

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

---

In re:

**Frank Miller Hewitt,  
Debtor.**

**Chapter 7  
Case # 16-11240**

---

*Appearances:*        *Rebecca Rice, Esq.  
Cohen & Rice  
Rutland, Vermont  
For the Debtors*

*Antonin Robbason, Esq.  
Ryan Smith & Carbine  
Rutland, Vermont  
For Geico Indemnity Company*


**ORDER**  
**SUSTAINING OBJECTION AND DENYING MOTION TO AVOID LIEN**

For the reasons set forth in the memorandum of decision of even date, the Court makes the following findings: First, the Debtor has not met his *prima facie* burden of proof as to the valuation of the Property\* or as to the validity or amount of other liens against the Property, as required to avoid Geico's lien pursuant to the Bankruptcy Code. See 11 U.S.C. § 522(f). Second, on the date Geico's lien attached, the Debtor had no legal or equitable interest in the Property, and thus no right to claim a homestead exemption in the Property. Consequently, when the Debtor acquired his ownership interest in the Property, it was subject to Geico's lien, pursuant to the Vermont homestead statutes. See 27 V.S.A. §§ 101, 107.

Accordingly, IT IS HEREBY ORDERED that Geico's objection is sustained and the Debtor's motion to avoid Geico's lien is denied.

SO ORDERED.

November 8, 2017  
Burlington, Vermont

  
\_\_\_\_\_  
Colleen A. Brown  
United States Bankruptcy Judge

---

\* Defined terms in this order have the same meaning as they have in the underlying memorandum of decision.