|  |  |
| --- | --- |
| **UNITED STATES BANKRUPTCY COURT**  **FOR THE DISTRICT OF MONTANA** | |
| In re  **,**  Debtor. | Case No. **-BPH** |
| **ORDER** | |

In this Chapter \_ bankruptcy, Debtor filed a “Motion to Avoid Lien under 11 U.S.C. § 522(f)(1)(A)” on [Date] at ECF No. \_\_ (“Motion”). Debtor requests the Court avoid a judicial lien that impairs Debtors’ interest in exempt property.

Debtor has claimed an exemption pursuant to 11 U.S.C. § 522(b)(3) and Mont. Code Ann. § 70-32-101. The total value of the homestead exemption claimed may not exceed $378,000.00 in 2023. Mont. Code Ann. § 70-32-104.[[1]](#footnote-1) The real property that is subject to Debtors’ homestead exemption is located at [Street Address] described as:

[Legal Property Description]

(“Exempt Property”). The Motion states that the value of the Exempt Property is [Fair Market Value stated on Motion]. Debtor further alleges that the total combined amount of the liens on the Exempt Property including the one subject to being avoided impair Debtor’s exemption.

The Motion was filed pursuant to Fed. R. Bankr. P. 4003(d). The Motion included the notice required by Mont. L.B.R. 9013-1(e). The Notice explains that the time to respond or object to the Motion and schedule the matter for a hearing is fourteen (14) days. No objections were filed. Accordingly, absent any opposition after notice, pursuant to 11 U.S.C. § 522(f), Fed. R. Bankr. P. 4003(d) and Mont. L.B.R. 4003-4,

IT IS ORDERED that the Motion is granted. Pursuant to 11 U.S.C. § 522(f)(1)(A), the following judicial lien is avoided to the extent it impairs interest in the Exempt Property described above:

[Lien description]

Dated December 15, 2022.

1. This amendment to the statute was effective May 10, 2021. The amount of the exemption increases 4% each year after 2021. [↑](#footnote-ref-1)