

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

**MOTION REQUESTED TO  
BE HEARD ON THE PAPERS**

IN RE:

**NOTICE OF MOTION TO  
AVOID JUDICIAL LIENS**

[ \_\_\_\_\_ ]

Debtor(s)  
\_\_\_\_\_

Case No. \_\_\_\_\_  
Chapter 7

**PLEASE TAKE NOTICE** that the debtor will move this court for an Order pursuant to 11 U.S.C. 522(f) avoiding judicial lien(s) of: \_\_\_\_\_ against the homestead of the debtor located at: \_\_\_\_\_.

**PLEASE TAKE FURTHER NOTICE** that this motion shall be held at the following location:

**PLEASE TAKE FURTHER NOTICE** that this motion shall be held on the following date and time: \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ a.m. /p.m.

Date: \_\_\_\_\_, New York

\_\_\_\_\_  
Signature  
Address  
Telephone #:

To: U.S. Trustee's Office  
Chapter 7 Trustee  
*[All Parties and Representatives]*

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

**MOTION REQUESTED TO  
BE HEARD ON THE PAPERS**

IN RE:

**AFFIDAVIT IN SUPPORT**

[ \_\_\_\_\_ ]

Debtor(s)

Case No.: \_\_\_\_\_

Chapter 7

Pursuant to 11 U.S.C. § 522(f)(1)(A), debtor moves to avoid a judicial lien on real property referenced below and alleges as follows:

1. Debtor \_\_\_\_\_ commenced this case on \_\_\_\_\_.
2. As per Schedule "A" of Debtor's Petition in bankruptcy, the Debtor owns and possesses, as a principle residence, real property located at \_\_\_\_\_.
3. Title to the property is held as follows: \_\_\_\_\_.  
A copy of the deed is attached hereto as **Exhibit "A."**
4. The Debtor's residence has a full market assessed value of \_\_\_\_\_  
\_\_\_\_\_. Attached hereto as **Exhibit "B"** is a copy of the source of market valuation.
5. At the time of filing, the property was subject to mortgages, real estate taxes, statutory liens, and/or other encumbrances as follows:

Lienholder

Amount of Lien

6. **OR:** At the time of filing, there were no outstanding mortgages, real estate taxes, statutory liens, or other encumbrances filed against the property.

7. The following creditor(s) have docketed judgment liens against the property:

a.

Judgment Recorded:

Amount: \$ \_\_\_\_\_

b.

Judgment Recorded:

Amount: \$ \_\_\_\_\_

8. The Debtor's interest in the property has been claimed as fully exempt in the bankruptcy petition.

9. Pursuant to \_\_\_\_\_ an individual bankruptcy debtor may exempt \$ \_\_\_\_\_ in homestead equity. Exemptions are doubled for joint filers.

10. The existence of the above listed judicial liens on Debtor's real property impairs exemptions to which the Debtor would be entitled.

**WHEREFORE**, Debtor prays for an order against \_\_\_\_\_  
\_\_\_\_\_ avoiding and canceling the judicial liens against debtor's real property,  
and for such other or further relief as may be just and proper.

Date: \_\_\_\_\_

Signed by: \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

IN RE:

**AFFIDAVIT OF SERVICE**

[ \_\_\_\_\_ ]

Case No. \_\_\_\_\_

Debtor(s). \_\_\_\_\_

Chapter 7

The undersigned being duly sworn, deposes and says that:

I, \_\_\_\_\_, am over eighteen years of age and not a party to this action. I reside in \_\_\_\_\_, New York.

On \_\_\_\_\_, 20\_\_\_\_, I served the enclosed Notice of Motion and Affidavit in Support of Motion to Avoid Judicial Liens on the following parties in the manner specified for each party:

Office of the United States Trustee  
300 Pearl Street, Suite 401  
Buffalo, New York 14202

via USPS

via USPS

Attn: President or CEO

via Certified Mail

\_\_\_\_\_  
Signature

Sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

**ORDER TO AVOID  
JUDICIAL LIEN**

IN RE:

[ \_\_\_\_\_ ]

Case No.: \_\_\_\_\_  
Chapter 7

Having considered the Motion to Avoid Judicial Lien filed by the debtor to avoid and cancel the judicial liens of:

- |  |   |
|--|---|
| a. Creditor's name:<br>Street:<br>City, State, Zip:<br>Date Recorded:<br>Amount: | c. Creditor's name<br>Street:<br>City, State, Zip:<br>Date Recorded:<br>Amount: |
| b. Creditor's name:<br>Street:<br>City, State, Zip:<br>Date Recorded:<br>Amount: | d. Creditor's name<br>Street:<br>City, State, Zip:<br>Date Recorded:<br>Amount: |

It is hereby **ORDERED** that the judicial liens held by \_\_\_\_\_ against Debtor's real estate located at \_\_\_\_\_ and any other amounts due under the lien is hereby canceled; it is further

**ORDERED** that unless Debtor's bankruptcy case is dismissed, the liens are hereby avoided as impairing the Debtor's exemption; and it is further

**ORDERED**, that the Debtor may record this Order with the \_\_\_\_\_ Clerk's Office.

Date:

Enter,

\_\_\_\_\_  
United States Bankruptcy Judge