

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

In re

Debtor(s)

Case No. _____

Chapter _____

MOTION TO AVOID JUDICIAL LIEN

The undersigned Debtor(s) moves the Court, pursuant to 11 U.S.C. Section 522(f), to avoid a certain judicial lien recorded in the _____ Court of _____ County, West Virginia, on _____, 20 __, at Book Number _____ and Page Number _____. The Debtor(s) further represents to the Court the following:

- ☐ 1. The Debtor(s) is the owner of certain real property which is listed in the bankruptcy schedules, with a value of \$ _____ and which is described as:

The property is subject to a mortgage lien in the amount of \$ _____. The equity of the Debtor(s) in the property is exempt under 11 U.S.C. Section 522(b) and West Virginia Code Section 38-10-4.

Or

- ☐ 1. The Debtor(s) owns no real property.
2. The Debtor(s) has exempted the real property as set forth in Schedule C of the bankruptcy schedules;
3. The Creditor, (Name) _____
(Address) _____
(City, State, Zip) _____

holds a perfected judicial lien in the amount of \$ _____, which impairs an exemption to which the Debtor(s) is entitled;

4. There are no other consensual liens which affect the real property of the Debtor(s);
5. The judicial lien sought to be avoided is a non-consensual judgment lien which has been or will be discharged in this matter and for which the Debtor(s) will have no further liability;
6. The judicial lien will interfere with the ability of the Debtor(s) to obtain a fresh start subsequent to bankruptcy and impair an exemption to which the Debtor(s) is entitled under 11 U.S.C. Section 522(b);
7. The existence of the judicial lien will cloud the title to real estate which the Debtor(s) may acquire after the closure of the bankruptcy case;
8. The creditor is neither an infant, an incarcerated convict, nor an incompetent person;

Wherefore, the Debtor(s) moves the Court for an order determining the judicial lien null and void, and for such other and further relief as is just.

Dated:

Name(s) of Debtor(s) (printed)

Counsel for Debtor(s) (printed)

Signature

Address and Telephone Number