

**MOTION TO AVOID LIEN
(WITH PASSIVE HEARING NOTICE)**
Updated 12/01/2020

Description: There are two processes that may be utilized to file a “Motion to Avoid Lien.”

Process 1, as outlined in the Participant’s Guide, “**Motion to Avoid Lien (with passive hearing notice)**,” should be used for the filing of a lien avoidance motion as to one creditor only and allows for entry of passive hearing notice information. If this event is used for multiple creditors, it requires multiple entries of the motion to avoid lien, including passive notice hearing information and an attached proposed order, for each creditor.

Process 2, as outlined in the Participant’s Guide, “**Motion to Avoid Lien (without passive hearing notice)**” should be used for the filing of lien avoidance(s) as to multiple creditors and requires preparation of one “pdf” including the names of all creditors listed in the motion. Docket this “pdf” using the event, “Motion to Avoid Lien (without passive hearing notice),” separately for each creditor, then enter a “Hearing Notice (Passive)” once, using the same “pdf”, and link it to all of the motions entered. This process will allow passive notice hearing information to be entered only once, with only one attached proposed order (referencing all creditors). To utilize this second process, see the specific section of the Participant’s Guide Re: “Motion to Avoid Lien (without passive hearing notice).”

STEP 1 – Click on the **Bankruptcy** hyperlink on the CM/ECF Main Menu Bar.

STEP 2 – The BANKRUPTCY EVENTS screen displays.

- Select the **Motions/Applications** hyperlink.
- Enter the case number for the appropriate case.
- Click the [Next] button.
- For further information on each of these categories, click the Help hyperlink on the CM/ECF Main Menu Bar.

STEP 3 – The AVAILABLE EVENTS screen displays.

- Scroll to select **Avoid Lien (with passive hearing notice)** from the events list or start typing “Avoid” in the text box to find the event.
- Click the **[Next]** button.

STEP 4 – The JOINT FILING screen displays.

- Click in the box to associates the filing attorney with the filing party.
- Click the **[Next]** button.
- Select any additional attorneys if applicable.
- Click the **[Next]** button.

STEP 5 – The SELECT PARTY screen displays.

- Select the party that the filing attorney is representing from the list.
- If the correct party does not appear in the drop-down box, click **Add/Create New Party** and complete the information. For this instance, the party will usually be the trustee or debtor.
- Click the **[Next]** button.

STEP 6 – The ASSOCIATION screen displays.

- Click in the box if the document is being filed with another attorney.
- Click the **[Next]** button.

STEP 7 – The SELECT PDF screen displays.

- Select the .pdf file to associate with this event.
- Click the **[Next]** button.

STEP 8 – The VERIFICATION screen displays.

- Verify case name and number is correct.
- Select **[Next]** to proceed with the filing.

STEP 9 – The NOTICE screen displays.

- Please read the displayed Notice to certify that the filing complies.
- If the filing complies, click inside the radio button indicating the following certification:
 - **I certify that I have read and meet the above-listed requirements.**
- Click the **[Next]** button.

STEP 10 – The SELECT PDF screen displays.

- Select the .pdf file to associate with this event.
- If additional documents need filing or a proposed order needs attaching, select Yes and Skip to **STEP 11** to attach the document(s). If no attachments, continue with the filing with **STEP 12**.
- Click the **[Next]** button.

STEP 11 – The ATTACHMENTS SELECTION screen displays.

- Select Yes to attachment additional documents or a proposed order, Select **[Next]**.
- Click **[Browse]** to locate and attach the proposed order.
- From within the **Category** list of options, select **Proposed Order**.
- If necessary, enter a **Description**.
- Click **[Add to List]**.
- Click the **[Next]** button.

STEP 12 – The LIEN HOLDER and SCHEDULING screen displays.

- Lien with Whom? Enter the name of the creditor to which the lien avoidance is referenced.
- Enter the possible hearing date, time, and location.
- Enter the date the document was served.
- Click the **[Next]** button.

NOTE: If filing a “Motion to Avoid Lien” with multiple creditors, use the event: MOTION TO AVOID LIEN (without passive hearing notice).”

STEP 13 – The OBJECTIONS DEADLINE screen displays.

- The Objections Due Deadline will automatically appear.
- Click the **[Next]** button.

STEP 14 – The REVIEW TO PROCESS ORDERS screen displays.

- The Review to Process the Order Deadline will automatically appear.
- Click the **[Next]** button.

STEP 15 – The CERTIFICATE OF SERVICE screen displays.

- If Certificate of Service is included, select **yes** from the drop-down list; otherwise, select **no**.

- Click the [**Next**] button.

STEP 16 – The REFERENCE AMENDED MOTION screen displays.

- Is this Motion Amending a Previous Motion? Select either Yes or No. (**NOTE:** It is necessary to select the box in order to establish the correct linkages). If Yes is selected, continue with **Step 17**. If no is selected, skip to **Step 18**.
- Click the [**Next**] button.

STEP 17 – The SELECT RELATED EVENTS screen displays.

- If Yes was selected, select the appropriate event(s) to which your filing relates.
- Click the [**Next**] button.

STEP 18 – The VERIFICATION screen displays.

- Verify case name and number is correct.
- Click the [**Next**] button.

STEP 19 – The FINAL DOCKET TEXT screen displays.

- This is the last opportunity to verify the accuracy of the information. Submission of this screen is final.
- If the final docket text is incorrect, click the browser [**Back**] button to find the screen needed to modify.

NOTE: If the [**Back**] button is used and case information is altered, you must use the [**Next**] button and resubmit for each screen or the changes will not take effect. In other words, do not use the [**Forward**] button on the browser if you alter information on a previous screen.

- To abort or restart the transaction, click the Bankruptcy hypertext link on the Menu Bar.
- Click the [**Next**] button if correct.

Sample Docket Text: Final Text

Motion to Avoid Lien with ABC Company, Notice of Possible Hearing (21 days objection time given) with Certificate of Service Filed by Bill Attorney on behalf of Joe Debtor. If a response, return, and/or objection is timely filed, a hearing will be held on 1/22/2021 at 10:00 AM at Columbia. Date Served 12/1/2020. Last day for objections is 12/22/2020. (Attachments: # (1) Proposed Order) (Attorney, Bill)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

Have you redacted?

Sample Docket Text: Final Text

Amended Motion to Avoid Lien with ABC Company, Notice of Possible Hearing (21 days objection time given) with Certificate of Service Filed by Bill Attorney on behalf of Joe Debtor (related document(s) [4]). If a response, return, and/or objection is timely filed, a hearing will be held on 1/15/2021 at 10:00 AM at Columbia. Date Served 12/1/2020. Last day for objections is 12/22/2020. (Attachments: # (1) Proposed Order) (Attorney, Bill)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

Have you redacted?

STEP 20 – The NOTICE OF ELECTRONIC FILING screen displays.

- The Notice of Electronic Filing is the verification that the filing has been sent electronically to the court's database. It certifies that the document filed is now an official court document. It is recommended that you print this screen for your records because it also includes the date, time, case number, and document number.