

Content and Service Requirements for Motions to Avoid Lien

SERVICE: In addition to Bankruptcy Rules of Federal Procedure 9014 and Bankruptcy Local Rule 6008, plus the following:

1. If a notice of appearance has been filed on behalf of the Respondent, service needs to be on that attorney;
2. If respondent filed a proof of claim, service needs to be on the address listed for notices on the POC

JUDGMENT LIEN IDENTIFICATION: The motion needs to contain at least two of the following:

1. Court type and county (e.g., Magistrate/State/Superior Court of Fulton County)
2. Case number
3. Date of Judgment
4. Date and location where Fi Fa was recorded
5. Dollar amount of judgment
6. Date the lower court case was filed

NON-POSSESSORY NON-PURCHASE MONEY SECURITY INTEREST

IDENTIFICATION: The motion needs to contain at least one, but preferably both, of the following:

1. Date of loan agreement
2. Amount of loan agreement