

Rule 4003-2

Lien Avoidance

- (a) A party seeking to avoid a lien pursuant to 11 USC 522(f) shall file a motion and give fourteen (14) days notice to the trustee and the creditor holding the lien in accordance with LBR 2002-1.
- (b) 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 description and the amount of the lien to be avoided;
 - (3) specific identification of the statutory authority for avoiding the fixing of the lien; either a judicial lien or a non-possessory, non-purchase money security interest;
 - (4) 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) a statement as to the specific statutory exemption claimed and the amount of the exemption claimed.
- (c) Service of the notice *and motion* on the lien creditor shall be in accordance with FRBP 7004.

Related Provisions

FRBP 4003
FRBP 9006
FRBP 9014

Exemptions
Computing and Extending Time
Contested Matters

LBR 2002-1

Notice to Creditors and Other Interested Parties

11 USC 522(f)

Exemptions

LBR 4003-2
MAY 10, 2010