



J. Craig Whitley
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re:	)	
	)	Case No. 08-32584
	)	Chapter 7
MATTHEW HIPPOLITE BURAS	)	
	)	
Debtor.	)	
_____	)	

ORDER

This matter is before the Court upon the Debtor's Motion to Avoid Judgment Lien of Unifund CCR Partners. A hearing was held on March 12, 2009, at which the Debtor's attorney appeared. The Debtor's attorney represented that the Unifund CCR Partners' debt was an individual liability of the Debtor. The Debtor sought to avoid the Lien under 11 U.S.C. §522(f) on the property.

Under North Carolina State law, an individual judgment does not attach to tenancy in the entirety property. Therefore, there is currently no lien held by Unifund on the property. Thus, there is no in rem interest, no impairment, and the Debtor

has no ability to avoid such a lien under §522(f). Assuming that the debt is discharged, that Order will discharge any in personam liability and a judgment lien cannot arise on account of this debt in the future against any property of the Debtor.

Accordingly, the Debtor's Motion is **DENIED**.

SO ORDERED.

This Order has been signed electronically.
The Judge's signature and Court's seal
appear at the top of the Order.

United States Bankruptcy Court