

**ROBERTA LAZAR v. MANUEL CUEVAS, et. al. (*In re Cuevas*),
01-50301-BKC-LMI, ADV. NO. 06-1328-BKC-LMI**

Party seeking relief from an order or judgment by separate action authorized by Fed. R. Civ. P. 60(b) must plead and successfully demonstrate that the court has jurisdiction to hear the independent action, whereas a motion under Fed. R. Civ. P. 60(b) is part of the jurisdiction of the action from which the order or judgment was issued.

Bankruptcy court lacks jurisdiction to re-impose a lien on real property and declare the priority of such lien, where the real property is no longer property of the bankruptcy estate.

Independent action pursuant to Fed. R. Civ. P. 60(b) to be set aside, awards or judgments may be treated as a motion under Fed. R. Civ. P. 60(b), where the adverse party is not prejudiced