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**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA**

In re: [Debtor] ) BK-  
 ) Chapter 13  
 )  
 ) Date:  
Debtor(s). ) Time:  
\_\_\_\_\_ )

**ORDER TO VALUE COLLATERAL; ORDER TO AVOID LIEN**

THIS MATTER having come before the Court for a hearing on \_\_\_\_\_, 20\_\_,  
on Debtor's MOTION TO VALUE COLLATERAL; MOTION TO AVOID LIEN, and based  
upon the papers and pleadings on file herein, and good cause appearing; the Court finds as  
follows:

- 1. The Debtor's principal residence located at \_\_\_\_\_  
(the "Subject Property") is valued at \$\_\_\_\_\_ as of the date of  
Debtor's Chapter 13 Petition.
- 2. The Subject Property is collateral for a senior secured claim of  
\_\_\_\_\_ ("Senior Lienholder").

**[Check only one box, and fill in blanks]**

Senior Lienholder has filed a Proof of Claim # \_\_\_\_\_ related  
to such claim, and such Proof of Claim claims a debt of \$\_\_\_\_\_.  
Senior Lienholder's Proof of Claim indicates that Senior Lienholder has  
assigned \_\_\_\_\_ to this claim.

**[or]**

Senior Lienholder has *not* filed a Proof of Claim related to its claim, but

1 has assigned \_\_\_\_\_ to this claim. The Debtor's  
2 schedules list the amount of Senior Lienholder's claims as  
3 \$\_\_\_\_\_.

4 3. The Subject Property is also collateral for a junior secured claim of  
5 \_\_\_\_\_ ("Junior Lienholder").

6 **[Check only one box, and fill in blanks]**

7  Junior Lienholder has filed a Proof of Claim # \_\_\_\_\_ related  
8 to such claim, and such Proof of Claim claims a debt of \$\_\_\_\_\_.  
9 Junior Lienholder's Proof of Claim indicates that Junior Lienholder has  
10 assigned \_\_\_\_\_ to this claim.

11 **[or]**

12  Junior Lienholder has *not* filed a Proof of Claim related to its claim, but  
13 has assigned \_\_\_\_\_ to this claim. The Debtor's  
14 schedules list the amount of Junior Lienholder's claims as  
15 \$\_\_\_\_\_.

16 4. Given the above, Junior Lienholder's interest in the Debtor's interest in the  
17 Subject Property has no value.

18  
19 THEREFORE, IT IS HEREBY ORDERED THAT, pursuant to *Zimmer v. PSB Lending*  
20 Corp. (*In re Zimmer*), 313 F.3d 1220 (9th Cir. 2002), and 11 U.S.C. §§ 506(a) and 506(d), Junior  
21 Lienholder's claim is unsecured, and shall be treated as unsecured for all purposes in this case,  
22 including the manner in which such claim is treated and paid in Debtor's chapter 13 plan; and  
23

24 IT IS FURTHER ORDERED THAT, should Debtor receive a discharge in this case,  
25 Junior Lienholder shall as soon as practicable thereafter take all necessary and appropriate steps  
26 to remove its lien of record, and to ensure that Debtor's title to the Subject Property is clear of  
27 any cloud on title related to Junior Lienholder's claim. This court hereby reserves jurisdiction  
28 with respect to any dispute over the actions necessary to comply with this paragraph; and

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IT IS FURTHER ORDERED THAT, should this case be converted to one under another chapter, 11 U.S.C. § 348(f) shall govern the continued validity of this order; and

IT IS FURTHER ORDERED THAT, should this case be dismissed, 11 U.S.C. § 349(b)(1)-(3) shall govern the continuing validity of this order; and

IT IS FURTHER ORDERED THAT nothing in this order shall be deemed to be an allowance or disallowance of any claim of Senior Lienholder or Junior Lienholder, and any party in interest, including the Debtor or the Trustee, may hereafter object to either claim on any ground recognized by the Bankruptcy Code.

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