

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

at _____

IN RE:

Debtor(s)

*

Case No. _____
Chapter 13

*

*

Movant(s)

*

vs.

*

Respondent(s)

*

**ORDER GRANTING MOTION TO AVOID LIEN
ON DEBTOR(S)' PRINCIPAL RESIDENCE**

Having considered debtor's Motion to Avoid Lien, and any response filed thereto, and it appearing that proper notice has been given, pursuant to 11 U.S.C. § 506 and for the reasons set forth in the cases of Johnson vs. Asset Management Group, LLC, 226 B.R. 364 (D. Md. 1998), and in First Mariner Bank v. Johnson, 411B.R.221 (D.Md.2009) it is by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that the claim of Respondent be and is hereby deemed wholly unsecured; and it is further,

ORDERED, that at such time as a discharge Order is entered pursuant to 11 U.S.C. § 1328(a) in this case, the lien held in favor of Respondent on the Debtor's real property described as: _____, is avoided, and it is further,

ORDERED, that if the Respondent has filed a proof of claim, the claim of the Respondent be and hereby is allowed as a general unsecured claim for purposes of distributions under the Debtor's plan; and it is further,

ORDERED, that if the Respondent has not filed a proof of claim, the claim of the Respondent be and hereby is allowed as a general unsecured claim for purpose of distributions under the Debtor's plan if a proof of claim is filed on or before the later of (i) the claims bar date previously fixed by this

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court, or (ii) twenty-eight (28) days after entry of this order; and it is further,

ORDERED, that allowance of the claim of the Respondent as an unsecured claim pursuant to this order is without prejudice to objection to such claim on other grounds.

cc: Trustee
Debtor(s)
Debtor(s)' Attorney
Respondent
U.S. Trustee

End of Order

NOTE: Local Bankruptcy Rule 3012-1 requires a motion to avoid a lien on a Chapter 13 debtor's principal residence to be filed with a proposed order conforming to this Local Bankruptcy Form H. The movant may revise the form to make the grammar appropriate for joint cases.

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