

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

IN RE:

_____ ,

Debtor(s).

Case No. _____
Chapter _____

MOTION TO AVOID LIEN
UNDER 11 U.S.C. § 522(f) (Personal Property)
AND NOTICE OF OPPORTUNITY FOR HEARING
(Creditor Name: _____)
(Insert Name of Creditor holding Lien to be Avoided)

1. The Debtor(s) hereby moves this Court for an order avoiding a lien in favor of

_____ (“Creditor”) on the following personal property:

[Describe each item of personal property] (“Personal Property”).

2. *[indicate type and status of case, e.g.,:*

A Voluntary Petition under Chapter __ was filed on _____.]

3. Debtor claims an exemption in the Personal Property under: _____

[insert statutory reference] Exemption amount claimed on Schedules \$_____.

4. Debtor's entitlement to an exemption is impaired by a non-possessory, non-purchase money security interest in the Personal Property, the details of which are as follows:

a. On _____ (*specify date*), Debtor obtained a consumer loan from Creditor in the principal amount of \$_____ (*specify amount*).

b. As security for said loan, Debtor gave Creditor a security interest in the Personal Property in Debtor's possession.

c. The loan was neither obtained nor used for the purpose of buying the Personal Property.

- d. The current balance due on the loan is \$_____ (*specify amount*).
5. On Schedule C, Debtor claimed an exemption in the Personal Property in the amount of \$_____.
6. Debtor alleges that the fair market value of each individual item of the personal property claimed exempt is _____.
7. Debtor attaches the following documents in support of the motion (*as appropriate*):
[e.g., loan agreement; security agreement.]
8. Debtor declares under penalty of perjury that the foregoing is true and correct.

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Northern District of Oklahoma, 224 South Boulder, Tulsa, Oklahoma 74103 no later than 14 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. The 14 day period includes the three (3) days allowed for mailing provided for in Fed. R. Bankr. P. 9006(f).

WHEREFORE, Debtor prays that this Court enter an Order avoiding the Creditor's lien. *[If no response or objection is timely filed, the movant shall file a Request for Entry of Order pursuant to Local Rule 9072-1. If a proposed order is not submitted concurrently with the Request for Entry of Order, the Court may enter a text-only order.]*

Dated: _____

 Debtor's Signature

Dated: _____

 Attorney Name, OBA # _____
 [Address/Telephone/Fax/Email]
 Attorney for Debtor

CERTIFICATE OF SERVICE

I, _____, certify that on _____, I mailed a copy of the above-captioned document by first-class mail to:

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: _____

Attorney Name

Note: Local Rule 7004-1(A) provides that the Certificate of Service of a pleading upon a domestic or foreign corporation, a partnership, or other unincorporated association pursuant to Bankruptcy Rule 7004(b)(3) or upon an insured depository institution pursuant to Bankruptcy Rule 7004(h) must identify the individual to whom service was addressed by name and/or title.

Local Rule 7004-1(B) provides that the Certificate of Service of a pleading upon an insured depository institution pursuant to Bankruptcy Rule 7004(h) shall indicate: (1) that such entity is an insured depository institution; (2) whether the institution has appeared by its attorney in the bankruptcy case; and (3) manner of service.