

Mont. LBF 24. Motion to Avoid Lien under 11 U.S.C. § 522(f) and Notice.

(Attorney for Debtor)
State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____
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 Debtor(s).)

MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f), AND NOTICE

Pursuant to F.R.B.P. 4003(d) and Mont. LBR 4003-4, the undersigned respectfully moves the Court to avoid the lien of _____ on property of the debtor's estate pursuant to 11 U.S.C. § 522(f)(1) [(A) or (B)]. In support of its motion, the undersigned alleges as follows:

Name of creditor: _____.

Type of lien: [Judicial or nonpossessory, nonpurchase-money security interest]
(If judicial lien, set forth the cause number, title of the case, originating court, date of entry of judgment, and amount(s); and attach copies of judgment(s) or documents evidencing the lien.)

Description of property secured by the lien:

Market value of the debtor's interest in the above-described property: \$ _____

Statute(s) under which debtor claims property as exempt: _____

For purposes of 11 U.S.C. § 522(f)(2)(A):

Amount of the lien: _____

Description of other creditors and amounts of all other liens on the property and the respective priority of each:

Amount of exemption the debtor could claim if no liens existed on the property:

WHEREFORE, the undersigned moves the Court to avoid the lien of the above-named Creditor pursuant to 11 U.S.C. § 522(f)(1) [(A) or (B)] on the ground that such lien impairs an exemption to which the debtor is entitled under 11 U.S.C. § 522(b).

DATED this ____ day of _____, 200_.

By: _____
Attorney for Debtor(s)

NOTICE TO CREDITOR

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least 20 days after the date of the response and request for hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this ____ day of _____, 200_.

By: _____
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c) reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

Mont. LBF 24. Motion to Avoid Lien under 11 U.S.C. § 522(f) and Notice.

Name of Attorney
Address
Phone No.
(Attorney for Debtor)
State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

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Type of lien: [Judicial or nonpossessory, nonpurchase-money security interest]
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Description of property secured by the lien:

Market value of the debtor's interest in the above-described property: \$ _____

Statute(s) under which debtor claims property as exempt: _____

For purposes of 11 U.S.C. § 522(f)(2)(A):

Amount of the lien: _____

Description of other creditors and amounts of all other liens on the property and the respective priority of each:

Amount of exemption the debtor could claim if no liens existed on the property:

WHEREFORE, the undersigned moves the Court to avoid the lien of the above-named Creditor pursuant to 11 U.S.C. § 522(f)(1) [(A) or (B)] on the ground that such lien impairs an exemption to which the debtor is entitled under 11 U.S.C. § 522(b).

DATED this ____ day of _____, 200_.

By: _____
Attorney for Debtor(s)

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