

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

IN RE:)
)
KATHY LYNN YORKOVITCH,) Case No. 16-02949
)
Debtor.)

ORDER

This case is before the Court on the debtor's motion (doc. 12) to avoid the judicial lien of Synchrony Bank. The motion was served pursuant to the court's negative notice procedure and the creditor did not respond. However, the proposed order submitted by counsel for the debtor states that the judgment was not recorded, and the Court's review of the online records of the Mobile County Probate Court did not turn up any judgment lien in favor of Synchrony Bank against the debtor. Because the creditor's judgment against the debtor was not recorded in probate court, there is no judicial lien pursuant to Alabama Code § 6-9-211 and there is nothing to set aside pursuant to Bankruptcy Code § 522(f)(1)(A). The motion to set aside the "judgment lien" of Synchrony Bank is thus denied without prejudice.

Dated: November 16, 2016


HENRY A. CALLAWAY
CHIEF U.S. BANKRUPTCY JUDGE