

Attorney Procedure for Filing Motion to Avoid Lien (using Local Form 10)

In connection with the implementation of the Local Rules of the United States Bankruptcy Court for the Middle District of Alabama, the Court created Local Form 10. Local Form 10 should be used to file a Motion to Avoid a Judicial Lien or a Nonpossessory, Nonpurchase Money Security Interest Pursuant to 11 U.S.C. § 522(f) (the “Motion”) under M.D. Ala., LBR 9007-1 Negative Notice Procedures.¹ This Attorney Procedure outlines the steps necessary to properly complete Local Form 10.

Pursuant to 11 U.S.C. § 522(f), debtors may avoid certain judicial liens or nonpossessory nonpurchase-money security interests in personal property to the extent such liens or interests impair the debtor’s exemptions. In relevant part, section 522(f)(2) states that:

- (A) For the purposes of this subsection, a lien shall be considered to impair the exemption to the extent that the sum of –
- (i) the lien;
 - (ii) all other liens on the property; and
 - (iii) the amount of the exemption that the debtor could claim if there were no liens on the property;
- exceeds the value that the debtor’s interest in the property would have in the absence of any liens.

When using Local Form 10, the filer must accurately complete each section and attach a copy of the lien sought to be avoided (the “Lien”).

Heading and Section 1.

[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.

| Description of the Lien <small>[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.]</small> | |
|---|--|
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |

¹ Prior to completing Local Form 10, the Court cautions filers to review *In re Hines*, 799 Fed.Appx. 743, 745-46 (11th Cir. 2020) (adopting *In re Lehman*, 205 F.3d 1255, 1257 (11th Cir. 2000), where the Court departed from the statutory approach and adopted a “common sense approach” when a judgment lien attaches to jointly owned property and a co-owner is not liable on a judgment debt and not a debtor in the bankruptcy case) to ensure the Motion is appropriate under the specific facts of each case.

Local Form 10 contains drop down menu items to aid filers in selecting the appropriate remedy and lien type. It is important for filers to correctly identify the Lien. As such, the Court requires the filer to provide a complete description of the Lien in Section 1. – including the judgment lien recording information and/or the UCC filing number – and a copy of the Lien to be attached to the filed Motion.

Section 2.

2. The Lien is on the following Choose an item. property of the debtor:

| <div>+</div> Property <i>(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)</i> | Value of Property <i>(as listed on Schedules A/B)</i> a. Real property total: <input type="text" value="\$0.00"/> b. Personal property total: <input type="text" value="\$0.00"/> |
|--|---|
| <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> |

In Section 2., the filer should identify the real and/or personal property to which the Lien attaches. Each piece of property should be itemized on a separate line and should contain a corresponding value consistent with Schedules A/B.

For example: If the Lien is a nonpossessory, nonpurchase money security interest perfected by a UCC filing, each item pledged as collateral for the debt should appear on an individual line and a value should be assigned to each item (i.e., tv - \$ 50, radio - \$ 30, etc.). Then, the total of each type of property should be identified at the top of the “Value of Property” column. Using this same example with the tv and radio, the totals would be listed at the top of the value column as follows: a. Real property total: \$0 b. Personal property total: \$80.

Example 1:

2. The Lien is on the following Choose an item. property of the debtor:

| <div>+</div> Property <i>(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)</i> | Value of Property <i>(as listed on Schedules A/B)</i> a. Real property total: <input type="text" value="\$0.00"/> b. Personal property total: <input type="text" value="\$80.00"/> |
|--|--|
| TV | 50.00 |
| Radio | 30.00 |

Section 3.

3. Impairment Calculation based on type of Property:

3.1. ☐ Real Property: ☐ None

and/or

3.2. ☐ Personal Property: ☐ None

Completion of Section 3. depends on the type of the property to which the Lien attaches. The boxes in front of the terms “Real Property” and “Personal Property” should be checked if the debtor is seeking to avoid the Lien as to either of those types of properties. If either of those boxes is checked and the basis for avoidance is because the debtor does not own that type of property, then the box in front of “None” should also be checked.

Whether seeking avoidance under Section 3.1. for Real Property or Section 3.2. for Personal Property, the calculations are the same.

- a. In subsection a., the filer should list the amount of the Lien.
- b. In subsection b., the filer should list the total amount of all other liens on the property.
 - a. For example, if a debtor is seeking to avoid a lien on real property, the total amount of any additional encumbrances on the property (i.e., first mortgage, second mortgage, etc.) should be included.
- c. In subsection c., the filer should list the exemption amount should be included.
 - a. This amount will correspond with the debtor’s exemptions listed on Schedule C.

Example 1 (continued):

In continuing the example from Section 2. above, if the Lien amount is \$150.00, there are no other liens on the property, and the property (tv and radio) is fully exempt in the amount of \$80.00, then the filer would complete Section 3.2. of the form as follows:

3.2. ☒ Personal Property: ☐ None

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

- a. the Lien in the amount of **\$150.00**;
- 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 **\$80.00**.

The following two subsections of Section 3. are where the Court has seen the most errors occur.

- d. The first total included in subsection d. is the sum of the preceding subsections (a., b., and c.). The second total included in subsection d. is a restatement of the value set forth above in Section 2.a. (for Real Property) and/or Section 2.b. (for Personal Property).

Example 1 (continued):

- d. The sum of 3.2.a., 3.2.b., and 3.2.c. above is ~~[\$230.00]~~, which is greater than the value of the Debtor(s)' personal property of ~~[\$80.00]~~[2.b].²

The sum of subsections a., b., and c. from Example 1 totals \$230.00, and the value of the debtor's property as set forth in Section 2.b. is \$80.00.

There is a footnote reference included at the end of this subsection. The purpose of the footnote is to remind the filer to double check whether the Motion is appropriate. If the value (the second part of subsection d.) is greater than the first amount listed in subsection d. (the sum of the preceding subsections), then the filer should not proceed with filing the Motion.

Example 2:

- d. The sum of 3.1.a., 3.1.b., and 3.1.c. above is ~~[\$5,000.00]~~, which is greater than the value of the Debtor(s)' real property of ~~[\$10,000.00]~~[2.a.]¹

- Under this example, the statement is NOT true – the sum is NOT greater than the value. As such, the Motion should not be filed.
- e. Subsection e. is used to determine the amount of the impairment. This subsection is a restatement of subsection d., but it goes a step further to calculate the impairment amount. The first total included in subsection e. is a restatement of the first total included in subsection d. (the sum of the preceding subsections a., b., and c.). The second amount is the value of the of the property (as set forth in Section 2. above). Then, the final amount is the difference between the sum and the property value.

Example 1 (continued):

- e. Impairment Amount: The sum of ~~[\$230.00]~~[3.2.d.] exceeds the value of Debtor(s)' interest in the personal property in the amount of ~~[\$80.00]~~[2.b.] by ~~[\$150.00]~~.

The difference between the sum of subsections a., b., and c. and the debtor's property value is \$150.00. This is the impairment amount.

After completing the calculations in subsection e., the relief portion of subsection e., must also be completed. Based on the calculations, the filer will either select "Total Avoidance" or "Partial Avoidance." To determine whether total avoidance or partial avoidance is proper, the filer must compare the Lien to the Impairment Amount from Section 3.1.e. or 3.2.e. If the Impairment

Amount is greater than or equal to the Lien, total avoidance is appropriate. However, if the Impairment Amount is less than the Lien, partial avoidance is appropriate.

In Example 1, the Lien amount is \$150.00 and the impairment amount is \$150.00. Because the impairment amount is equal to the Lien amount, the debtor is entitled to total lien avoidance. When total avoidance is appropriate, the box for “Total Avoidance” is selected and the Motion is ready to be filed.

☒ **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).

However, if partial avoidance is appropriate, there is one final step to complete. After checking the box for “Partial Avoidance,” the filer must calculate the extent to which the Lien is avoided upon discharge.

Example 3:

Assume the Lien amount totals \$500.00 and the Impairment Amount from Section 3.2.e. totals \$350.00, then the difference is \$150.00. The Lien impairs the exemptions in the amount of \$350.00. As such, the Lien is avoided except for \$150.00.

☒ **Partial Avoidance:**

The Lien amount of \$500.00 [3.2.a.] less the impairment amount of \$350.00 [3.2.e.] totals \$150.00. Accordingly, Debtor requests that the Lien be avoided except for \$150.00 upon discharge pursuant to § 522(f).

To further aid practitioners, attached to this Attorney Procedure are examples of each type of Motion that may be filed using Local Form 10. These Motions should serve as helpful examples. As a reminder, Local Form 10 should be used when a filer is filing the Motion under the Court’s negative notice procedures set forth in M.D., Ala. LBR 9007-1. In addition to properly completing Local Form 10, the filer must properly serve the Motion before consideration by the Court.

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA**

SAMPLE 1

In re:

KEARA S. JACKSON,

Case No. 24-31992

Chapter 13

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.

MOTION TO AVOID JUDICIAL LIEN OF 1ST FRANKLIN FINANCIAL CORPORATION PURSUANT TO 11 U.S.C. § 522(f)

Debtor(s) seeks to avoid the judicial lien (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 5/31/2024, 1st Franklin Financial Corporation obtained a security interest in certain Choose an item. property.

| | |
|---|--|
| Description of the Lien <i>[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.]:</i> | |
| Judicial Lien recorded in the Office of the Judge of Probate of Elmore County, Alabama on 06/06/2024 in RLPY Book 2024 at Page 27983 | |
| | |
| | |
| | |
| | |
| | |

2. The Lien is on the following real and personal property of the debtor:

| | |
|--|---|
| Property <i>(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</i> | Value of Property <i>(as listed on Schedules A/B)</i> |
| | a. Real property total: \$0.00 |
| | b. Personal property total: \$20,651.00 |

| | | | | |
|---|-------------|--|--|--|
| The real and personal property of the Debtor situated in Elmore County, Alabama | \$20,651.00 | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

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.
- d. 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
- e. 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
 - i. 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.
 - ii. 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).

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\(f\)](#).

|

3.2. ☒ Personal Property: ☐ None

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

- a. the Lien in the amount of \$1,437.56;
- b. the amount of all other liens on Debtor(s)' property totaling \$34,980.34;
- c. and the amount of the exemption that the Debtor(s) could claim if there were no liens on the property are \$17,900.00.
- d. The sum of 3.2.a., 3.2.b., and 3.2.c. above is \$54,317.90, which is greater than the value of the Debtor(s)' personal property of \$20,651.00 [2.b].²
- e. Impairment Amount: The sum of \$54,317.90 [3.2.d.] exceeds the value of Debtor(s)' interest in the personal property in the amount of \$20,651.00 [2.b.] by \$33,666.90.
 - i. 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.
 - ii. 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: 11/22/2024

/s/Reid G. Tolar

Reid G. Tolar

Attorney for debtor(s)

250 Winton Blount Loop

Montgomery, AL 36117

334-303-2258

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\(f\)](#).

reid@reidtolarlaw.com |

CERTIFICATE OF SERVICE

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

by CM/ECF:

Sabrina L. McKinney, Chapter 13 Trustee

Danielle K. Greco, Bankruptcy Administrator

Allan M. Trippe on behalf of Creditor Santander Consumer USA, Inc. d/b/a Chrysler Capital
allantrippe@lawbham.com

by First Class Mail, postage prepaid:

1st Franklin Financial Corporation

P.O. Box 229

Saginaw, AL 35137

1st Franklin Financial Corporation

Attn: Administrative Services

PO Box 880

Toccoa, GA 30577

Other:

Dated: 11/22/2024

/s/Reid G. Tolar

Reid G. Tolar

Attorney for debtor(s)

250 Winton Blount Loop

Montgomery, Al 36117

334-303-2258

reid@reidtolarlaw.com

ALABAMA JUDICIAL DATA CENTER
ELMORE COUNTY
CERTIFICATE OF JUDGMENTSM 2024 900317.00
PATRICK D PINKSTON

IN THE DISTRICT COURT OF ELMORE COUNTY

1ST FRANKLIN FINANCIAL CORPORATION V. KEARA JACKSON

DEFENDANT

JACKSON KEARA
406 2ND AVE

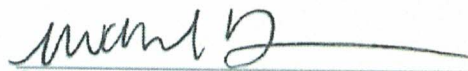
TALLASSEE ,AL 36078-0000

PARTY'S ATTORNEY:

*** PRO SE ***

I, MICHAEL DOZIER , CLERK OF THE ABOVE NAMED COURT HEREBY
CERTIFY THAT ON 04/19/2024 PLAINTIFF, 1ST FRANKLIN FINANCIAL RECOVERED
OF DEFENDANT IN SAID COURT A JUDGMENT WITHOUT WAIVER OF EXEMPTIONS FOR THE
SUM OF \$1,956.33 DOLLARS PLUS \$131.04 DOLLARS COURT COSTS, AND
THAT THE PLAINTIFF'S ATTORNEY(S) OF RECORD WAS:
*** PRO SE ***

GIVEN UNDER MY HAND THIS DATE 05/31/2024


CLERK: MICHAEL DOZIER
P.O. BOX 310
WETUMPKA AL 36092
(334) 514-3116OPERATOR: EMB
PREPARED: 05/31/2024

PLAINTIFF'S ATTORNEY:

1ST FRANKLIN FINANCIAL CORPO
P.O. BOX 229
SAGINAW ,AL 35137-0000RLPY 2024 27983
Recorded In Above Book and Page
06/06/2024 10:45:12 AM
JOHN THORNTON
PROBATE JUDGE
Elmore County, AL
Recording Fee 9.00
TOTAL 9.00

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA**

SAMPLE 2

In re:
Mary Ann Babies,

Case No. 24-31626

Chapter 13

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.

**MOTION TO AVOID NONPOSSESSORY, NONPURCHASE MONEY SECURITY
INTEREST OF REPUBLIC FINANCE PURSUANT TO 11 U.S.C. § 522(f)**

Debtor(s) seeks to avoid the nonpossessory, nonpurchase money security interest (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 7/25/2024, Republic Finance obtained a security interest in certain Choose an item. property.

| |
|--|
| Description of the Lien <i>[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.]</i> |
| UCC Number 21-72413606 Filed May 4, 2021 |
| HP Laptop |
| HP Printer |
| Pandora Bracelet |
| Woman Silver Bracelet |
| Woman Silver Bracelet |
| 65" TCL FS TV |
| 55" TCL FS TV |
| Woman Ring non Wedding Silver |

2. The Lien is on the following personal property of the debtor:

| | |
|---|---|
| Property <i>(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)</i> | Value of Property <i>(as listed on Schedules A/B)</i> |
| | a. Real property total: \$0.00 |

| | |
|--------------------------------------|---|
| | b. Personal property total: \$340.00 |
| Woman Ring Non Wedding Silver | \$25.00 |
| HP Printer | \$25.00 |
| 55" TCL FS TV | \$65.00 |
| HP Laptop (Screen went out) | \$75.00 |
| Woman Silver Bracelet (Lost in move) | \$25.00 |
| Pandora Bracelet (Lost in move) | \$50.00 |
| 65" TCL FS TV (Broken in move) | \$75.00 |

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.
- d. 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
- e. 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
 - i. 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.
 - ii. 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:

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).

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 \$21,757.00;
- 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 \$340.00.
- d. The sum of 3.2.a., 3.2.b., and 3.2.c. above is \$22,097.00 , which is greater than the value of the Debtor(s)' personal property of \$340.00 [2.b].²
- e. Impairment Amount: The sum of \$22,097.00[3.2.d.] exceeds the value of Debtor(s)' interest in the personal property in the amount of \$340.00[2.b.] by \$21,757.00.
 - i. 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.
 - ii. 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: 12/24/2024

/s/Charles E. Grainger, Jr.
Charles E. Grainger, Jr.ASB-6564-G26C
Attorney for debtor(s)
4220 Carmichael Ct., N
Montgomery, AL 36106
334-260-0500

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).

cgrainger@graingerhawley.com

CERTIFICATE OF SERVICE

I hereby certify that on this date, a true and correct copy of the foregoing Motion to Avoid Nonpossessory, Nonpurchase Money Security Interest was served upon all creditors and parties in interest as follows:

by CM/ECF:

Sabrina L. McKinney, Chapter 13 Trustee
Danielle K. Greco, Bankruptcy Administrator

by First Class Mail, postage prepaid:

Republic Finance, Inc
7031 Commerce Cir Ste 100
Baton Rouge, LA 70809-1996

Republic Finance
2763 Eastern Blvd
Montgomery, AL 36117

Other:

Debtor

Dated: 12/24/2024

/s/Charles E. Grainger, Jr.
Charles E. Grainger, Jr. ASB-6564-G26C
Attorney for debtor(s)
4220 Carmichael Ct., N
Montgomery, AL 36106
334-260-0500
cgrainger@graingerhawley.com

EXHIBIT A

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

| | |
|---|--------------|
| A. NAME & PHONE OF CONTACT AT FILER (optional) | |
| Scott Ferguson | 334-272-0327 |
| B. SEND ACKNOWLEDGMENT TO: (Name and Address) | |
| REPUBLIC FINANCE, LLC 2763 EASTERN BLVD MONTGOMERY, AL 36117 USA | |

Alabama
Sec. Of State
B 21-7241306 FS
Date 05/04/2021
Time 10:46 AM
210504 1 Pg
File \$15.00
Access \$9.75
Conv \$4.50
Total \$29.25
9316424

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

| | | | | |
|--|--|-------------------------|---------------------------------|---------------------|
| 1. DEBTOR'S EXACT FULL LEGAL NAME - insert only <u>one</u> debtor name (1a or 1b) - do not abbreviate or combine names | | | | |
| 1a ORGANIZATION'S NAME | | | | |
| OR 1b INDIVIDUAL'S LAST NAME | | | | |
| Mcfolley Babies | | FIRST NAME | MIDDLE NAME | SUFFIX |
| | | Mary | Ann | |
| 1c MAILING ADDRESS | | CITY | STATE | POSTAL CODE COUNTRY |
| 825 Charlemont Lane | | Montgomery | AL | 36117 USA |
| ADD'L INFO RE ORGANIZATION DEBTOR | | 1d TYPE OF ORGANIZATION | 1e JURISDICTION OF ORGANIZATION | |
| | | | 1f ORGANIZATIONAL ID # if any | |
| | | | <input type="checkbox"/> NONE | |

| | | | | |
|---|--|-------------------------|---------------------------------|---------------------|
| 2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only <u>one</u> debtor name (2a or 2b) - do not abbreviate or combine names | | | | |
| 2a ORGANIZATION'S NAME | | | | |
| OR 2b INDIVIDUAL'S LAST NAME | | | | |
| | | FIRST NAME | MIDDLE NAME | SUFFIX |
| | | | | |
| 2c MAILING ADDRESS | | CITY | STATE | POSTAL CODE COUNTRY |
| | | | | |
| ADD'L INFO RE ORGANIZATION DEBTOR | | 2d TYPE OF ORGANIZATION | 2e JURISDICTION OF ORGANIZATION | |
| | | | 2f ORGANIZATIONAL ID # if any | |
| | | | <input type="checkbox"/> NONE | |

| | | | | |
|--|--|------------|-------------|---------------------|
| 3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE or ASSIGNOR S/P) - insert only <u>one</u> secured party name (3a or 3b) | | | | |
| 3a ORGANIZATION'S NAME | | | | |
| Republic Finance | | | | |
| OR 3b INDIVIDUAL'S LAST NAME | | | | |
| | | FIRST NAME | MIDDLE NAME | SUFFIX |
| | | | | |
| 3c MAILING ADDRESS | | CITY | STATE | POSTAL CODE COUNTRY |
| 2763 Eastern Blvd | | Montgomery | AL | 36117 USA |

4. This FINANCING STATEMENT covers the following collateral: ☐ ATTACHMENT
 Hp Laptop, , ;Hp Printer, , ;Pandora Bracelet, , ;Woman Silver Bracelet, , ;
 ;(1 Of 3) 65 Tcl Fs Tv, , ;55 Tcl Fs Tv (2 Of 3), , ;Woman Ring Non Wedding Silver, , ;

| | | | | | | | |
|---|--|---|---------------------|---------------|--------------|----------|----------------|
| 5. ALTERNATIVE DESIGNATION (if applicable) | | LESSEE/LESSOR | CONSIGNEE/CONSIGNOR | BAILOR/BAILOR | SELLER/BUYER | AG. LIEN | NON-UCC FILING |
| 6. This FINANCING STATEMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS. Attach Addendum (if applicable) | | 7. Check to REQUEST SEARCH REPORT (S) on Debtor(s) (optional) | | All Debtors | | Debtor 1 | Debtor 2 |
| 8. OPTIONAL FILER REFERENCE DATA | | | | | | | |



Alabama Secretary of State



| UCC Filing 21-7241306 | |
|---------------------------|-------------------|
| Filing Type | Business |
| Total Pages | 1 |
| Original Filing Date/Time | 5-4-2021 10:46 AM |
| Status | Active |
| Expiration Date | 5-4-2026 |
| | |

| Financing Statement | |
|---------------------------|---|
| Filing Date/Time | 5-4-2021 10:46 AM |
| Pages Filed | 1 |
| Debtor Information | MCFOLLEY BABIES MARY ANN 825 CHARLEMONT LANE MONTGOMERY, AL 36117 |
| Secured Party Information | REPUBLIC FINANCE 2763 EASTERN BLVD MONTGOMERY, AL 36117 |
| | |

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