SO ORDERED,

Judge Neil P. Olack
United States Bankruptcy Judge
Date Signed: June 6, 2016

The Order of the Court is set forth below. The docket reflects the date entered.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE:

JAMES MIKEL ROWCLIFF, III, **CASE NO. 13-52413-NPO**

DEBTOR. **CHAPTER 7**

ORDER GRANTING MOTION TO REOPEN
CHAPTER 7 CASE TO AVOID JUDICIAL LIEN

This matter came before the Court on the Motion to Reopen to Avoid Judicial Lien (the "Motion") (Dkt. 37) filed by the debtor, James Mikel Rowcliff, III (the "Debtor"), and the Memorandum Brief in Support of Motion to Reopen to Avoid Judicial Lien (the "Brief") (Dkt. 38) filed by the Debtor in the above-styled chapter 7 bankruptcy case (the "Bankruptcy Case"). J. Thomas Ash has served as the Debtor's attorney throughout the Bankruptcy Case. After fully considering the matter, the Court finds as follows:

Jurisdiction

The Court has jurisdiction over the parties to and the subject matter of the Bankruptcy Case pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Notice of the Motion was proper under the circumstances.

Facts

1. The Debtor filed a voluntary petition for relief pursuant to chapter 7 of the Bankruptcy Code on December 10, 2013. (Dkt. 1).

2. The Debtor filed his Statement of Financial Affairs (Dkt. 10) on December 23, 2013, in which he listed the following lawsuits: (a) *GEMB Lending, Inc. ("GEMB") v. James M. Rowcliff and Christine A. Rowcliff* (the "GEMB Lawsuit");[1] (b) *Commerce & Industry Insurance Company v. R 3 Logistics Inc. & James Rowcliff*; (c) *Cananwill, Inc. v. Keep Diggin, Inc. & James Rowcliff*; (d) *Hulett Wholesale Furniture Inc. v. Wrangler Furniture*; (e) *Stylecraft Home Collection v. James Rowcliff d/b/a Wrangler Furniture, Inc.*; (f) *Branch Banking & Trust Company v. Wrangler Furniture Ranch and Waterbed Round-Up, Inc.*; (g) *Bank of America v. James & Christine Rowcliff*; (h) *Refrigeration Services v. Jimmy Rowcliff*; and (i) *Magnolia Lake Estates v. Jimmy Rowcliff*. (Dkt. 10 at 35-36).

3. The Debtor filed the Motion to Avoid Judicial Lien on Real Estate (the "Motion to Avoid") (Dkt. 24) on March 25, 2014. According to the Motion to Avoid, the GEMB Lawsuit resulted in a judicial lien on the Debtor's residence (the "GEMB Lien"). (Mot. to Avoid at 1). The Debtor sought to avoid the GEMB Lien pursuant to § 522(f)[2] because the property "encumbered by the lien has been claimed as fully exempt in his bankruptcy case." (*Id.*). Accordingly, the Debtor argued that the GEMB Lien "impairs exemptions to which the Debtor would be entitled under 11 U.S.C. Sec. 522(b)." (*Id.* at 2). The Debtor did not file any other

[1] The Statement of Financial Affairs indicates that a judgment was entered in the GEMB Lawsuit on November 17, 2011. (Dkt. 10 at 35).

[2] All code sections refer to the Bankruptcy Code found at title 11 of the U.S. Code, unless stated otherwise.

motions to avoid a judicial lien.

4. The Debtor received a discharge on April 8, 2014. (Dkt. 28).

5. The Court entered the Order Partially Avoiding Judicial Lien on Real Estate (the "Avoidance Order") (Dkt. 30) on April 22, 2014. In the Avoidance Order, the Court granted the Motion to Avoid "to the extent it impairs any personal property of the Debtor otherwise exempted by [the Mississippi Homestead Exemption] and 11 U.S.C. Section 522(b) . . . ." (Avoidance Order at 1).

6. The Court entered the Final Decree/Order Closing Case on May 22, 2014. (Dkt. 35).

7. On April 18, 2016, almost two (2) years after the Bankruptcy Case was closed, the Debtor filed the Motion and the Brief. In the Motion, the Debtor "seeks herein to reopen his case in order to avoid the judicial liens of three pre-petition creditors: Commerce and Industry Insurance Company, Style Craft Home Collection, and Bankplus."[3] (Mot. at 1). According to the Motion, the Debtor "was unaware of said creditors' judgment liens at the time of filing the original petition . . . ." (*Id.*).

8. In the Brief, the Debtor stated that the "existence of unknown judgments" is a "chronic" problem in consumer bankruptcy cases. (Br. at 1). According to the Debtor, "[m]ost debtors do not understand the legal process and have no idea when or if they've been sued or the outcome of a court action." (*Id.*). "Debtors understand very little about the legality of their financial condition and cannot afford to hire lawyers to run records or do title searches," which,

[3] Commerce and Industry Insurance Company ("Commerce and Industry") and Stylecraft Home Collection ("Stylecraft") were both listed as plaintiffs in lawsuits against the Debtor on the Statement of Financial Affairs. *See Supra* page 2, ¶ 2.

according to the Debtor, is why debtors "commonly first learn of a judgment when their wages are suddenly garnished" or "when they attempt to sell or refinance their home and [the judgments] are discovered in a title search." (*Id.*). Although the Debtor successfully avoided the GEMB Lien, he was apparently unaware of three (3) other judicial liens until a title opinion was issued in August 2015, when he attempted to refinance the debt on his home. (*Id.*). The Debtor claimed that he made other efforts "to figure out a way to get things done without avoiding the judicial liens but it eventually came back to the bankruptcy lawyer to reopen the case and avoid the judicial liens." (*Id.*).

9. In the Brief, the Debtor anticipated that the Court may find that the doctrine of laches operates as a bar to the reopening of the Bankruptcy Case; therefore, he cited a line of three (3) Delaware cases from the 1980s that he claimed contradict the rationale for applying the doctrine of laches in the Bankruptcy Case.[4] Under the Debtor's interpretation of these cases, "a creditor opposed an effort to avoid a judicial lien after a discharge had been entered, raising the defense of laches." (*Id.* at 2). The Debtor appears to cite these cases for the proposition that the District Courts of Delaware adopted a rule that there is no deadline for a debtor to file a motion to avoid a lien. (*Id.*). According to the Debtor, the Bankruptcy Case is similar because even though "all creditors were listed in the bankruptcy filing and received notice," none of those creditors objected to any of the bankruptcy proceedings, and the Debtor received a discharge. (*Id.* at 3). "The equity in the debtor's homestead is exempt and protected," and "there is no prejudice to the creditors in any form or fashion nor has any been alleged." (*Id.*).

[4] The three (3) Delaware cases, which will be discussed fully herein, are: *Noble v. Yingling*, 29 B.R. 998 (D. Del. 1983) ("*Noble I*"); *Noble v. Yingling*, 37 B.R. 647 (D. Del. 1984) ("*Noble II*"); and *Hassler v. Assimos*, 53 B.R. 453 (D. Del. 1985).

10. Here, the Notice of Motion to Reopen (the "Notice") (Dkt. 39) notified the creditors about the Motion and gave them twenty-one (21) days from the date of the Notice in which to object to the Motion. (Notice at 1). No objections to the Motion were filed.

Discussion

A closed bankruptcy case may be reopened pursuant to § 350(b) "to administer assets, to accord relief to the debtor, or for other cause." Section 350(b) grants the Court broad discretion to reopen a closed case when a debtor can show cause as to why the bankruptcy case should be reopened. *Citizens Bank & Trust Co. v. Case (In re Case)*, 937 F.2d 1014, 1018 (5th Cir. 1991); 3 COLLIER ON BANKRUPTCY § 350.03 (16th ed. 2015). Whether a court should grant a motion to reopen depends upon the circumstances of the individual case. *Id.* In deciding whether to reopen a bankruptcy case, a court should consider whether doing so would be futile. "If substantive relief [cannot] be granted in the reopened case, then there is no reason to grant a motion to reopen." *The First Nat'l Bank of Jeffersonville v. Goetz (In re Goetz)*, Adv. No. 08-3341, 2009 WL 1148580, at *2 (Bankr. S.D. Tex. Apr. 24, 2009). Thus, "if reopening a case would be futile and a waste of judicial resources or would serve no purpose, then cause to reopen does not exist." *Id.* (citations omitted).

A court's power to reopen a case is not limited by a certain time period under § 350(b) or Rule 5010 of the Federal Rules of Bankruptcy Procedure ("Rule 5010"). However, "[t]he longer the time between the closing of the estate and the motion to reopen . . . the more compelling the reason for reopening the estate should be." *In re Case*, 937 F.2d at 1018. Additionally, the doctrine of laches may apply to bar the reopening of a bankruptcy case that has been closed for a significant amount of time. 3 COLLIER ON BANKRUPTCY ¶ 350.03[6].

Although a debtor generally has the burden of showing cause as to why a closed bankruptcy case should be reopened, a "majority of courts hold that a debtor may reopen a bankruptcy case to file a lien avoidance action[5] unless the creditor has been unduly prejudiced by delay on the debtor's part." 3 COLLIER ON BANKRUPTCY ¶ 350.03[3]. Section 522 does not set a deadline for reopening a bankruptcy case for purposes of filing a motion to avoid a lien, but the motion should be denied if reopening would be so prejudicial that it would be inequitable to grant the motion. *Id.* This deviation from the debtor's burden to show cause under § 350(b) can be attributed in part to the fact that "neither section 522(f) nor Federal Rule of Bankruptcy Procedure 4003(d), both governing lien avoidance motions, sets a deadline for the filing of these motions." 3 COLLIER ON BANKRUPTCY ¶ 350.03[3]. "[T]he power to avoid a lien is a personal right of the debtor . . . ." *Id.* Based on the aforementioned law, unless creditors will be prejudiced by the reopening of the Bankruptcy Case in some way, the Motion should be granted.

Relying on a line of Delaware cases, the Debtor argued that the creditors in the Bankruptcy Case will not be prejudiced if the Bankruptcy Case is reopened; therefore, the Motion should be granted. The Court will first discuss its own precedent regarding motions to reopen before addressing the Delaware cases cited by the Debtor. The Court will then determine whether cause exists to reopen the Bankruptcy Case and whether the doctrine of laches bars reopening.

The Court does not reach the merits of any motion to avoid the liens of Commerce and Industry, Stylecraft, and Bankplus. Additionally, the Court cannot determine from the Motion

[5] Section 522(f) "permits a debtor to wipe out the interest that a creditor has in particular property if the debtor's interest in that property would be exempt but for the existence of the creditor's lien or interest." 4 COLLIER ON BANKRUPTCY ¶ 522.11[1]. Avoidance under § 522 is available "only if the property that is subject to the lien fits the categories set out in subparagraphs (i), (ii), or (iii) of that provision." 4 COLLIER ON BANKRUPTCY ¶ 522.11[3].

whether reopening the Bankruptcy Case to allow the Debtor to file such motion would be futile. Therefore, the Court will proceed under the assumption that the three (3) judicial liens the Debtor seeks to avoid are actually avoidable under § 522(f) for the purpose of this Motion.

A. Motion to Reopen Precedent

In *In re Lancellotti*, No. 10-04152-NPO (Dkt. 65) (Bankr. S.D. Miss. July 2, 2014), this Court held that a debtor must show cause as to why his or her bankruptcy case should be reopened. *Id.* at 4. According to this Court, a three (3)-year delay prohibited the debtor from establishing a compelling reason to reopen the bankruptcy case under the specific details of that case. *Id*. The bankruptcy case in *Lancellotti* was closed without a discharge because the debtor failed to file the Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management (Official Form B23). *Id.* at 2. Three (3) years later, the debtor filed a motion to reopen in order to file the certification necessary for her to obtain a discharge. *Id.* In denying the motion to reopen, this Court noted that the debtor "fails to provide any explanation for the length of the delay in completing the instructional course." *Id.* at 3. Further, the doctrine of laches barred the bankruptcy case from being reopened because the debtor made no effort to comply with the certification requirement until three (3) years after the bankruptcy case was closed. *Id.* at 4.

Similarly, In *In re Hankins*, No. 07-02833-NPO (Dkt. 83) (Bankr. S.D. Miss. Oct. 20, 2014), this Court denied a motion to reopen a bankruptcy case to allow a debtor to file amended schedules almost six (6) years after the bankruptcy case was closed. *Id.* at 8. This Court held that "it would be inequitable to grant the Motion to Reopen when almost six (6) years have passed since the Bankruptcy Case was closed." *Id.* at 6. This Court noted that although neither § 350(b) nor Rule 5010 places a time limit on its ability to reopen, "the longer the time between the closing

of the estate and the motion to reopen … the more compelling the reason for reopening the estate should be." *Id.* at 6-7 (quoting *In re Case,* 937 F.2d at 1018). This Court held that the debtor did not provide a compelling reason as to why the bankruptcy case should be reopened. *Id.* at 7. Additionally, this Court held that the doctrine of laches prevented the debtor from reopening the bankruptcy case. *Id.* The doctrine of laches is particularly important in bankruptcy proceedings "because a chief purpose of the bankruptcy laws is to secure a prompt and effectual administration and settlement of the estate of all bankrupts within a limited period." *Id.* (citing *Katchen v. Landy,* 382 U.S. 323, 328 (1966)). *See also In re Ruckes,* No. 08-02611-NPO (Dkt. 79) (Bankr. S.D. Miss. June 17, 2014) (denying motion to reopen to allow debtor to file the certification required to obtain a discharge five (5) years after the bankruptcy case was closed because the delay was "inexcusable" due to the fact that: (a) the debtor received formal notice of the certification requirement; (b) failed to comply; and (c) did not offer an explanation).

In at least two (2) of its previous orders denying motions to reopen, this Court has been careful to note that it was not suggesting that "the passage of time, without more, is generally sufficient to establish laches." *In re Ruckes,* No. 08-02611-NPO (Dkt. 79), slip op. at 5; *In re Hankins,* No. 07-02833-NPO (Dkt. 83), slip op. at 7. Based on the particular facts of those cases, this Court found that it would be prejudicial and unfair to allow the debtor to reopen the bankruptcy case. Thus, this Court has never adopted a bright line rule for when a bankruptcy case may be reopened. Instead, this Court has consistently looked to the facts and circumstances of each particular case in determining the proper disposition of a motion to reopen. The Court will do the same in considering the Motion.

B. Doctrine of Laches

On numerous occasions, this Court has held that the doctrine of laches can operate as a bar to reopening a bankruptcy case based on the particular facts of a case. The doctrine of laches requires proof of two (2) elements: "(1) lack of diligence by the party against whom the defense is asserted, and (2) prejudice to the party asserting the defense." *Costello v. United States*, 365 U.S. 265, 282 (1961) (citations omitted). In the Brief, the Debtor seemed to argue that this Court should not adopt a rule that would allow the doctrine of laches to operate as a *per se* bar to reopening a bankruptcy case for purposes of avoiding a judicial lien. Citing three (3) Delaware cases, the Debtor argued that notwithstanding the doctrine of laches, a debtor is able to reopen a bankruptcy case to avoid a judicial lien. These cases, however, are consistent with this Court's prior holdings. The Delaware cases answer a narrow question: is a debtor's failure to file an avoidance action pre-discharge a *per se* bar to reopening?

In *Noble I*, the district court declined to adopt a bright line rule that a bankruptcy case can *never* be reopened to avoid a judicial lien unless the debtor filed a complaint seeking to avoid that lien before discharge. *Noble I*, 29 B.R. at 1002-03. The issue in *Noble I* was much narrower than the Brief indicates: is a debtor required to file a lien avoidance action prior to discharge? *Id.* at 999. The bankruptcy court had taken the position that a debtor cannot avoid a judicial lien *unless a complaint seeking avoidance is filed prior to discharge.* *Id.* (emphasis added). On appeal, the district court held that there is no rule requiring debtors to file a complaint prior to discharge; however, the longer the delay, the more vulnerable the debtor becomes to the doctrine of laches being invoked. *Id.* at 1002. For that reason, the district court in *Noble I* remanded the case to the bankruptcy court to decide whether equitable reasons barred the lien avoidance action.

On remand, the bankruptcy court again held that the complaint to avoid the judicial lien was untimely. *Noble II*, 37 B.R. at 649. In *Noble II*, the second appeal from the bankruptcy court, the district court held that even though the debtors were charged with knowledge of the judgment lien, their post-discharge lien avoidance action was not time-barred because they acted in good faith, they filed the action only four (4) months after discharge *and before the case was closed*, and creditors suffered no prejudice (other than modest court costs and attorney's fees). *Id.* at 650-51. The district court in *Noble II* agreed with the bankruptcy court that the debtors had constructive knowledge of the lien against them because of their attorney's inadvertence in failing to uncover the judgment record. *Id.* at 650. But the district court reversed the bankruptcy court's ruling because it did not want to create a rule that would "impose a deadline in the ordinary case requiring all avoidance actions to be filed prior to discharge." *Id.* According to the district court, "there can be no judicially imported deadline barring the filing of avoidance actions after discharge, even where the debtor knew of the creditor's lien and the creditor acted in good faith." *Id.* A post-discharge lien avoidance action will be barred "only if the debtor's delay has resulted in such prejudice as to warrant barring the lien avoidance relief." *Id.* The district court in *Noble II* also noted that "because a creditor is normally aware that his security interest is subject to avoidance by a bankruptcy debtor, delay in filing an avoidance action is not in and of itself prejudicial." *Id.* at 651.

Similarly, in *Hassler v. Assimos*, 53 B.R. 453 (D. Del. 1985), the debtors initiated an adversary proceeding to avoid a judicial lien after receiving a discharge in the bankruptcy case. *Id.* at 454. The bankruptcy court again determined that the doctrine of laches barred such action, and the district court again reversed and remanded the bankruptcy court's decision, holding that

creditors must present evidence of prejudice as a result of the debtor's delay in order to bar the post-discharge avoidance action. *Id.* at 458. According to the district court, the judgment creditor had the burden of establishing inexcusable delay and prejudice. *Id.* "The defense of laches will lie only if the party asserting the defense can offer a conceivable basis for claiming prejudice as a result of his opponent's inexcusable delay." *Id.* at 457-58. Additionally, "[d]elay in filing an avoidance action is not in and of itself prejudicial." *Id.* (citing *Noble II,* 37 B.R. at 651).

Based on the above analysis, the Court finds that the Delaware cases are consistent with this Court's precedent. This Court has held that whether to grant a motion to reopen hinges on the particular facts of each individual bankruptcy case. This Court never has held that the doctrine of laches operates as a *per se* bar to any motion to reopen to avoid a judicial lien when the debtor did not bring the lien avoidance action prior to discharge. The Court does not adopt such a *per se* rule today. In fact, this Court has held that the passage of time, without more, will not bar the reopening of a case. Thus, the Court finds that the facts of each individual case must be examined and a determination made as to the amount of prejudice caused by the debtor's delay in applying the doctrine of laches to a motion to reopen to avoid a judicial lien.

C. Application of Doctrine of Laches to the Motion

The Court finds that a bankruptcy case should not be automatically reopened when a debtor seeks to avoid a judicial lien. If a creditor will be prejudiced by a debtor's unreasonable delay, the case should not be reopened to allow the debtor to file a motion to avoid a lien. As previously mentioned, the doctrine of laches "requires proof of: (1) lack of diligence by the party against whom the defense is asserted, and (2) prejudice to the party asserting the defense." *Costello,* 365

U.S. at 282. Here, the first element is satisfied, but the Court is unable to determine the second element, whether the creditors would be prejudiced by the reopening of the Bankruptcy Case, because no objection was filed.

1. Unreasonable Delay Exists

Relying on the Delaware cases previously discussed, the Debtor argued in the Brief that in the Bankruptcy Case, all of the creditors were listed in the bankruptcy filing and received notice, and none made an effort to object to any of the proceedings. According to the Debtor, the creditors' claims have not been changed by the passage of time and the relationship has not been altered. Thus, according to the Debtor, the creditors have not suffered any prejudice and, therefore, the Motion should be granted. Unlike in *Noble I* and *Noble II*, however, the Debtor is attempting to reopen the Bankruptcy Case to avoid judicial liens over *two (2) years* after discharge and *after* the Bankruptcy Case was closed. In *Noble I* and *Noble II*, the debtor had filed the motion to reopen just four (4) months after discharge and *before* the case was closed. Those critical facts in *Noble I* and *Noble II* distinguish those Delaware cases from the Bankruptcy Case.

The Court finds that the Debtor failed to exercise reasonable diligence in determining the status of his homestead during the pendency of the Bankruptcy Case, or during the two (2) years following the closing of the Bankruptcy Case. A title search or investigation of the public records would have revealed the judgment liens. The Debtor actually listed nine (9) lawsuits in the Statement of Financial Affairs, and two (2) of those lawsuits involve the plaintiffs whose judicial liens the Debtor now seeks to avoid. Further, GEMB held a judicial lien on the Debtor's homestead, and it was avoided before the Bankruptcy Case was closed. Because GEMB, a plaintiff in one of the lawsuits listed in the Statement of Financial Affairs held a judicial lien, the

Debtor should have inquired into the status of the other eight (8) plaintiffs' claims to determine whether there were any other judicial liens on the property.

In the Brief, the Debtor argued that most debtors "do not understand the legal process and have no idea when or if they've been sued or the outcome of a court action." (Br. at 1). Further, according to the Debtor, debtors "understand very little about the legality of their financial condition and cannot afford to hire lawyers to run records or do title searches." (*Id.*). Assuming, *arguendo*, that these assertions are true, the Debtor was not acting without the assistance of counsel, but had hired an experienced bankruptcy attorney. Additionally, in the Brief, the Debtor admitted that he knew the identity of the holders of the liens the Debtor now seeks to avoid: "all creditors were listed in the bankruptcy filing and received notice from the court." (Br. at 3).

This Court cannot allow a lawyer to rely solely on a debtor's understanding of the facts when he or she is on notice that the debtor has been named as a defendant in multiple lawsuits and that there is at least one (1) judicial lien on his homestead. Rule 1.1 (Competence) and Rule 1.3 (Diligence) of the Mississippi Rules of Professional Conduct and Federal Rule of Bankruptcy Procedure 9011 require a lawyer to practice due diligence. Under the circumstances, due diligence required an investigation into whether judicial liens other than GEMB's impaired the Debtor's homestead exemption.

2. Unable to Determine Prejudice

Although the Debtor's delay in discovering the judicial liens was unreasonable and, thus, the first element of the doctrine of laches is satisfied, the Court is unable to make a determination as to whether reopening the Bankruptcy Case would cause prejudice to the creditors. In this Court's previous decisions denying motions to reopen based on the doctrine of laches, the

prejudice was obvious. In *In re Ruckes,* for example, the debtor filed a motion to reopen five (5) years[6] after the bankruptcy case was closed without entry of the discharge in order to file the certification required for him to obtain a discharge. *In re Ruckes,* No. 08-02611-NPO (Dkt. 79), slip op. at 3. There, the prejudice to the creditor was obvious: if the case was reopened five (5) years after it was closed and the debtor filed the certification, his debts would be discharged, and the creditors' claims would be extinguished. When creditors "have relied in good faith on the administration and closing of the Bankruptcy Case without a discharge for more than five (5) years, it would be prejudicial and unfair to allow the Debtor to obtain a discharge." *Id.* at 5; *see also In re Lancellotti,* No. 10-04152-NPO (Dkt. 65).

In considering the Motion, none of the creditors came forward and objected, and the Court is unable to make a determination of prejudice at this juncture. Because avoiding a judicial lien is a personal right to the debtor and a motion to reopen should be granted to allow a debtor to exercise that right in the absence of prejudice to the creditor, the Court is unable to infer prejudice in the Bankruptcy Case. Had the creditors objected to the Motion and argued prejudice, the outcome might have been different.

Conclusion

In sum, the Court finds that because no creditor objected to the Motion, it is unable to make a determination that creditors would be prejudiced by the reopening of the Bankruptcy Case. Although the Debtor's delay in discovering the three (3) judicial liens was unreasonable because it

[6] In *In re Ruckes,* the Court had granted a previous motion to reopen the bankruptcy case in order to prevent the disclosure of confidential information contained in a proof of claim. *In re Ruckes,* No. 08-02611-NPO (Dkt. 79), slip op. at 2. After such relief was obtained, the bankruptcy case was again closed. *Id.* at 4. In denying the debtor's motion to reopen, the Court considered the amount of time that had elapsed since the bankruptcy case was closed for the first time. *Id.*

was significant and inexcusable, the Court cannot infer prejudice in the Bankruptcy Case. Accordingly, the Motion should be granted for the limited purpose of allowing the Debtor to file a motion to avoid the judicial liens of Commerce and Industry, Stylecraft, and Bankplus.

IT IS, THEREFORE, ORDERED that the Motion is hereby granted.

IT IS FURTHER ORDERED that the Debtor shall have fourteen (14) days from the date of this Order in which to file a motion to avoid the judicial liens of Commerce and Industry, Stylecraft, and Bankplus.

##END OF ORDER##