



UNITED STATES BANKRUPTCY COURT
Northern District of Mississippi

In re:)	CASE NO. 00-12590
HERMAN NICHOLAS McCALEB)	
PEGGY C. McCALEB)	
Debtors)	CHAPTER 7

Certified a True Copy
 Date 9-18-00
 Joseph E. Wooten, Clerk
 U.S. Bankruptcy Court
 Northern District of Mississippi
 By: [Signature] D.C.

ORDER GRANTING MOTION TO AVOID JUDICIAL LIEN

This cause having come to be heard on Debtors' motion to avoid judicial lien of Trustmark National Bank d/b/a Credit Card Center and the Court, having been fully advised in the premises, finds and adjudges as follows:

THAT a Judgment was entered against Debtors in favor of Trustmark National Bank d/b/a Credit Card Center in Desoto County, Mississippi in case no. C099-0654 for approximately \$8,402.05.

THAT Pursuant to 11 U.S.C. Section 522(f), a Debtors in bankruptcy are entitled to avoid the fixing of a lien on an interest of the Debtors and property to the extent that such lien impairs an exemption to which Debtors would have been entitled under 11 U.S.C. Section 522(b), if such lien is a judgment lien.

THAT the subject judgment lien against Debtors impair certain exemptions to which Debtors are entitled as to their homestead property and personal property pursuant to 11 U.S.C. Section 522, Sections 85-3-1 and 85-3-21, MCA and Debtors are entitled to

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 United States Bankruptcy Court
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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:

1. Pursuant to 11 U.S.C. Section 522(f)(1), the judicial lien of Trustmark National Bank d/b/a Credit Card Center obtained against Debtors in Desoto County, Mississippi, case no. C099-0654, is hereby avoided and held naught to the extent it impairs any property of the Debtors otherwise exempted by Title 85, Chapter 3, Miss. Code Ann. (1972) and 11 U.S.C. Section 522(b).

2. 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 names of Herman Nicholas McCaleb and Peggy C. McCaleb as grantor. Debtors' attorney is to ensure compliance with this condition.

3. The Circuit Clerk of the Desoto County, Mississippi is to enter on the judgment roll that the judicial lien of Trustmark National Bank d/b/a Credit Card Center 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.

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

SO ORDERED, ADJUDGED AND DECREED, this the 10th of
August, 2000.

David W. Houston, III

DAVID W. HOUSTON, III
United States Bankruptcy Judge

Submitted by:

Tracy B. Walsh
TRACY B. WALSH
Attorney for Debtors

BK0380PG0729

STATE MS. - DESOTO CO.
FILED

OCT 9 11 17 AM '00

LEGAL DESCRIPTION:

Lot 15, Section B, Flowercreek Subdivision, in Section 30
Township 1 South, Range 7 West, City of Southaven, Desoto
County, Mississippi, as shown on plat recorded in Plat Book 24,
Page 46, in the office of the Chancery Clerk of Desoto County,
Mississippi.

BK 380 PG 726
W.F. [unclear] CLK.

A/K/A: 7183 Flowercreek Drive, Southaven, MS 38671