

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

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

**ORDER AVOIDING THE SECURITY INTEREST OF \_\_\_\_\_**

This case is before the Court for consideration of a motion to avoid a nonpossessory, nonpurchase-money security interest pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 held by \_\_\_\_\_ (“Respondent”). Having considered the motion and other matters of record in this case, the Court 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 owns property (the “Exempt Property”), in which the Debtor has claimed an exemption pursuant to N.C. Gen. Stat. 1C-1601(a)(4), (5), or (7), more specifically described as:
  - ( ) 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;
  - ( ) implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor; or
  - ( ) professionally prescribed health aids for the debtor or a dependent of the debtor.
3. The Respondent holds, or may hold a security interest in the Exempt Property in the amount of \$\_\_\_\_\_. (If the Property is subject to other liens, state the amount of those liens).

4. The fair market value of the Exempt Property as of the date of the filing of the petition is \$\_\_\_\_\_.
5. Because the total aggregate of the security interests and the value of the exemption in the absence of any such interests exceeds the value of the Debtor's interest in the Exempt Property by a sum that equals or exceeds the amount of the security interest sought to be avoided, the Respondent's security interest may be completely avoided pursuant to 11 U.S.C. § 522(f)).

OR

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

Therefore, it is

**ORDERED** that the nonpossessory, nonpurchase-money security interest in the Exempt Property held by\_\_\_\_\_, be and hereby is AVOIDED as to the Exempt Property; provided, however, that the avoidance of this security interest is to have no effect unless the Debtor receives a discharge. A copy of that discharge is to accompany any recordation of this Order.

OR

**ORDERED** that the nonpossessory, nonpurchase-money security interest in the Exempt Property held by\_\_\_\_\_, be and hereby is AVOIDED IN PART to the extent of \$\_\_\_\_\_, with the remainder of said interest remaining as a nonpossessory, nonpurchase-money security interest in the Exempt Property to the extent enforceable under state law. The avoidance of this security interest is to have no effect unless the Debtor receives a discharge. A copy of that discharge is to accompany any recordation of this Order

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