

MEMORANDUM DECISION AND ORDER

1. The debtor has not served the motion (addressed by the proposed order) in the manner required by Fed. R. Bankr. P. 7004(b) and 9014.

2. Moreover, stripping down of liens (reducing a lien to the current value of the collateral) is not permitted in a chapter 7 case. *Dewsnup v. Timm*, 502 U.S. 410 (1992).

3. To the extent that the debtor seeks to redeem the property under 11 U.S.C. section 722, the motion and the proposed order should be recast as such to make that clear and to provide for payment of the redemption amount within 15 days of entry of the order.

4. The debtor's Statement of Intention filed with the petition should be amended to reflect the debtor's intention with respect to the property. It is

ORDERED that the debtor's motion and the proposed order below are stricken without prejudice to the filing of a motion to redeem.

Dated: October 29, 2008.

)	
Jeriesha Smith)	Case No.08-00574
Debtor(s))	Chapter 7
_____)	
Jeriesha Smith)	
Movant(s))	
vs.)	
Internal Revenue Service)	
Respondent(s).)	



S. Martin Teel, Jr.

**S. Martin Teel, Jr.
U.S. Bankruptcy Judge**

ORDER GRANTING MOTION TO VALUE COLLATERAL AND TO AVOID SECURITY INTEREST

Having considered debtor's motion, and any response filed thereto, and it appearing that proper notice has been given, pursuant to 11 U.S.C. § 506, it is by the United States Bankruptcy Court for the District of Columbia,

ORDERED, that the value of the collateral securing Respondent's claim is \$2,177.75; and it is further ORDERED, that to the extent Respondent's claim exceeds the value of its collateral, it is unsecured; and it is further ORDERED, that at such time as a discharge Order is entered in this case pursuant to 11 U.S.C. § 1328, the lien held in favor of Respondent on the property described below is void to the extent of Respondent's unsecured claim of said vehicle; and it is further ORDERED, that the claim of Respondent herein shall be treated under debtor's plan as an allowed secured claim in an amount not to exceed the value of Respondent's collateral and as an allowed, general unsecured claim for the balance.

cc: Trustee

Debtor(s)
Debtor(s)' Attorney
Respondent
U.S. Trustee