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OCT 29 1998
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

FILED

98 OCT 28 PM 1:00

U.S. BANKRUPTCY COURT
DIST. OF SOUTH CAROLINA

IN RE:

C/A No. 98-05808-W

Willard Wayne Ivins,

ORDER

Debtor.

Chapter 7

THIS MATTER comes before the Court upon the Debtor's motion to avoid several judicial liens pursuant to 11 U.S.C. § 522(f). After receiving no objections to the motion, the Debtor submitted a proposed order. After reviewing the proposed order, the Court has several concerns as the liens that the Debtor seeks to avoid do not appear to be perfected judicial liens. Additionally, the Debtor lists no real property to which these alleged liens could have attached. The Court is also concerned that the proposed order does not comply with the local rules of this Court in that it fails to list a value of the Debtor's interest absent any liens in the property, the total amount of unavoidable senior liens, the amount of the exemption impaired or the amount of the judicial lien not to be avoided. The Court rejected the proposed order and directed counsel for the Debtor to submit a modified order in conformity with the local rules.

On October 26, 1998, the Court received an amended proposed order from counsel for the Debtor. The only change to the proposed order was that instead of leaving the amounts blank, a "0" was inserted.

As Judge Bishop has recently stated, when a debtor is trying to avoid a lien that impairs an exemption, there must be a lien and there must be an exemption that is impaired.

From the evidence presented, it appears to the Court that the debtors do not own real property to which the judicial lien could attach. Accordingly, there is no homestead exemption impaired by the lien as there is no "homestead". Also, without reality from which its value can be established, one of the necessary factors in

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determining whether a lien impairs, partially impairs, or does not impair an exemption is missing.

In re Bowles, 97-08722-B (Bkrcty.D.S.C. 3/10/98). As it appears to this Court that there is no lien and no exemption which is impaired, the Debtors motion to avoid the liens of Bell & Bell Construction, Harry & Sara Snyder and Pelican Companies is denied.

AND IT IS SO ORDERED!

Columbia, South Carolina,
October 28, 1998.


UNITED STATES BANKRUPTCY JUDGE



CERTIFICATE OF MAILING
The undersigned deputy clerk of the United States
Bankruptcy Court for the District of South Carolina hereby certifies
that a copy of the document on which this stamp appears
was mailed on the date listed below to:

~~OCT 20~~ 1998

Remington
~~DEBTOR, DEBTOR'S ATTORNEY, TRUSTEE~~

LISA BAUGHMAN

Deputy Clerk

*Pelican
Synder
Bell o Bell*