

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
\_\_\_\_\_ DIVISION**

IN RE: \_\_\_\_\_ )  
 )  
XXXXXX XXXX XXXXXXXX, ) CASE NO. XX-XXXXX  
 )  
Debtor. ) Chapter \_\_  
 )

**MOTION TO AVOID JUDICIAL LIEN OF \_\_\_\_\_**

The Debtor moves for an order pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien held by \_\_\_\_\_ (“Respondent”) and in support of this motion states:

1. The Debtor filed a voluntary petition under Chapter \_\_ of the Bankruptcy Code on \_\_\_\_\_.

2. Respondent holds a judicial lien which impairs an exemption that has been claimed by the Debtor in the following property: \_\_\_\_\_ (“the Exempt Property”).

3. The judicial lien is in the amount of \$\_\_\_\_\_, exclusive of attorney’s fees, costs and interest, and is based upon a judgment or transcript of judgment that was recorded in the office of the Clerk of Superior Court of \_\_\_\_\_ County on \_\_\_\_\_ in Judgment Book \_\_\_\_\_, Page \_\_\_\_\_. A copy of such judgment or transcript of judgment is attached hereto as Exhibit A.

4. The Exempt Property is/is not subject to other liens, which are as follows: (list additional liens in order of priority and state the holder/owner, amount and date of recordation for each such additional lien).

5. The value of the Exempt Property is \$\_\_\_\_\_, which value is based upon (describe basis for valuation such as appraisal, assessed tax value, etc. and state date of any such appraisal, tax value, etc.

6. The Debtor claims an exemption in the abovementioned property, or is in conjunction herewith submitting an amended exemption list on Form 91C pursuant to Federal Rule of Bankruptcy Procedure 1009(a) that claims an exemption in the abovementioned property, in the amount of \$\_\_\_\_\_ pursuant to \_\_\_\_\_ (e.g., N.C.G.S. § 1C-1601(a) (1-9)).

7. The Debtor states that the Respondent's lien impairs the Debtor's exemption following the formula set forth in 11 U.S.C. § 522(f)(2):

Aggregate amount of liens	\$
Plus value of exemption if there were no liens on the property	\$ _____
	\$
Minus value of Debtor's interest in property in the absence of any liens:	\$ _____
Extent of impairment claimed	

8. Because the total aggregate of the liens and the value of the exemption is \$\_\_\_\_\_, which exceeds the value of Debtor's interest in the property by \$\_\_\_\_\_, and because that sum equals or exceeds the amount of the lien of \$\_\_\_\_\_ sought to be avoided, the Respondent's lien may be completely avoided pursuant to 11 U.S.C. § 522(f)(1).

OR

8. Because the total aggregate of the liens and the value of the exemption is \$\_\_\_\_\_, which exceeds the value of Debtor's interest by \$\_\_\_\_\_, which is less than the amount of the Respondent's lien of \$\_\_\_\_\_, such lien may be avoided pursuant to 11 U.S.C. § 522(f)(1) to the extent of only \$\_\_\_\_\_, and the rest of such lien remains in effect.

**WHEREFORE**, the Debtor respectfully requests the Court for an order that:

- A. Avoids the judicial lien held by \_\_\_\_\_ to the extent sought in this motion,  
and  
B. Grants such other and further relief as is fair and equitable.

This the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Attorney for Debtor