


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

**In re: SHARI A. WILLIAMS**  
**SSN: xxx-xx-5286**

**Case No. 22-40417-JJR-13**  
**Chapter 13**

**Debtor**

  
20240124000018590 1/4 \$31.00  
Shelby Cnty Judge of Probate, AL  
01/24/2024 11:10:49 AM FILED/CERT

**ORDER AVOIDING LIEN IN PART (claim 6)**


This action is before the Court on the Motion to Avoid the Judgment Lien of Redstone Federal Credit Union pursuant to 11 U.S.C. §522(f) (Document #92) and the Amended Motion to Avoid (Document #95) filed by the Debtor and the Objection thereto filed by Redstone (Document #99). Hearing was held in this Court on November 2, 2023. Appearing on behalf of the Debtor was John Jennings. Appearing on behalf of the Creditor Redstone was Jeffrey Cook. The Trustee Linda Gore appeared on behalf of the Trustee's Office.

At the hearing, Redstone offered the testimony of Mr. Christopher Bradford, a licensed appraiser. Mr. Bradford testified that he had inspected certain real property of the Debtor located at 2115 James Drive, Southside, AL 35907. Mr. Bradford also testified that he had prepared an appraisal report of said property and that, based upon his personal inspection of the property as well as his analysis of the selling price of comparable properties in the area, the property has a fair market value of \$225,000. A copy of the appraisal report, attested to as being a true and correct copy of his report by Mr. Bradford, was admitted into evidence as Redstone's Exhibit 1.

The Debtor's counsel and the Trustee subsequently cross-examined Mr. Bradford.

It is the opinion of this Court, based upon the testimony and evidence presented at the hearing, that the fair market value of the Debtor's property located at 2115 James Drive, Southside, AL 35907 is \$225,000.

The Court takes judicial notice that the Creditor holding the mortgage on the property,

TRUE AND CORRECT COPY  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA  
BY:   
DEPUTY CLERK

Arvest Central Mortgage Company, filed a secured claim in this case for the sum of \$157,268.88, representing the sum owed on the note and mortgage at the time of filing the petition. No party has objected to this claim and it has been allowed.

The Court finds that the Debtor is allowed a homestead exemption on this property of \$16,450.

The Court finds that the non-exempt equity in the property is \$51,281.12, calculated as follows:

Property Value: \$225,000

Minus Mortgage Balance: \$157,268.88

Minus Homestead Exemption: \$16,450

Equal Non-Exempt Equity: \$51,281.12

Redstone shall retain a lien on the property at 2115 James Drive, Southside, AL 35907 to that extent. To the extent that Redstone's lien exceeds this amount, the lien is avoided as it pertains to the property at 2115 James Drive, Southside, AL 35907.

Redstone has filed a secured claim in the case for the sum of \$111,151.23 (Claim #6). Said claim shall be allowed with \$51,281.12 secured and the remainder of \$59,870.11 as unsecured. The Debtor shall amend the plan to provide for the secured portion to be paid through the plan.

The Debtor states in her petition that she also owns property located at 120 Southern Hills Circle, Calera, AL. The Debtor's confirmed plan calls for the surrender of this property and, therefore, the Debtor has no interest in it. The Court finds that the Debtor has no exemption available on this property. Given that 11 U.S.C. §522(f) only allows the Debtor to avoid a lien to the extent that it impairs an exemption to which the Debtor would otherwise be entitled, the



20240124000018590 3/4 \$31.00  
Shelby Cnty Judge of Probate, AL  
01/24/2024 11:10:49 AM FILED/CERT

Court finds that Redstone's lien is not due to be avoided to any extent as to this property and  
Redstone shall retain its lien in full as to the property at 120 Southern Hills Circle, Calera, AL.

So ordered this 15<sup>th</sup> day of December 2023.

/s/ James J. Robinson  
James J. Robinson  
U.S. Bankruptcy Judge

This Order prepared and consented to by:  
Jeffrey L. Cook  
State Bar ID ASB-9207-C61J  
Attorney for Creditor  
P.O. Box 5585  
Huntsville, AL 37814

This Order consented to by:  
John W Jennings, Jr.  
111 South 10th Street  
Gadsden, AL 35901

Linda Baker Gore  
P.O. Box 1338  
Gadsden, AL 35902

Notice Recipients

District/Off: 1126-1  
Case: 22-40417-JJR13

User: admin  
Form ID: pdf000

Date Created: 12/15/2023  
Total: 9

Recipients of Notice of Electronic Filing:

tr	Linda Baker Gore	noticetrustee@ch13gadsden.com
aty	Diane C Murray	dcm@tblaw.com
aty	Jeffrey L Cook	jcook7117@yahoo.com
aty	John T Bender	johnt@mrattorneys.com
aty	John W Jennings, Jr.	stacy@jenningsandmessenger.com
aty	William S McFadden	william@mrattorneys.com



20240124000018590 4/4 \$31.00  
Shelby Cnty Judge of Probate, AL  
01/24/2024 11:10:49 AM FILED/CERT

TOTAL: 6

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	Shari A Williams	2115 James Drive	Gadsden, AL 35907
cr	Redstone Federal Credit Union	c/o C Howard Grisham	PO Box 5585 Huntsville, AL 35814-5585
10862642	REDSTONE FEDERAL CREDIT ULNION	c/o C. Howard Grisham	P.O. Box 5585 Huntsville, AL 35814

TOTAL: 3