UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

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| IN RE:          DEBTOR(S) | CASE NO:  CHAPTER:    MOTION TO AVOID JUDICIAL LIEN (11 U.S.C. § 522(F)(1)(A))[[1]](#footnote-1) |

TO THE TRUSTEE (if one is appointed) AND THE JUDGMENT LIEN CREDITOR LISTED BELOW:

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name of creditor and description of property securing lien | Estimated judicial lien | | Total of all senior/ unavoidable liens | | Applicable Exemption and Code Section | | Value of the debtor's interest in property | | Judicial lien not avoided | | Judicial lien avoided[[2]](#footnote-2) | |
|  |  |  | |  | |  | |  | |  | |

The debtor hereby moves, in accordance with 11 U.S.C. § 522(f)(1)(A), to avoid the judicial lien of the creditor(s) named above in the amount listed above on the grounds that the judicial lien impairs the exemptions to which the debtor would otherwise be entitled under 11 U.S.C. § 522(b) and Chapter 41 of Title 15, Code of Laws of South Carolina, 1976 (as amended).  The undersigned certifies the following:

(a) The judicial lien referenced above represents a judgment which has been recorded in a county in which the debtor owns real estate or in which there is a levy/attachment on personal property; and

(b) The property on which the judicial lien is sought to be avoided is owned by the debtor and the debtor is entitled to an exemption therein.

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| --- | --- |
| Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | Signature of Attorney/ Pro Se Debtor |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | Typed Printed Name |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | Address/Telephone/Facsimile/E-mail |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | District Court I.D. Number |

1. This form is for use only in chapter 7 and chapter 11 cases where the property subject to the lien is not co-owned as contemplated in In re Ware, 274 B.R. 206 (Bankr. D.S.C. 2001). [↑](#footnote-ref-1)
2. The judicial lien is avoided to the extent that the sum of the judicial lien plus the total of all senior/unavoidable liens plus the amount of the exemption that the debtor could claim exceeds the value of the debtor’s interest in property. [↑](#footnote-ref-2)