

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

IN RE:

BRUCE EARL DRENNAN  
LILA JOANN DRENNAN

Debtor(s).

In Proceedings  
Under Chapter 7

Case No. 98-60607

OPINION

On April 12, 1999, debtors filed four separate motions to avoid liens under 11 U.S.C. § 522(f). Debtors seek to avoid the liens held by Health Diagnostic Center of Effingham, Lakeland Radiologists, Neoga Ambulance Service, and Sarah Bush Lincoln Health Center on certain personal injury proceeds obtained by debtors in a state court action.

Under section 522(f), only certain types of liens are subject to avoidance. Judicial liens may be avoided under section 522(f)(1)(A), and nonpossessory, nonpurchase-money security interests in certain household goods, tools of the trade, and health aids may be avoided under section 522(f)(1)(B). Both types of liens are subject to avoidance only to the extent that they impair a debtor's exemption.

The liens in the instant case do not appear to be judicial liens<sup>1</sup> nor are they nonpossessory, nonpurchase-money security interests. In fact, at the hearing on the motions to avoid liens, counsel for debtors stated that the liens at issue are statutory liens. Counsel was granted fourteen days to submit authority for the proposition that statutory liens may be avoided under section 522(f). The only case

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<sup>1</sup> The Bankruptcy Code defines judicial lien as a "lien obtained by judgment, levy sequestration, or other legal or equitable process or proceeding." 11 U.S.C. § 101(36).

counsel submitted, In re Cramer, 130 B.R. 193 (E.D. Pa. 1991), involved a judicial lien. Counsel, however, has not established, or even argued, that the liens here are judicial liens. To the contrary, counsel has affirmatively stated that these are statutory liens. For these reasons, the Court finds that Cramer is not applicable to this case.

It appears that the liens which debtors seek to avoid are either hospital liens or physician liens, both of which are created by statute. See 770 ILCS §§ 35/1 & 80/1. Statutory liens are not subject to avoidance under section 522(f). 4 Collier on Bankruptcy ¶ 522.11[2] at 522-77. Accordingly, debtors' motions to avoid liens are DENIED.  
ENTERED: June 23, 1999

/s/ KENNETH J. MEYERS  
UNITED STATES BANKRUPTCY JUDGE