



**IT IS ORDERED as set forth below:**

**Date: May 28, 2009**

*James E. Massey*

James E. Massey  
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:		CASE NO. 09-60109
Kenneth Scott Rogers,		
		CHAPTER 7
Debtor.		JUDGE MASSEY

Kenneth Scott Rogers,		
Movant,		
v.		CONTESTED MATTER
Branch Bank & Trust Company and Stock Building and Supply Company,		
Respondents.		

**ORDER GRANTING IN PART AND DENYING IN PART MOTIONS TO AVOID LIENS**

Pursuant to 11 U.S.C. §522(f), Debtor moves for an order avoiding judicial liens held by Respondents against property of the Debtor claimed as exempt. Respondents have not filed a response or otherwise indicated any opposition to the motions, which are deemed to be

unopposed under BLR 6008-2.

The motions refer to the Debtor's residence as to which Debtor claimed a \$10,000 exemption. The motions fail to disclose that the Debtor's residence, which he valued at \$656,000 in Schedule A, is subject to consensual liens totaling \$430,396.17 shown on Schedule D. A lien avoidance worksheet attached to the motions shows four judgment liens, including those held by Respondents, totaling \$142,621.66. The equity in residence exceeds the sum of \$142,396.66 and the \$10,000 exemption in the residence claimed by Debtor. Hence, the judgment liens do not impair that exemption.

The judgment liens of Respondents do impair the exemptions claimed by Debtor on Schedule C with respect to various items of personal property listed there. The reason is that for each item of property, the value of that item of property does not exceed the value of the exemption claimed for that property.

Accordingly, it is

**ORDERED** that Debtor's motions (document nos. 23, 24 and 25 are GRANTED with respect to personal property claimed as exempt, and the judicial lien held by each Respondent is avoided in its entirety as to that property, subject to 11 U.S.C. § 349, concerning reinstatement of transfers avoided under section 522 in the event of dismissal of this case. The motions are DENIED with respect to the Debtor's residence.

The Clerk's Office is hereby **directed** to serve a copy of this Order on the Debtor(s), attorney for the Debtor(s), Respondents at the addresses shown on the certificates of service of the motions, and the Trustee.

\*\*\*END OF ORDER\*\*\*