

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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PROCEEDINGS UNDER CHAPTER 13
CASE NO. 17-21912-BKC-LMI

In re:

LINDA JOSEPH,

Debtor.

DEBTOR'S MOTION FOR AN ORDER AVOIDING JUDICIAL LIEN

Linda Joseph (the “Debtor”) by her undersigned counsel files this motion (the “Motion”) pursuant to 11 U.S.C. §522(f) for entry of an order avoiding judicial lien on property. In support therefor the debtor submits the following memorandum.

Background

1. On September 29, 2017 (the “Petition Date”), the Debtor filed a petition for relief under chapter 13 of title 11 of the Bankruptcy Code in this case in the United States Bankruptcy Court for the Southern District of Florida, Miami Division (the “Court”).

2. Debtor holds title to an interest in real property located at 275 N.W. 157th St., Miami, Florida more completely described as

**Lot 471, Biscayne Gardens, Section B, according to the
Plat thereof, as recorded in Plat Book 40, Page 49, of
the Public Records of Miami-Dade County, Florida**

(the “Property”).

3. Debtor has claimed the Property as wholly exempt.

4. Cathy Edelman (“Creditor”) holds a judgment (the

“Judgment”) in the original amount of \$6,540.00 arising out of the case styled *Cathy Edelman vs. Linda Joseph*, in case number 14-11765 SP 23 (01) in the County Court in and for Miami-Dade County, Florida.

5. Creditor recorded a certified copy of the Judgment in Official Records Book 29328 at Pages 2299 – 2301 in the Public Record of Miami-Dade County, Florida.

Relief Requested and Basis for Relief

6. By this Motion, the Debtor seeks entry of an order pursuant to 11 U.S.C. § 522(f) avoiding the Judgment as a lien on the Property.

7. 11 U.S.C. § 522(f) provides in pertinent part that a debtor “may avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled under subsection (b) of this section, if such lien is – (A) a judicial lien

8. The Property has been claimed as wholly exempt and the lien of the Judgment impairs the Debtor’s exemption of the Property.

9. Pursuant to 11 U.S.C. 522(f), the lien of the Judgment should be wholly avoided as a lien on the Property.

WHEREFORE, the Debtor respectfully requests that this Court enter an order (i) granting the Motion and (ii) granting the Debtor such other legal and equitable relief to which she is justly entitled.

Dated: December 29, 2017

JORDAN E. BUBLICK, P.A.

/s/ Jordan E. Bublick

Jordan E. Bublick (Fla. Bar No. 381624)

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Attorney for the Debtor(s)

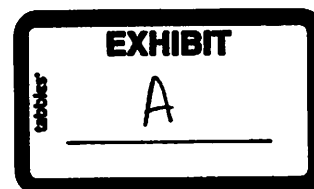
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CFN 2014R0676473
OR Bk 29328 Pgs 2299 - 2301; (3pgs)
RECORDED 09/29/2014 15:46:51
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Return document to:
Ray Strauss, P.A.
17270 NE 19 Avenue
North Miami Beach, FL 33162

Cover Sheet for AGREED FINAL JUDGMENT



IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIVIL DIVISION

CASE NO: 14-11765 SP 23 (01)

CATHY EDELMAN,

Plaintiff,

Vs.

LINDA JOSEPH,

Defendant,

AGREED FINAL JUDGMENT

THIS CAUSE came on to be heard upon this Honorable Court's Pre-Trial Conference and the Defendant herein having admitted to the liability and this Honorable Court, having presided over said Pre-Trial Conference, it is

ORDERED AND ADJUDGED:

1. That an Agreed Final Judgment is hereby entered in favor of Plaintiff, CATHY EDELMAN against the Defendant, LINDA JOHNSON;

2. That Plaintiff recovers from said Defendant the following:

Original loan amount:	\$4300.00
Interest @ 18% from 12/17/23-9/10/14:	640.00
Court costs:	350.00
Attorney fees to Ray Strauss, P.A.:	1250.00
Total due:	\$6540.00

3. That the Agreed Final Judgment shall bear interest at a rate of 4.75% per annum.
4. That in compliance with Florida Small Claims Rules the Defendant will complete form

7.343 within 30 days of entry of this Judgment.

Jurisdiction of this case is retained to enter further Orders that are proper to compel the Defendant to comply with the Agreed Final Judgment herein.

DONE and ORDERED at Miami, Miami-Dade County, Florida, this

16 day of September, 2014.

COUNTY COURT JUDGE

FINAL ORDER AS TO ALL PARTIES

BY: [Signature]

NUMBER

FILED FOR SEALING
SEP 17 11 08 AM '14
CLERK OF COURT
MIA-DADE COUNTY
FLORIDA
SEALING and EX-120
SEP 18 2014
Judge Myriam Lopez

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the order as filed in this office.
SEP 17 2014 AD 20
HARVEY RUVIN, CLERK of Circuit and County Courts



OR BK 29328 PG 2301
LAST PAGE

Copies to: Ray Strauss, P.A.
Linda Johnson