UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

_____,
        Debtor

Bk. No. _____-_____-_____
Chapter _____

_____,
        Movant

v.

_____,
        Respondent(s)

MOTION TO AVOID LIEN(S) PURSUANT TO 11 U.S.C. § 522(f)(2)

NOW COMES _____("Debtor" and "Movant") by and through his attorney, _____, pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to request that this court enter an order avoiding the [judicial lien(s) or nonpossessory, nonpurchase-money security interest(s)] held by _____ ("Respondent(s)"). In support of this motion, the Debtor states:

1. This court has jurisdiction in this matter pursuant to 28 U.S.C. § 1334(a). This matter is a core proceeding as provided by 28 U.S.C. § 157(b)(2)(K).

2. The Debtor filed a voluntary petition under chapter _____ of the Bankruptcy Code on _____.

3. The Debtor's interest in the property is subject to the following mortgages, judicial liens and/or nonpossessory, nonpurchase-money security interests:

Type and Amount of Lien	Name of Lienholder	Date Lien Obtained
a._____	_____	_____
b._____	_____	_____
c._____	_____	_____
d._____	_____	_____

4. The Debtor is entitled to an exemption in the property in the amount of $_____ pursuant to _____ (e.g., N.H. RSA 480:1, N.H. RSA 511:2(III)).

5. The Debtor's interest in the property has a fair market value of $ _____. Evidence supporting such value is attached hereto as Exhibit A.

6. Section 522(f)(2)(A) of the Bankruptcy Code provides that "a lien shall be considered to impair an exemption to the extent that the sum of: (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." Section 522(f)(2)(B) provides that "[i]n the case of a property subject to more than 1 lien, a lien that has

been avoided shall not be considered in making the calculation under subparagraph (A) with respect to other liens."

7. Following the formula set forth in 11 U.S.C. § 522(f)(2) for determining whether a lien impairs an exemption, the Debtor:

   a. Adds the lien (or the newest, most junior lien if avoiding multiple liens) being tested for avoidance (L1), all other senior liens (L2 + L3 + L4 . . .) and the maximum exemption allowable in the absence of liens (E) to get a sum of (L1 + L2 + L3 + L4 . . . + E).

   b. From the sum above, (L1 + L2 + L3 + L4 . . . + E), subtracts the value of the property in the absence of liens (V) and finds that the extent of the impairment is (I) (I = L1 + L2 + L3 + L4 . . . + E - V).

   Since the extent of the impairment of the exemption, $(I), exceeds the entire value of [insert name of the Respondent]'s lien, $(L1), the entire lien is avoidable. **Or** Since the extent of impairment, $(I) is less than the entire value of the lien, $(L1), [insert name of the Respondent]'s lien can be avoided only to the extent of the impairment the exemption, $(I), and the rest remains as a lien in the amount of $(L1-I).

8. [If avoiding two liens, include this additional paragraph. If not, delete this paragraph from Debtor's motion.]. Following the formula set forth in 11 U.S.C. § 522(f)(2) for determining whether a lien impairs an exemption, the Debtor:

   a. Adds the next most junior lien being tested for avoidance (L2), all other senior liens (L3 + L4 . . .) and the maximum exemption allowable in the absence of liens (E) to get a sum of (L2 + L3 + L4 . . . + E).

   b. From the sum above, (L2 + L3 + L4 . . . + E), subtracts the value of the property in the absence of liens (V) and finds that the extent of the impairment is (I) (I = L2 + L3 + L4 . . . + E - V).

   Since the extent of the impairment of the exemption, $(I), exceeds the entire value of [insert name of the Respondent]'s lien, $(L2), the entire lien is avoidable. **Or** Since the extent of impairment, $(I) is less than the entire value of the lien, $(L2), [insert name of the Respondent]'s lien can be avoided only to the extent of the impairment the exemption, $(I), and the rest remains as a lien in the amount of $(L2-I).

9. [If avoiding three liens, include this additional paragraph. If not, delete this paragraph from Debtor's motion.] Following the formula set forth in 11 U.S.C. § 522(f)(2) for determining whether a lien impairs an exemption, the Debtor:

   a. Adds the next most junior lien being tested for avoidance (L3), all other senior liens (L4 + . . .) and the maximum exemption allowable in the absence of liens (E) to get a sum of (L3 + L4 . . . + E).

   b. From the sum above, (L3 + L4 . . . + E), subtracts the value of the property in the absence of liens (V) and finds that the extent of the impairment is (I) (I = L3 + L4 . . . + E - V).

Since the extent of the impairment of the exemption, $(I), exceeds the entire value of [insert name of the Respondent]'s lien, $(L3), the entire lien is avoidable. **Or** Since the extent of impairment, $(I) is less than the entire value of the lien, $(L3), [insert name of the Respondent]'s lien can be avoided only to the extent of the impairment the exemption, $(I), and the rest remains as a lien in the amount of $(L3-I).

10. [If avoiding additional liens, include additional paragraphs as necessary. If not, delete this from Debtor's motion.]

WHEREFORE, the Debtor respectfully requests that this court enter an order which:

A. Avoids the [judicial lien(s) or nonpossessory, nonpurchase-money security interest(s)] held by _____.

B. Grants such other relief as is fair and equitable.

Respectfully submitted,

Date: _____   _____
                                    Signature

                                    _____
                                    Print Name
                                    Address_____

                                    _____
                                    Tel. No._____