

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In the Matter of:

Jean Alice Hill
SSN: XXX-XX-1422

Debtor(s)

Case No. 18-01347-DSC7

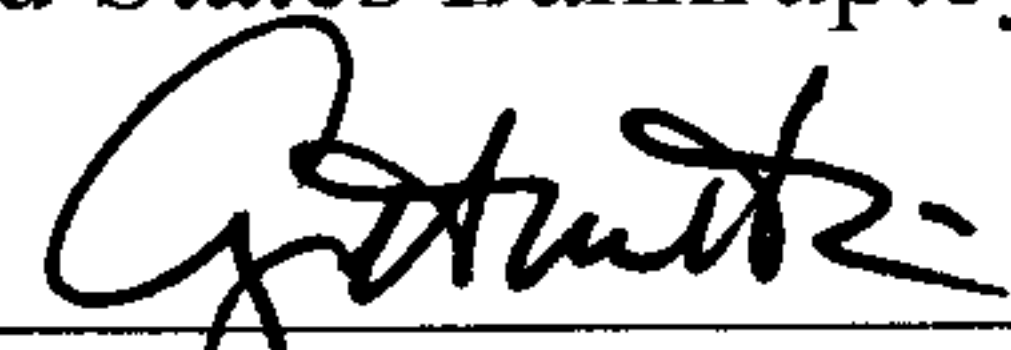
Chapter 7

I, Joseph E. Bulgarella, Clerk of Bankruptcy Court in and for said District, do hereby certify that the attached copy of Motion to Avoid Judicial Lien (Doc 4) and Order on Section 522(f) Motion to Avoid Judicial Lien (Doc 19) in the case of Jean Alice Hill, Debtor(s), Case No. 18-01347-DSC7 has been compared with the original thereof and that it is a complete and correct copy of such original as it appears of record and on file in my office.

In testimony whereof I have hereunto set my hand at Birmingham, Alabama in said District, this Tuesday, September 04, 2018.

Dated: September 4, 2018

Joseph E. Bulgarella, Clerk
United States Bankruptcy Court

By: 
Crystal Harris
Deputy Clerk



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Shelby Cnty Judge of Probate, AL
11/15/2018 11:52:00 AM FILED/CERT

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re:

Case No. 18 - 1347

Jean Alice Hill

Chapter 7

NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST FOR HEARING

PLEASE TAKE NOTICE THAT, if you object to the relief requested in this motion (the "Motion"), you must file an objection with the Clerk of Court (an "Objection") within **30** days of the date of service of the Motion (the "Objection Deadline"), and you must serve the Objection on the filer and all other appropriate persons. If you received service of the Motion by mail, three days are added to your Objection Deadline by Rule 9006(f) of the Federal Rules of Bankruptcy Procedure (the "Rules"). If your Objection Deadline falls on a Saturday, Sunday, or legal holiday, your Objection Deadline shall not expire until the end of the day that is not a Saturday, Sunday, or legal holiday, pursuant to Rule 9006(a).

PLEASE TAKE FURTHER NOTICE THAT Objections must be filed with the Clerk of Court electronically, by hand delivery, or by mail. The Clerk's Office is located at 1800 Fifth Avenue North, Birmingham, Alabama 35203. If you mail your Objection to the Clerk's Office, you must send the Objection in time for the Clerk's Office to **receive** your Objection by your Objection deadline. The Court will not consider any untimely Objections.


PLEASE TAKE FURTHER NOTICE THAT, if you timely file and serve an Objection, the Court will hold a hearing to consider the Motion and your Objection, and the Clerk's Office will notify you, and all other appropriate persons, of the time, date, and place of the hearing. **If you fail to file an Objection by the Objection Deadline, you will be deemed to have admitted the allegations in the Motion, and the Court may grant the relief requested in the Motion without a hearing.**

**SECTION 522(f) MOTION TO AVOID JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE MONEY
SECURITY INTEREST AND DETERMINE SECURED STATUS**

Check one.

- ☒ **Total Lien Avoidance.** Debtor(s) seek to totally avoid the judicial lien or nonpossessory, nonpurchase money security interest (the "Lien") securing the claim listed below (the "Claim") because the Lien impairs the Debtor(s)' available exemption(s) and the extent of the impairment equals or exceeds the amount of the Lien. Upon entry of an order granting the Motion, the Lien will be avoided in its entirety, and, unless otherwise ordered, the Claim, to the extent allowed, will be treated as wholly unsecured. *See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). (This section should be used if, after deducting the amount(s) of Debtor(s)' available exemption(s) and of any mortgage lien(s) or other unavowed lien(s) and security interest(s) that encumber the subject property, Debtor(s) have no equity in the property.)*

Name of creditor	Amount of Lien	Proof of claim number (if a claim is filed)	Property description (see Debtor(s)' schedules for the property value(s) and information regarding the mortgage(s) and other lien(s) and security interest(s) that encumber the property)	Lien identification (such as date of Lien recording, book and page number, county of recording)
First National Bank of Omaha	\$10,416.52		108 Ivy Trace Calera, AL 35040	Shelby County, Alabama Instrument Number: 20170801000275980 Case # CV-2016-900955


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☐ **Partial Lien Avoidance.** Debtor(s) seek to partially avoid the judicial lien or nonpossessory, nonpurchase money security interest (the "Lien") securing the claim listed below (the "Claim") because it impairs Debtor(s)' available exemption(s) and the extent of the impairment is less than the amount of the Lien. Upon entry of an order granting the Motion, the Lien will be avoided to the extent that it impairs such exemption(s) (see line "g"), and, unless otherwise ordered, the Claim, to the extent allowed, will be treated as a secured claim in the amount listed in line "e." See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d).

Information regarding lien	Calculation of lien avoidance
Name of creditor:	a. List the value of Debtor(s)' interest in the Property (see also Debtor(s)' schedules): \$
Proof of claim number (if a claim is filed):	b. List the total value of all mortgage lien(s) and other unavaoided lien(s) or security interest(s) encumbering the Property: \$
Lien identification (such as date of lien recording, book and page number, county of recording):	c. Subtract line "b" from line "a": \$
Description of property (the "Property") (e.g., the real and personal property of the judgment debtor situated in the count(ies) where the lien is recorded):	d. List the total amount of all available exemption(s): \$
	e. Subtract line "d" from line "c" (This is the amount of the remaining secured claim.): \$
	f. Amount of the judicial lien to be avoided: \$
	g. Subtract line "e" from line "f" (This is the portion of the lien that is avoided.): \$


Date March 29, 2018

/s/ Brian C. Bugge

Signature of Debtor(s) or Debtor(s)' Attorney

Name/Address/Telephone/Email:

Brian C. Bugge
1400 - 21st Way South
Birmingham, AL 35205
Phone: 205-251-8066
Email: BBUGGELAW@AOL.COM


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CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2018 a copy of the Motion was served on the above-named creditor by the means specified below:

Creditor Name and Address (If the creditor is an entity other than an Insured Depository Institution ("IDI")*, identify the officer, managing agent, general agent, or other agent authorized to receive process to whose attention service was made. If the entity is an IDI, identify the officer to whose attention service was made via certified mail.)	Method of Service
First National Bank of Omaha Attn: Tina 1620 Dodge Street - Mailstop 4440 Omaha, NE 68197	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail No: _____

I also certify that on March 29, 2018 I mailed a copy of the Motion by First Class Mail to the notice address listed on the creditor's proof of claim:

☒ **Not applicable.** (The creditor has not filed a proof of claim as of the date hereof.)

☐ **Applicable.** (Include the notice address served in the below provided space.)

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I also certify that on March 29, 2018 the chapter 7 trustee received notice of the Motion via the Court's CM/ECF system.

I also certify that on March 29, 2018 I served the Motion on the following interested parties by the means specified below (include the attorney for any committee appointed in the case):

☐ **Not applicable.**

☒ **Applicable.** (Include the name, address, and method of service.)

Name and Address	Method of Service
Zarzaur & Schwartz, P.C. PO Box 11366 Birmingham, AL 35202	First class mail

Under penalty of perjury, I declare that the foregoing is true and correct.

March 29, 2018

Date

/s/ Brian C. Bugge

Signature of Debtor(s) or Debtor(s)' Attorney

*Most IDIs are banks, credit unions or savings & loan associations.

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re:

Jean Alice Hill,

Case No. 18-01347-DSC

Debtor(s)

Chapter 7

**ORDER ON SECTION 522(f) MOTION TO AVOID JUDICIAL LIEN OR NONPOSSESSORY,
NONPURCHASE MONEY SECURITY INTEREST AND DETERMINE SECURED STATUS**

This matter is before the Court on the Debtor(s)' Section 522(f) Motion to Avoid Judicial Lien or Nonpossessory, Nonpurchase Money Security Interest and Determine Secured Status (Doc. 4) (the "Motion"). Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Motion. The Motion requests that the Court avoid the fixing of the Lien on the property described in the Motion. The Motion also requests that the Court treat the Claim secured by the Lien as wholly or partially unsecured. Notice of the Motion and of the opportunity to object and request a hearing was provided to the affected creditor, First National Bank of Omaha (the "Creditor"), the Trustee, and any committee appointed in the above-captioned case, as required by Local Rule 4003-2. Neither the Creditor nor any other party in interest timely filed any opposition or other response to the Motion, and it appears to the Court that the Motion should be granted.

Accordingly, it is ORDERED, ADJUDGED, and DECREED that the Motion is GRANTED, and the Lien and the Claim of the Creditor are treated as follows (check one):

- ☒ The lien is avoided in its entirety, and, the Claim, to the extent allowed, shall be treated as wholly unsecured.
- ☐ The Lien is avoided to the extent it impairs the Debtor(s) exemptions, in the amount of (insert amount from line "g" \$Enter amount from line "g", and the Claim, to the extent allowed, shall be treated as a secured claim in the amount of (insert amount from line "e") \$Enter amount from line "e" (the "Secured Amount" and as an unsecured claim to the extent the allowed amount of the Claim exceeds the Secured Amount.

Dated: May 16, 2018

/s/ D. Sims Crawford
D. SIMS CRAWFORD
United States Bankruptcy Judge



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