

**In Re THOMAS MACGILLIVRAY,  
CASE NO.: 02-33206-BKC-SHF**

The debtor filed a Motion to Avoid Judicial Lien seeking the avoidance of a lien imposed on the debtor's exempt property pursuant to 11 U.S.C. § 522(f). The Court denied the debtor's motion because, based on Eleventh Circuit precedent, there was never a fixing of a lien on an interest of the debtor as required under section 522(f). The creditor recorded the judgment lien prior to the debtor acquiring the subject property designated as homestead, as such, the creditor's judgment lien attached to the subject property at the same time the debtor acquired it.