

FORMS ARE GENERIC SUGGESTIONS. PARTIES AND THEIR ATTORNEYS SHOULD REVISE THEM TO ADDRESS THE UNIQUE CIRCUMSTANCES OF EACH CASE.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
_____ DIVISION

www.flmb.uscourts.gov

In re _____)
)
,) Case No. ____
) Chapter ____
 Debtor.*)
_____)

**VERIFIED MOTION TO AVOID JUDICIAL LIEN
OF [INSERT LIEN HOLDER NAME] ON EXEMPT PROPERTY**

NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST FOR HEARING

If you object to the relief requested in this paper you must file a response with the Clerk of Court at (address) [and, if the moving party is not represented by an attorney, mail a copy to the moving party at (address)] within (number) days from the date of the attached proof of service, plus an additional three days if this paper was served on any party by U.S. Mail.

If you file and serve a response within the time permitted, the Court will either notify you of a hearing date or the Court will consider the response and grant or deny the relief requested in this paper without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, and the Court may grant or deny the relief requested without further notice or hearing.

You should read these papers carefully and discuss them with your attorney if you have one. If the paper is an objection to your claim in this bankruptcy case, your claim may be reduced, modified, or eliminated if you do not timely file and serve a response.

Debtor, [insert debtor(s) name], files this Motion to Avoid the Judicial Lien of [insert lien holder] and states:

*All references to "Debtor" include and refer to both debtors in a case filed jointly by two individuals.

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1. Debtor filed this Chapter [insert number] bankruptcy case on [insert petition date].

2. Debtor seeks to avoid the judicial lien of [insert name of lien holder] (the “Lien”) that was created by filing [judgment or judgment lien certificate] on [recording of filing date] at [O.R. Book xxx, Page xxx or Document No. xxx], of the [Public Records of {County, State}] or [the Florida Department of State Judgment Lien Registry].

3. The Lien impairs this property that is otherwise exempt under 11 U.S.C. § 522(f):

[Description of property, including legal description and street address of real property, and VIN number of vehicles].

WHEREFORE, the Debtor respectfully requests that the Court enter an order avoiding the Lien and for such other and further relief as the Court deems appropriate.

Dated: [insert date].

/s/ Signature
Attorney Name
Attorney Bar No.
Attorney E-Mail
Attorney Address
Attorney Phone Number
Attorney for Debtor(s)

DEBTOR VERIFICATION STATEMENT AND SIGNATURE

I [insert debtor name] declare (or certify, verify, or state) under penalty of perjury [if executed outside the U.S., include the ‘under the laws of the United States of America’] that the foregoing is true and correct. Executed on [insert date].

/s/ Debtor Signature
[insert debtor name]

PROOF OF SERVICE

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A true and correct copy of the foregoing has been sent by either electronic transmission or U.S. Mail on _____ to:

/s/ Signature
Attorney Name
Attorney Bar No.
Attorney E-Mail
Attorney Address
Attorney Phone Number
Attorney for Debtor(s)