Judge Drake- New Instructions for Motions to Avoid Lien

On June 1, 2007, Judge Drake will begin accepting proposed orders electronically through the E-Orders function of the CM/ECF system. At that time, you will also be asked to begin submitting proposed orders on motions to avoid lien. After July 31, 2007, the Court will no longer prepare orders on motions to avoid lien and, if no order is submitted, your motion may be denied for want of prosecution.

Attached for your reference is the preferred form of order. **Proposed orders should be submitted only after the objection period has passed** (23 days from the date of service of the motion) and only if no response has been filed to the motion to avoid lien. If a response is filed, the Court will set the motion and response for a hearing.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

IN THE MATTER OF:	:	**CASE NUMBER**
[debtor's name],	:	[case number]-WHD
Debtor.	:	
_____	:	
[movant's name],	:	CONTESTED MATTER
Movant,	:	
v.	:	
[respondent's name],	:	
	:	IN PROCEEDINGS UNDER CHAPTER [chapter number] OF THE BANKRUPTCY CODE
Respondent.	:	

ORDER

Before the Court is the Motion to Avoid Lien(s) of the above-named debtor(s), as provided by 11 U.S.C. §522(f) and Federal Rule of Bankruptcy Procedure 4003(d). The respondent has failed to file a response; thus, the motion is deemed to be unopposed. See BLR 6008-2, N.D. Ga.

Inasmuch as the respondent whose liens are sought to be avoided has failed to timely controvert the movant's allegations,

IT IS HEREBY ORDERED AND ADJUDGED that the judicial lien(s) or the nonpossessory, nonpurchase-money lien(s) held by the respondent upon exempt property of the above-named movant are avoided.

END OF DOCUMENT