

Entered: January 24th, 2024

Signed: January 24th, 2024

SO ORDERED



David E. Rice
DAVID E. RICE
U. S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

In Re:

**REVISING LOCAL
BANKRUPTCY RULES**

**ADMINISTRATIVE
ORDER NO. 24-01**

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ORDER AMENDING LOCAL BANKRUPTCY RULE 4003-2

The Court has determined that it is necessary to adopt a technical amendment to Local Bankruptcy Rule 4003-2 to refer to the proper Local Bankruptcy Form, as reflected in the attached.

Therefore, by the United States Bankruptcy Court for the District of Maryland, it is hereby ORDERED that pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the attached amendment to Local Bankruptcy Rule 4003-2 is adopted by the Judges of this Court to be effective January 24, 2024. The amendment shall be effective and shall govern as to all proceedings filed in this Court on or after January 24, 2024.

- End of Order -

RULE 4003-2 LIEN AVOIDANCE UNDER 11 U.S.C. § 522(f)

(a) Form. The caption and notice of a motion to avoid a security interest under 11 U.S.C. § 522 must be in a form substantially similar to Local Bankruptcy Form ~~C.G, and the proposed order for such motion must be in a form substantially similar to Local Bankruptcy Form~~ H. The motion must also include the name, address, and nature of ownership (e.g., tenancy in common, tenancy by the entirety, etc.) of any non-debtor owner of property. If a debtor proceeds under this Rule in a Chapter 13 case, the debtor must so state in the plan. If a debtor elects instead to seek to avoid a lien on such real property by a provision in the debtor's plan, Local Bankruptcy Rule 3015-1(c) applies. A motion to avoid a lien under 11 U.S.C. § 522(f) may seek only to avoid a single lien or multiple liens held by the same creditor.

(b) Service of Motion and Notice of Hearing.

(1) The movant must select a hearing date for this type of motion from the Court Hearing Scheduler Program, and such date must be more than forty-nine (49) days after the date of service. The notice of the motion must state the hearing date and time.

(2) The movant must serve a copy of the motion under this Rule on the respondent, any trustee, and any non-debtor owner in the manner required by Federal Bankruptcy Rules 9014, 7004, and 3007. Additional requirements for the notice, the certificate of service, and the proposed order are governed by Local Bankruptcy Rules 2002-1(a), 9013-4, and 9013-3, respectively.

(c) Response to Motion. The Court Hearing Scheduler Program will compute the date that an objection is due, and such objection deadline must be included in the hearing notice. If no timely response is filed, the Court may rule on the motion without further notice or a hearing as set forth in Local Bankruptcy Rule 9013-1(d).