

## Rule 4003 - 2

### Lien Avoidance

- ~~(a)(1)~~ A party seeking to avoid a lien pursuant to 11 USC 522(f) shall file a motion and give fifteen (15) days notice to the trustee and the creditor holding the lien in accordance with LBR 2002-1.
- ~~(b)(2)~~ The notice and motion shall contain:
- (1) a description and statement of the value of the property encumbered as if there were no liens on the property;
  - ~~(2)(a)~~ a description and the amount of the lien to be avoided;
  - ~~(3)(b)~~ specific identification of the statutory authority for avoiding the fixing of the lien; either a judicial lien or a nonpossessory, non-purchase money security interest;
  - ~~(4)(c)~~ a description and the amount of all other liens on the property, individually identified as to each lien holder, and a statement whether any such liens have or are subject to being avoided under this rule, or a statement that there are no other liens; *and*
  - ~~(5)(d)~~ a statement as to the specific statutory exemption claimed and the amount of the exemption claimed.
- ~~(c)~~ Service of the notice on the lien creditor shall be in accordance with FRBP 7004.

## **Related Provisions**

FRBP 4003

FRBP 9006

FRBP 9014

Exemptions

Time

Contested Matters

LBR 2002-1

Notice to Creditors and Other Interested Parties

11 USC 522(f)

Exemptions

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**~~May 15, 2006~~ *December 1, 2008***