



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

**Date: July 31, 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. 09-60675

Donaliya Kaira Porter,

CHAPTER 13

Debtor.

JUDGE MASSEY

\_\_\_\_\_  
Donaliya Kaira Porter,

Movant,

v.

CONTESTED MATTER

Citifinancial, Inc., Citibank, NA, and  
Associated Credit Union,

Respondents.  
\_\_\_\_\_

ORDER ON MOTION TO AVOID LIENS

Debtor moves to avoid judicial liens held by the above Respondents. None of the Respondents filed a response to the motion. The certificate of service of the motion and notice under BLR 6008-2 shows proper service on each of the Respondents.

Debtor alleges and the Court finds that the judicial liens of Respondents impair the exemptions claimed by Debtor on personal property listed on Schedule C. Each of Respondents' judgments is avoided in its entirety as to personal property listed on Schedule C.

Debtor also alleges and the Court finds that Debtor's residence has a value of \$200,000 encumbered by a consensual lien securing a debt of \$178,432.20 and that she has exempted from the remaining equity the sum of \$8,870, leaving net equity of \$12,706.80.

Debtor alleges that the amounts and dates of the judgments as follows: Citifinacial - \$6,459.00 in September 2008; Citibank - \$2,665.00 in November 2008; and Associated - \$9,550.00 in December 2008. Except for judgments arising out of a common disaster, the priority of judgment liens is based on the date of the judgment, *NationsBank, N.A. v. Gibbons*, 226 Ga.App. 610, 611, 487 S.E.2d 417, 418 (Ga.App. 1997). Judgments obtained at the same term of court, however, are deemed to have equal rank. O.C.G.A. § 9-12-87. The terms of court in Gwinnett County are the "First Monday in March, June, and December and second Monday in September." O.C.G.A. § 15-6-3.

The first day of December 2008 was a Monday. Hence, the Citifinacial and Citibank judgments are of equal rank, and the Associated judgment is junior to those two. The Citifinacial and Citibank judgments do not impair Debtor's exemption of her residence. Associated's judgment is not avoidable as to the residence to the extent of \$3,249.80, which is the amount of net equity remaining after covering the senior judgment liens. But the balance of Associated's judgment on the residence is avoided to the extent of \$6,057.80.

The Clerk is directed to serve a copy of this Order on Debtor, her counsel and Respondents at the addresses stated in the certificate of service of the motion.

IT IS SO ORDERED.

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