

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re: \_\_\_\_\_ )  
 )  
 ) **Motion and Order**  
 ) **To Avoid Liens Impairing Exemptions**  
 ) **Chapter 13**  
 )  
 ) No: B- \_\_\_\_\_ C-13  
 Debtor(s) )

TO: U.S. BANKRUPTCY JUDGE

The debtor(s), through counsel, respectfully makes the following motion and moves the Court for an Order:

- (1) The debtor(s) has a confirmed Chapter 13 plan or confirmation is pending.
- (2) The debtor(s) owns property as described in 11 U.S.C. Section 522(f)(1)(B) consisting of:
  - [ ] (i) household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, or jewelry that are held primarily for the personal, family or household use of the debtor or a dependent of the debtor;
  - [ ] (ii) implements, professional books or tools of the trade of the debtor or the trade of a dependent of the debtor; or
  - [ ] (iii) professionally prescribed health aids for the debtor or a dependent of the debtor.
- (3) The total value of the property is \_\_\_\_\_ which is less than the amount allowed as exempt by N.C.G.S. 1C-1601(a).
- (4) A nonpossessory, nonpurchase-money security interest in this property may be claimed by the following: (name and address)

\_\_\_\_\_ (5) Any non-possessory, non-purchase money liens claimed by the above-named claimant impair the exemption to which the debtor is entitled pursuant to 11 U.S.C. Section 522 and N.C.G.S. 1C-1601(a).

**WHEREFORE**, the movant prays that the Court enter an Order finding:

- (1) The debtor(s) own certain property as described herein and the value of the debtor(s) property is no greater than the amount of exemption to which the debtor(s) is entitled to claim under N.C.G.S. 1C-1601(a).
  - (2) The lien held by the above-referenced claimant is a nonpossessory, nonpurchase-money security interest impairing exemptions to which the debtor(s) is entitled.
  - (3) The nonpossessory, nonpurchase-money security interest held by the above-named claimant is avoided pursuant to 11 U.S.C. Section 541(c)(2).
- The movant further recommends that notice of this motion and any orders pursuant thereto be sent to the claimant named above, the claimant's attorney and \_\_\_\_\_, Standing Trustee,

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Attorney State Bar Code: \_\_\_\_\_

**ORDER**

Upon motion of Counsel for the Debtor(s) and for good cause shown, it is **ORDERED** that the relief as requested is hereby granted effective on the first day after the expiration of ten (10) days after the date of this order, however, if within the ten (10) days a written objection is filed with this Court and copies served upon all parties named above, the effective date of this order will be pursuant to further orders of the Court; and, it is further **ORDERED** that if objections by a party in interest to the granting of the above relief are filed within the ten (10) day period, a hearing will be held on the objection on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ p.m., in Courtroom #\_\_\_\_,

- ( ) Courtroom, Second Floor, 101 South Edgeworth Street, Greensboro, N.C.
- ( ) Courtroom, First Floor, U.S. Bankruptcy Court, 226 South Liberty Street, Winston-Salem, N.C.
- ( ) Courtroom, First Floor, Peoples Security Building, 300 West Morgan Street, Durham, N.C.

and, it is further **ORDERED** that the Clerk mail a copy of this motion and order to each of the parties named above.

Date: \_\_\_\_\_  
\_\_\_\_\_  
U.S. Bankruptcy Judge