

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor name

Joint debtor name

Debtor.

Case No.

**MOTION TO AVOID LIEN ON
HOUSEHOLD AND PERSONAL GOODS HELD BY (CREDITOR NAME)**

COMES NOW the debtor, by and through his attorney, (*firm name, attorney name*) and moves the Court for its order avoiding the lien against the debtor's property held by (*creditor name and complete address*), and as grounds therefor, debtor states:

1. This case was commenced by the filing on (*date*) of a voluntary petition for relief under chapter 13 of title 11 of the United States Code.

2. The Court has jurisdiction over this matter pursuant to 11 U.S.C. section 522(f) in that this motion is filed by the debtor to avoid nonpossessory, nonpurchase-money security interests in household and personal goods.

3. On or about (*date of debt*), debtor borrowed approximately \$ _____ from (*creditor name*). As security for such debt, (*creditor name*) insisted upon, and debtor executed, waivers of exemption of certain property, and a security agreement granting to (*creditor name*) a security interest in and to debtor's personal property which consisted of household furnishings, appliances and books which are held primarily for family and household use of the debtor and his dependents.

4. Debtor's interest in the property referred to in the preceding paragraph is exempt as set out in schedule C of the bankruptcy petition filed herein.

5. The money so borrowed from (*creditor name*) does not represent any part of the

purchase money of any of the articles covered in the security agreement which the debtor executed, and all of the articles so covered remain in the possession of the debtor.

6. The existence of (*creditor name*)'s lien on debtor's household and personal goods impairs exemptions to which the debtor is entitled under 11 U.S.C. section 522(b).

7. In compliance with NM LBR 9013-1(b), concurrence in this motion was sought and not received. (*Or concurrence in this motion is being sought and has not yet been received.*)

WHEREFORE, debtor prays for an order from the Court avoiding the security interest in his personal and household goods, and for such other and further relief as this Court deems just.

(FIRM NAME)

s/submitted electronically

(Attorney Name

Address

City, State, Zip Code

Telephone:

Facsimile:)

Certificate of Service

(Use language in NM Form 602, form of certificate of service to use in contested matters)

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