



UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI

IN RE:	W.A. Sanders	)	CASE NO.: 03-16671	Certified a True Copy
		)		Date <u>Dec 2, 2005</u>
	DEBTOR(S)	)	CHAPTER 13	David J. Puddister, Clerk
		)		U.S. Bankruptcy Court
		)		Northern District of Mississippi
ORDER GRANTING MOTION TO AVOID JUDICIAL LIEN OF SAYLE OIL COMPANY				By: <u>Edna J. Smith</u> D.C.

This cause having come to be heard on Debtor's motion to avoid judicial lien of **Sayle Oil Company** and the Court, having been fully advised in the premises, finds and adjudges as follows:

THAT a Judgment was entered against the Debtor, W.A. Sanders in favor of **Sayle Oil Company** in the County Court of Desoto County, Mississippi in case no.: C02002-1015 for approximately \$1,244.25.

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 Debtor is entitled as to his 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 his property to the extent said judicial lien impairs exemptions to which he is entitled.

IT IS THEREFORE ORDERED AND ADJUDGED, as follows:

Pursuant to 11 U.S.C. § 522(f)(1), the judicial lien of **Sayle Oil Company** obtained against Debtor, in the County Court of Desoto County, Mississippi, case no.: C02002-1015 is hereby avoided and held naught to the extent it impairs any property of the Debtor 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 W.A. Sanders as grantor. Debtor's attorney is to ensure compliance with this condition.

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

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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 7<sup>th</sup> day of October, 2005.

*David W. Houston, III*

DAVID W. HOUSTON, III  
United States Bankruptcy Judge

Submitted by:

*Tracy B. Walsh*  
/s/ Tracy B. Walsh  
TRACY B. WALSH - MSB # 10036  
Goeldner & Walsh, Professional Association  
Attorney for the Debtor(s)  
P. O. Box 1468  
Southaven, MS 38671  
(662) 342-7700