

Filer's Name, Address, Phone, Fax, Email:



UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII
1132 Bishop Street, Suite 250
Honolulu, Hawaii 96813

hib_3015-1avd (12/09)

Debtor Name:

SSN (last 4 digits):

Case No.:

Address:

Jt Debtor Name:
(if any)

SSN (last 4 digits):

Chapter 13

Address (if not
same as above):

**CHAPTER 13 PLAN MOTION TO AVOID LIEN; NOTICE OF DEADLINE TO OBJECT
Judicial Lien, or Nonpossessory, non-purchase money security interest**

Secured Creditor (name and address):

Account No.
[at least last 4 digits]

Collateral (if real property, state address or tax map key; if vehicle, state vehicle I.D. no., year, make, model, mileage):

Debtor's valuation: \$

Value based on:

Upon avoidance, claim will be treated as secured to the following extent (\$0.00 if avoided in entirety), with the balance of the claim to be treated as a general unsecured claim.

\$

Pursuant to 11 U.S.C. § 522(f) and Fed. R. Bankr. P. 4003(d), Debtor moves to avoid the fixing of a lien on Debtor's interest in the above-described property to the extent that such lien impairs an exemption to which Debtor would have been entitled. Based on the allegations stated here and in any supplemental documents, Debtor requests that the above-named creditor's claim be treated as indicated above, and that it supersede any amount asserted as secured in the creditor's proof of claim.

1. Amount of lien being avoided:

\$

2. Amount of other liens on property (see 11 U.S.C. § 522(f)(2)(B):

\$

3. Amount of exemption under _____ if no liens:

\$

4. Total of lines 1, 2, and 3

\$

5. Value of Debtor's interest in property in absence of any liens:

\$

6. Extent of impairment under 11 U.S.C. § 522(f)(2)(A) – line 4 less line 5:

\$

7. Amount, if any, by which line 1 exceeds line 6 (amount to be treated as secured):

\$

NOTICE OF DEADLINE TO OBJECT

NOTICE IS HEREBY GIVEN that this motion filed by the Debtor(s) concerns your interest in the above-described property and is related to the Chapter 13 Plan being proposed by the Debtor(s), a copy of which should have been sent to you separately.

Your rights may be affected. You should read the motion or application and the accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to avoid your lien in the subject property, or if you want the court to consider your views on the motion, then you or your attorney must file an Objection to Confirmation of Chapter 13 Plan not later than 7 days before the confirmation hearing date, or 21 days after the filing of this motion, whichever is later. Your objection will be considered at the confirmation hearing.

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the deadline stated above. Responses must be filed with the court at: **United States Bankruptcy Court, District of Hawaii, Suite 250, Honolulu, HI 96813**, and sent to the moving party at the address in the upper left corner of this document.

If you or your attorney do not file a timely objection, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief requested by the Debtor(s). The determination made in such an order will supersede any security interest stated in a proof of claim that you have filed or will file.

ADDITIONAL NOTICE OF PROVISION ARGUABLY CONTRARY TO BANKRUPTCY CODE

IF CHECKED, FURTHER NOTICE IS GIVEN that one or more provisions in the proposed Chapter 13 Plan may arguably be contrary to the Bankruptcy Code. If so, the court may grant the motion to avoid lien and confirm the plan **only** if you accept the treatment of your claim under the plan. **If you do not want to accept the plan, you must file a timely objection to this motion and the plan.** If you do not file a timely objection, you will have accepted the plan. If the court enters a confirmation order, the plan’s provisions will be binding on you and the Debtor(s).

The plan provides that you will NOT retain your lien in the subject property until paid in full under nonbankruptcy law or until a discharge is issued to the Debtor(s).

The plan provides for the avoidance of a lien in household goods that are not included in the definition of “household goods” in 11 U.S.C. § 522(f)(4).

Other *[explain]*:

Dated: _____ /s/ _____
Signature (print name if original signature)