

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.”¹ The BAP has recently held in the case of In re Villar that such a service is insufficient.²

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.³

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

¹ Docket Entry 14.

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

³ *Id.*, at 92.