



**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. 09-67911

T-Sharri Mithchell-a Saunders,

CHAPTER 7

Debtor.  
\_\_\_\_\_

JUDGE MASSEY

T-Sharri Mithchell-a Saunders,

Movant,

v.

CONTESTED MATTER

Applied Card Bank, Midland Funding NCC-2  
Corp., and Palisades Collection, LLC,

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

ORDER GRANTING IN PART AND DENYING IN PART MOTION TO AVOID LIENS

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

unopposed under BLR 6008-2, except for Respondent Applied Card Bank, which was not properly served.

Applied Card Bank, now known as Applied Bank according to the website of the Federal Deposit Insurance Corporation, is an insured financial institution covered by Fed. R. Bankr. P. 7004(h). With certain exceptions, a motion in a contested matter seeking relief with respect to a financial institution insured by the F.D.I.C. must be served by certified mail on a named officer of that institution. The certificate of service attached Debtor's motion shows that counsel served Applied Card Bank in care of a law firm by regular mail, which did not comply with Rule 7004(h). Hence, the Court lacks jurisdiction over that Respondent.

Accordingly, it is

**ORDERED** that the Debtor's motion is GRANTED with respect to Respondents Midland Funding NCC-2 Corp., and Palisades Collection, LLC. The judicial liens held by those Respondent on property claimed as exempt by the Debtor and described in the motion is avoided in entirety, subject to 11 U.S.C. § 349, concerning reinstatement of transfers avoided under section 522 in the event of dismissal of this case. The motion is DENIED as to Respondent Applied Card Bank.

The Clerk's Office is hereby directed to serve a copy of this Order on the Debtor, attorney for the Debtor, Respondents at the addresses stated in the certificate of service to the motion, and the Trustee.