

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor name
Joint debtor name,

Debtor.

Case No.

**MOTION TO AVOID
JUDICIAL LIEN HELD BY (CREDITOR NAME)**

COMES NOW the debtor by and through his attorney, (*firm name, attorney name*), and moves the Court for its order avoiding the judicial lien against debtor's residence held by (*creditor name*), dated the ___th day of _____, 200_, and recorded with the Clerk of (*county name*) County on the ___th day of _____, 200_, in Book No. _____, Page No. _____, Document No. _____. As grounds therefor, debtor states:

1. This case was commenced by the filing on (*date*), of a voluntary petition for relief under chapter 13 of title 11 of the United States Code.

2. This motion is filed under 11 U.S.C. section 522(f), to avoid a judicial lien.

3. On or about (*date*), a complaint was filed against debtor. A judgment was entered against debtor on (*date of judgment*), in the amount of \$_____, plus interest of ___%, and attorneys fees of \$_____, and a transcript of judgment has been filed of record.

4. The debtor's interest in the residence made subject to the judicial lien referred to in the preceding paragraph does not exceed the amount claimed exempt.

A. The fair market value of the subject residence is \$ _____ as set out in debtor's schedule A of the bankruptcy petition filed herein.

B. Debtor's equity in the subject residence amounts to \$ _____ as set out in debtor's schedule C of the bankruptcy petition filed herein.

5. The existence of the judicial lien against the debtor's residence impairs exemptions to which the debtor would be entitled under 11 U.S.C. 522(b) in that he claims as exempt under (*statute*) all of the debtor's interest in the subject residence.

6. In compliance with NM LBR 9013-1(b), concurrence in this motion was sought and not received. (*Or concurrence in this motion is being sought and has not yet been received.*)

WHEREFORE, debtor prays for an order from the Court avoiding/cancelling the judicial lien against debtor's residence and for such other and further relief as the Court deems proper.

(*FIRM NAME*)

s/submitted electronically _____
(*Attorney Name*
Address
City, State, Zip Code
Telephone:
Facsimile:)

Certificate of Service

(*Use language in NM Form 602, form of certificate of service to use in contested matters*)

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