IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
_____ DIVISION

IN RE:	)	
	)	
XXXXX XXXX XXXXXXX,	)	CASE NO. XX-XXXXX
	)	
Debtor .	)	Chapter __
	)	

ORDER AVOIDING JUDICIAL LIEN OF _____

This matter comes before the Court on a motion to avoid a judicial lien pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014. Having considered the motion and other matters of record in this case, the Court finds and concludes:

1. All parties in interest have received due notice of the motion and no party has timely objected to the relief requested in the motion.

2. The Debtor exempted property described as _____, with a value of $_____, as of the petition date.

3. Pursuant to (e.g., N.C.G.S. § 1C-1601(a)(1)), the Debtor claimed an exemption in the abovementioned property of $_____.

4. The abovementioned property is encumbered by (e.g., a first deed of trust) in favor of _____, which secures indebtedness with an unpaid balance of $_____ as of the petition date. The abovementioned property is also encumbered by (e.g., a second deed of trust) in favor of _____, which secured indebtedness with an unpaid balance of $_____, as of the petition date.

5. _____ holds a judicial lien against the abovementioned property pursuant to a judgment dated _____, and recorded in Judgment Book ___, page ___, in the _____ County Registry, in the amount of $_____, plus interest and attorney's fees of $_____.

6. 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 is greater than or equal to the amount of the $_____ judicial lien sought to be avoided, the judicial lien impairs an exemption pursuant to 11 U.S.C. § 522(f) and may be completely avoided pursuant to 11 U.S.C. § 522(f)(1).

OR

6. 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 judical lien sought to be avoided, such lien by be avoided pursuant to 11 U.S.C. § 522(f)(1) to the extent of only $_____, and the rest of such judicial lien remains in effect.

Therefore, it is

[In Chapter 7 cases only]

ORDERED that the judicial lien held by _____, and recorded in Judgment Book __, page ___, in the _____ County Registry be and hereby is AVOIDED AND CANCELLED as to the property described as _____, and said judicial lien shall have no further force or effect as to said real property.

OR

ORDERED that the judicial lien held by _____, and recorded in Judgment Book __, page ___, in the _____ County Registry be and hereby is AVOIDED AND CANCELLED to the extent that $_____ of said judgment shall have no further force and effect against the property described as _____, with the balance thereof remaining as a lien against that property to the extent enforceable under state law.

[In Chapter 13 cases only]

ORDERED that the judicial lien held by _____, and recorded in Judgment Book __, page ___, in the _____ County Registry be and hereby is AVOIDED as to the property described as _____ . It is

FURTHER ORDERED that this Order is to be of no force and effect outside of this Chapter 13 bankruptcy proceeding unless, and until, the Debtor obtains a discharge. A copy of the Order of Discharge is to accompany any recordation of this Order.

OR

ORDERED that the judicial lien held by _____, and recorded in Judgment Book __, page ___, in the _____ County Registry be and hereby is AVOIDED IN PART to the extent that $_____ of said judgment shall have no further force and effect against the property described as _____, with the balance thereof remaining as a lien against that property to the extent enforceable under state law. It is

FURTHER ORDERED that this Order is to be of no force and effect outside of this Chapter 13 bankruptcy proceeding unless, and until, the Debtor obtains a discharge. A copy of the Order of Discharge is to accompany any recordation of this Order.