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DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK



UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI

IN RE: James Edward Copous  
Elizabeth G. Copous

CASE NO.: 05-17874

DEBTOR(S)

CHAPTER 13

Certified a True Copy  
Date Feb. 7, 2006  
David J. Puddister, Clerk  
U.S. Bankruptcy Court  
Northern District of Mississippi  
Dr. Edna J. Barth D.C.

ORDER GRANTING MOTION TO AVOID JUDICIAL LIEN  
OF FIRST SECURITY BANK

This cause having come to be heard on Debtors' motion to avoid judicial lien of **First Security Bank** and the Court, having been fully advised in the premises, finds and adjudges as follows:

THAT a Judgment was entered against the Debtor, James Edward Copous a/k/ Eddie Copous, in favor of **First Security Bank** in the Circuit Court of Desoto County, Mississippi in case no.: C02001-466 for approximately \$15,698.40

THAT pursuant to 11 U.S.C. § 522(f), a Debtor in bankruptcy is entitled to avoid the fixing of a lien on an interest of the Debtor and property to the extent that such lien impairs an exemption to which Debtor would be entitled under 11 U.S.C. § 522(b), if such lien is a judgment lien.

THAT the subject judgment lien impairs certain exemptions to which Debtors are entitled as to their homestead property and personal property pursuant to 11 U.S.C. § 522, Mississippi Code Annotated § 85-3-1 and § 85-

3-21, and Debtor is entitled to avoidance of the judicial lien as to their property to the extent said judicial lien impairs exemptions to which they are entitled.

IT IS THEREFORE ORDERED AND ADJUDGED, as follows:

Pursuant to 11 U.S.C. § 522(f)(1), the judicial lien of **First Security Bank** obtained against Debtors in the Circuit Court of Desoto County, Mississippi, case no.: C02001-466 is hereby avoided and held naught to the extent it impairs any property of the Debtors otherwise exempted by Title 85 Chapter 3, Mississippi Code Annotated (1972) and 11 U.S.C §522(b).

A certified copy of this Order is to be filed in the land records of Desoto County, Mississippi, and the Chancery Court Clerk is requested to index this Order in the direct and sectional index under the name of James Edward Copous a/k/a Eddie Copous as grantor. Debtors' attorney is to ensure compliance with this condition.

The Circuit Court Clerk of Desoto County, Mississippi is to enter on the judgment roll that the judicial lien of **First Security Bank** has been partially canceled by this Order and a certified copy of the Order is to be placed in the suit file. Debtors' attorney is to ensure compliance with this provision.

The aforesaid clerks are authorized to charge fees for their services as otherwise authorized by state law.

SO ORDERED AND ADJUDGED AND DECREED, this the 10<sup>th</sup> day of January, 2006.

*David W. Houston, III*

DAVID W. HOUSTON, III  
United States Bankruptcy Judge

Submitted by:

/s/ Tracy B. Walsh

TRACY B. WALSH - MSB # 10036

**Goeldner & Walsh, Professional Association**

Attorney for the Debtor(s)

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