

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
STEPHEN SCOTT KINDLER) CASE NO. 04-15409
ELIZABETH MARY KINDLER)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana on April 28, 2009.

This matter is before the court on debtors' motions, filed pursuant to 11 U.S.C. §522(f)(2), to avoid non-possessory, non-purchase money security interests. The security interests in question are liens on 1999 Toyota Rav 4 SUV and 1997 Volvo automobiles held by Midwest America Federal Credit Union and Wells Fargo Financial Acceptance Corporation, respectively. Notice of the motions has been given to the interest holders and there have been no objections thereto. Despite the fact that the motions are unopposed, the court cannot properly grant them in that § 522(f)(1)(B) may not be used to avoid a security interest in an automobile. See In re Ulrich, 203 B.R. 691, 693 (Bankr. C.D. Ill. 1997); Matter of Lenczowski, 79 B.R. 392 (Bankr. N.D. Ind. 1983); In re Yokley, 42 B.R. 574, 575 (Bankr. N.D. Ala. 1984).

Debtors' motions are denied.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court