

## 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 SIMULTANEOUSLY serve on (e.g., mail) all interested parties copies of BOTH the Motion AND Notice of Motion.
4. Filing of Motion AND Notice of Motion with Clerk's Office - The debtor(s) must SIMULTANEOUSLY, AND WITHIN THREE (3) DAYS OF SERVING the copies thereof, file with the Clerk of Court BOTH the original Motion AND original Notice of Motion.
5. Response - If any party WISHES TO RESIST a motion filed against them, THEY 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.