

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ALASKA

In re

GEORGIA A. SAUNDERS,

Debtor(s)

Case No. A04-01034-HAR

In Chapter 7

MEMORANDUM RE DENIAL OF  
MOTION TO AVOID JUDGMENT LIEN  
WITHOUT PREJUDICE

Debtor moved for avoidance of a judgment lien pursuant to 11 USC § 522(f) and served the creditor by mail, addressed as follows: “Fine Pawn Inc., 601 E. Dimond Blvd., Anch. AK.”<sup>1</sup> The BAP has recently held in the case of In re Villar that such a service is insufficient.<sup>2</sup>

Villar held that service of a motion to avoid a judgment lien by mail on only a corporate name, and not an individual, does not comply with the requirement of FRBP 7004(b)(3) that service be on a specified corporate officer, a managing or general agent, or to any other agent appointed to receive process.<sup>3</sup>

FRBP 4003(d) provides that a motion to avoid a lien under § 522(f) should be served according to FRBP 9014, which requires service of the motion in the same manner as a summons and complaint under FRBP 7004. Debtor’s motion was not served properly.

DATED: December 27, 2004

HERB ROSS  
U.S. Bankruptcy Judge

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<sup>1</sup> Docket Entry 14.

<sup>2</sup> In re Villar, 317 BR 88 (9<sup>th</sup> Cir BAP 2004). FRBP 7004 incorporates portions of FRCP 4.

<sup>3</sup> *Id.*, at 92.