (21) DAYS OF THE DATE OF SERVICE. RESPONSES MUST BE SERVED UPON THE MOVING PARTY AND, IN THE MANNER DIRECTED BY M.D. ALA., LBR 5005-4, FILED WITH THE CLERK ELECTRONICALLY OR BY U.S. MAIL ADDRESSED AS FOLLOWS: CLERK, U.S. BANKRUPTCY COURT, ONE CHURCH STREET, MONTGOMERY, AL 36104.**

Choose an item. **TO AVOID** Choose an item.**OF** Click or tap here to enter text. **PURSUANT TO 11 U.S.C. § 522(f)**

Debtor(s) seeks to Choose an item. the Choose an item. (the "Lien") securing the debt listed (the "Debt") because it impairs Debtor(s)' available exemption(s). ***A copy of the perfected lien is attached as Exhibit A.***

1. On [date], Creditor Name obtained a security interest in certain Choose an item. property.

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| --- |
| **Description of the Lien** *[For a judicial lien, provide the recording information for the judicial lien, including the date of the recording, the book and page numbers or instrument number, and the county/counties of the recording office(s). For a nonpossessory, nonpurchase money security interest, list the date of the security agreement, the UCC filing number, or other identifying information.]:*  |
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2. The Lien is on the following Choose an item. property of the debtor:

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| **Property** (*For a judicial lien, "the real and personal property of the Debtor situated in the county/counties where the judgment lien is recorded" may be a sufficient property description. For a nonpossessory, nonpurchase money security interest, specifically describe the items pledged as collateral for the debt* | **Value of Property***(as listed on Schedules A/B)*1. **Real property total:\_** **$0.00**
2. **Personal property total: $0.00**
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3. Impairment Calculation based on type of Property:

**3.1.** [ ]  **Real Property:** [ ]  None

The Lien, all other liens, and Debtor(s)’ exemptions are as follows:

a. the Lien in the amount of $0.00;

b. the amount of all other liens on Debtor(s)’ property totaling $0.00;

c. and the amount of the exemption that the Debtor(s) could claim if there were no liens on the property are $0.00.

1. The sum of 3.1.a., 3.1.b., and 3.1.c. above is $0.00, which is greater than the value of the Debtor(s)’ real property of $0.00 [2.a.] [[1]](#footnote-1)
2. Impairment Amount: The sum of $0.00[3.1.d.] exceeds the value of Debtor(s)’ interest in the real property in the amount of $0.00[2.a.] by $0.00
3. If the impairment amount in 3.1.e. is greater than the amount of the Lien in 3.1.a., check the box for total avoidance below.
4. If the impairment amount in 3.1.e. is less than amount of the Lien in 3.1.a., check the box for partial avoidance and complete the “Partial Avoidance” calculations below to determine the amount to be avoided.

Based on the calculations above, the Lien on real property should be avoided as follows:

[ ]  Total Avoidance:

Because Debtor(s)’ exemption is fully impaired by the Lien, Debtor requests that the Lien be avoided in full upon discharge pursuant to 11 U.S.C. § 522(f).

[ ]  Partial Avoidance:

The Lien amount of $0.00 [3.1.a.] less the impairment amount of $0.00 [3.1.e.] totals $0.00. Accordingly, Debtor requests that the Lien be avoided except for $0.00 upon discharge pursuant to § 522(f).

**3.2.** [ ]  **Personal Property:** [ ]  None

The Lien, all other liens, and Debtor(s)’ exemptions are as follows:

a. the Lien in the amount of $0.00;

b. the amount of all other liens on Debtor(s)’ property totaling $0.00;

c. and the amount of the exemption that the Debtor(s) could claim if there were no liens on the property are $0.00.

d. The sum of 3.2.a., 3.2.b., and 3.2.c. above is $0.00 , which is greater than the value of the Debtor(s)’ personal property of $0.00 [2.b].[[2]](#footnote-2)

e. Impairment Amount: The sum of $0.00[3.2.d.] exceeds the value of Debtor(s)’ interest in the personal property in the amount of $0.00[2.b.] by $0.00.

1. If the impairment amount in 3.2.e. is greater than the amount of the Lien in 3.2.a., check the box for total avoidance below.
2. If the impairment amount in 3.2.e. is less than amount of the Lien in 3.2.a., check the box for partial avoidance and complete the “Partial Avoidance” calculations below to determine the amount to be avoided.

Based on the calculations above, the Lien on personal property should be avoided as follows:

[ ]  Total Avoidance:

Because Debtor(s)’ exemption is fully impaired by the Lien, Debtor requests that the Lien be avoided in full upon discharge pursuant to 11 U.S.C. § 522(f).

[ ]  Partial Avoidance:

The Lien amount of $0.00 [3.2.a.] less the impairment amount of $0.00 [3.2.e.] totals $0.00. Accordingly, Debtor requests that the Lien be avoided except for $0.00 upon discharge pursuant to § 522(f).

Dated: Click or tap to enter a date.

/s/

Attorney for debtor(s)

Address

Phone

Email

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, a true and correct copy of the foregoing Motion to Avoid Choose an item. was served upon all creditors and parties in interest as follows:

**by CM/ECF:**

Choose an item., Chapter Choose an item. Trustee

Danielle K. Greco, Bankruptcy Administrator

**by First Class Mail, postage prepaid:**

**Other:**

Dated: Click or tap to enter a date.

/s/

Attorney for debtor(s)

Address

Phone

Email

1. If the sum in 3.1.d. does not exceed the value in 2.a, Debtor’s exemptions are not impaired and the Lien cannot be avoided under 11 U.S.C. § 522(f). [↑](#footnote-ref-1)
2. If the sum in 3.2.d. does not exceed the value in 2.b, Debtor’s exemptions are not impaired and the Lien cannot be avoided under 11 U.S.C. § 522(f). [↑](#footnote-ref-2)