

**UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY**

IN RE:)
)
 DENNIS RAY YORK) CASE NO. 05-11245(1)(7)
 BARBARA ELIZABETH YORK)
)
 _____ Debtor(s))

MEMORANDUM-OPINION-ORDER

This matter came before the Court on the Debtors' Motion to Avoid Lien Pursuant to Section 522(f) of Title 11 of the United States Bankruptcy Code to Avoid State Tax Liens. A hearing was held on the Debtors' Motion on January 18, 2006, after which the Court took the matter under submission.

Debtors seek to avoid a lien on their real property held by the Kentucky Department of Revenue pursuant to 11 U.S.C. §522(f). Two types of liens are avoidable under 11 U.S.C. §522(f). The first is a judicial lien which arises upon the docketing of a judgment. Tax liens are authorized by statute and require no judicial action to become effective. The second category of lien avoidable under §522(f) is a non-possessory, non-purchase money security interest in certain household and personal goods. The basis for the security interest is an agreement between the parties. The lien at issue in the case at bar did not arise out of such an agreement. Tax liens are statutory liens, not judicial liens as defined by the Code at 11 U.S.C. §101(36). See, In re Booth, 17 B.R. 842 (Bankr. E.D. Pa. 1982); In re Rench, 129 B.R. 649 (Bankr. D. Kan. 1991) and In re Frengel, 115 B.R. 569 (Bankr. N.D. Ohio 1989). Accordingly, the Court concludes that the liens of the Kentucky Department of Revenue cannot be avoided under 11 U.S.C. §522(f).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Debtors' Motion to Avoid Lien, be and hereby is, **DENIED**.