

## **AO 3012-1 Motions to Determine Secured Status and Void Wholly Unsecured Liens**

*(a) Motions.* All pleadings requesting that the Court determine the secured status of a claim under 11 U.S.C. § 506(a) and modify the rights of a holder of a residential real property lien by voiding the lien as wholly unsecured under 11 U.S.C. § 1322(b)(2) or 11 U.S.C. § 1123(b)(5) shall be filed as a motion, and not as an objection to claim, and shall be titled “Motion to Determine Secured Status and Void Wholly Unsecured Lien.”

*(b) Filing Motion in CM/ECF.* Such motions should be filed in CM/ECF under the motion to avoid lien event and should follow the prompts related to motions filed under 11 U.S.C. §§ 506(a) and 1322(b)(2) or 1123(b)(5) and not those for motions filed 11 U.S.C. § 522(f).

*(c) Hearings Contingent.* Such motions should be scheduled for hearing by contacting the courtroom deputy of the judge assigned to the case in chief pursuant to the requirements of *LBR 7101(b)* and not by using the hearing date for a motion to avoid lien under 11 U.S.C. § 522(f) posted on the Court’s web site. Hearings on motions to determine secured status and void wholly unsecured liens shall be noticed as contingent hearings using *LBF 3012-1B*, and the Court may enter an order granting such motions without a hearing if:

- (1)* a motion to determine secured status and void wholly unsecured lien is filed that meets all of the requirements of the Bankruptcy Code and complies with all provisions of the *LBRs*, and
- (2)* no objection to the motion to determine secured status and void wholly unsecured lien has been filed.

*(d) Proposed Orders.* Such motions shall be accompanied by a proposed order in the form of *LBF 3012-1* that makes clear that the residential real property lien is voided only upon completion of the debtor’s plan of reorganization and the Court’s issuance of a discharge under 11 U.S.C. § 1328(a) or 11 U.S.C. § 1141(d)(5).