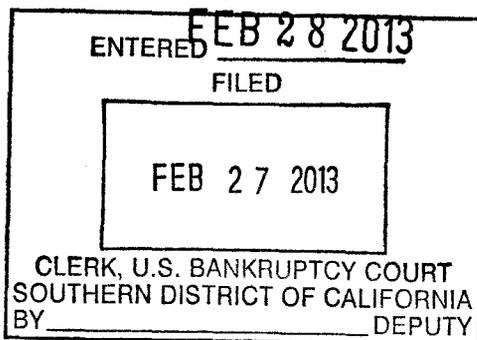


1 WRITTEN DECISION - NOT FOR PUBLICATION



9 UNITED STATES BANKRUPTCY COURT

10 SOUTHERN DISTRICT OF CALIFORNIA

11 In re ) Case No. 12-07921-PB7

12 DAVID BRIAN SNOW, ) ORDER ON MOTION TO AVOID

13 Debtor. ) LIEN ON RESIDENTIAL REAL

14 ) PROPERTY

15 Debtor seeks to avoid a judicial lien on two parcels of real

16 property. Debtor contends that the Properties are both over

17 encumbered and, since no objection has been raised as to Debtor's

18 claims of exemption, the motion should be granted. However,

19 because Debtor has provided no admissible evidence as to the

20 value of the Properties, the motion is denied without prejudice.

21 Debtor scheduled a 50% ownership interest in two parcels of

22 real property, 9463 and 9477 Slope Street, Santee (Slope St.

23 Property) and 1142 and 1146 Summer Avenue, El Cajon (Summer Ave.

24 Property). Debtor contends that both Properties are

25 overencumbered. In support of the Motion, Debtor contends that

26 the Slope St. Property is worth \$352,000 and subject to a

1 voluntary encumbrance of \$363,398. He contends that the Summer  
2 Ave. Property is worth \$390,000 and subject to a voluntary  
3 encumbrance of \$478,8000.

4 The problem with the motion is that Debtor provides no  
5 evidence of the voluntary encumbrances. Further, the "evidence"  
6 of value is inadmissible hearsay. The Debtor simply attached  
7 Broker Price Opinions, without a declaration of the broker.

8 For both of those reasons, Debtor's motion is denied without  
9 prejudice.

10 IT IS SO ORDERED.

11 DATED: FEB 27 2013



A handwritten signature in black ink, appearing to read 'Peter W. Bowie', is written over a horizontal line.

PETER W. BOWIE, Judge  
United States Bankruptcy Court

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