**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF VERMONT**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

In re:

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Chapter 12**

 **Debtor(s). Case # \_\_\_\_\_\_\_\_**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Motion to Strip Wholly Unsecured Lien or Mortgage of [*Creditor*]**

**Pursuant to 11 U.S.C. § 506(a) and Vt. LBR 3013-1[[1]](#footnote-1)**

 NOW COMES [*name of debtor*] by and through attorney, [*name of attorney*], pursuant to 11 U.S.C. § 506(a), Federal Rule of Bankruptcy Procedure 9014, and Vt. LBR 3013-1, and requests that this Court enter an order stripping the [*lien or mortgage*] held by [*name of creditor*] on [*description of property*] (the “Property”) and declaring that creditor’s claim to be wholly unsecured. In support of this motion, the debtor attaches a copy of the [*lien or mortgage*], and states the following:

1. The debtor filed a voluntary petition under chapter 12 of the Bankruptcy Code on [*date*].
2. This Court has jurisdiction in this matter pursuant to 28 U.S.C. § 1334(a) and this is a core proceeding as described in 28 U.S.C. § 157(b)(2)(K).

3. The Property has a fair market value of $\_\_\_\_\_\_\_\_\_\_\_. This valuation is based upon [*describe basis for valuation (e.g., grand list, real estate appraisal)*].

4. The Property is subject to the following liens of record:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Type of lien | Holder of lien (including name and address) | Date lien originated/arose | Recording reference (town, book, page and date) | Original amountof lien | Outstanding balanceof lien |
|  | [*this creditor*] |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

5. There is no equity to which the [*lien or mortgage*]held by [*name of creditor*] can attach.

WHEREFORE, the debtor respectfully requests that this Court enter an order

(A) declaring the [*lien or mortgage*]held by [*name of creditor*] on the Property in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to be void, and

(B) declaring the creditor’s claim to be wholly unsecured, unless the case is dismissed.

 Respectfully submitted,

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 [*Signature*]

[*typed name, with address, e-mail address, and telephone number*]

1. This form is to be used **ONLY** in chapter 12 cases. Motions to strip a wholly unsecured lien or mortgage in a chapter 13 cases must be made as part of the chapter 13 plan, using Official Form 113. See Vt. LBR 3013-1(a); 3015-1(a). [↑](#footnote-ref-1)