

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

In re:

JAMES DANIEL MASON,

Case No. 17-01930-TOM

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. 221) (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. [Optional: The Lien is evidenced by a certificate of judgment recorded in the Office of the Judge of Probate of Shelby County, Alabama in Book as Instrument Number 20140818000258110. 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, USAmeriBank f/k/a Aliant Bank, (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 "h" \$Enter amount from line "h", and the Claim, to the extent allowed, shall be treated as a secured claim in the amount of (insert amount from line "f") \$Enter amount from line "f" (the "Secured Amount" and as an unsecured claim to the extent the allowed amount of the Claim exceeds the Secured Amount.

Dated: December 18, 2019

/s/ Tamara O. Mitchell  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

Order Prepared By:  
Andre' M. Toffel, PC  
450A Century Park South, Ste. 206A  
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205-252-7115  
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ALABAMA JUDICIAL DATA CENTER  
SHELBY COUNTY  
CERTIFICATE OF JUDGMENT

CV 2013 901207.00

HEWITT L CONWILL

IN THE CIRCUIT COURT OF SHELBY COUNTY

ALIAN BANK, A DIVISION OF USAMERIBANK V. JAMES D. MASON

PLAINTIFF'S ATTORNEY:

NEWSOME BURTON WHEELER  
PO BOX 382753  
BIRMINGHAM AL 35238

20140818030258110 1/1 \$14.00  
Shelby Cnty Judge of Probate, AL  
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I, MARY H. HARRIS, CLERK OF THE ABOVE NAMED COURT HEREBY  
CERTIFY THAT ON 07/25/2014 PLAINTIFF, ALIAN BANK, A DIVISIO RECOVERED  
OF DEFENDANT IN SAID COURT A JUDGMENT WITHOUT WAIVER OF EXEMPTIONS FOR THE  
SUM OF \$50,355.55 DOLLARS PLUS \$481.62 DOLLARS COURT COSTS, AND  
THAT THE PLAINTIFF'S ATTORNEY(S) OF RECORD WAS:  
NEWSOME BURTON WHEELER

GIVEN UNDER MY HAND THIS DATE 07/30/2014

*Mary H. Harris*

CLERK: MARY H. HARRIS  
P.O. BOX 1810  
COLUMBIANA AL 35051  
(205) 669-3760

WEBSITE: HTTP://18JC.ALACOURT.GOV

OPERATOR: STP  
PREPARED: 07/30/2014

20200110000015480 2/2 \$25.00  
Shelby Cnty Judge of Probate, AL  
01/10/2020 12:57:37 PM FILED/CERT

DEFENDANT

MASON JAMES D.  
P.O. BOX 965

PELHAM AL 35124-0000

PARTY'S ATTORNEY:

