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**From:** Chris Micale  
**Sent:** Monday, April 13, 2026 11:18 AM  
**To:** RulesCommittee Secretary  
**Subject:** Suggestion to change FRBP 5009(d)

Dear Sir or Madam:

Please accept this email as a request to change Fed. R. Bankr. P. 5009(d). The rule currently provides:

(d) *Order Declaring a Lien Satisfied*. This subdivision (d) applies in a Chapter 12 or 13 case when a claim secured by property of the estate is subject to a lien under applicable nonbankruptcy law. The debtor may move for an order declaring that the secured claim has been satisfied and the lien has been released under the terms of the confirmed plan. The motion must be served—in the manner provided by Rule 7004 for serving a summons and complaint—on the claim holder and any other entity the court designates.

The rule provides an efficient process for a chapter 12 or 13 debtor to obtain a court order clarifying a lien's status which order can then be filed in land records or provided to other parties, like a titling authority, to clarify the lien's status. Routinely, chapter 12 and 13 debtors pay the lien through case administration, i.e., the trustee makes all disbursements on the claim underlying the lien, and thus the trustee may be in the best position to assert whether the lien has been satisfied. Additionally, the trustee received a fee for making the disbursements on claims paid through case administration and to provide maximum value to the debtor paying those fees, it seems the trustee should also have standing to bring the motion. This change also supports cases where a pro se debtor may need assistance at the end of the case to resolve title issues by authorizing the trustee to file the motion. For these reasons, I suggest the rule be changed as follows:

(d) *Order Declaring a Lien Satisfied*. This subdivision (d) applies in a Chapter 12 or 13 case when a claim secured by property of the estate is subject to a lien under applicable nonbankruptcy law. The debtor **or trustee** may move for an order declaring that the secured claim has been satisfied and the lien has been released under the terms of the confirmed plan. The motion must be

served—in the manner provided by Rule 7004 for serving a summons and complaint—on the claim holder and any other entity the court designates.

The requested change still does not require any party to seek an order. The change simply expands standing, rather than limit it. If a debtor wants the order faster than a trustee will obtain it, the debtor is still authorized to seek an order declaring the lien satisfied. This change is also consistent with other similar processes in the rules. For example, R. 3002.1(g)(4) authorizes the debtor or trustee to seek an order determining whether all defaults under a mortgage have been cured.

After a search of the rules effective through 2024, I could not find other rules referencing the process in R. 5009(d) and therefore think the requested change narrow enough to not be a significant impact. I ask the committee to consider and implement the change. If there is additional information you need from me, please feel free to contact me at this email address or the phone number below.

Thank you,

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