

# NEBRASKA RULES OF BANKRUPTCY PROCEDURE

Adopted by the United States District Court  
for the District of Nebraska  
April 15, 1997

Effective Date April 15, 1997

## **RULE 4003-2. LIEN AVOIDANCE**

A. **Section 522 Lien Avoidance.** A proceeding under 11 U.S.C. § 522(f) by a debtor to avoid a lien or transfer of property may be brought by motion pursuant to Neb. R. Bankr. P. 9013-1. The caption of the motion shall identify the creditor whose lien is to be avoided. The motion shall set forth the amount of the lien and debtor's obligation secured by the lien sought to be avoided; the identity and fair market value of the property subject to said lien; the nature and amount of any other debts or obligations secured by an interest in the property; the dollar amount of the exemption; the specific statutory authority for the exemption; and the identity of any other property claimed to be exempt under said specific statute. All proceedings to avoid a lien except those under 11 U.S.C. § 522(f) shall be brought by adversary proceeding. A motion to sell free and clear of liens does not constitute a proceeding to avoid a lien within the meaning of this Local Rule and may be brought by motion.

If no resistance is timely filed pursuant to Neb. R. Bankr. P. 9013-1, movant shall submit a detailed order in conformance with Neb. R. Bankr. P. 9072-1.

B. **Chapter 13 Cases.** Motions to avoid liens under 11 U.S.C. § 522(f) in Chapter 13 cases shall be filed and served no later than the date of filing the motion to confirm plan required by Neb. R. Bankr. P. 3015-3.