

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA, FORT MYERS DIVISION

In Re:

ULRICH FELIX ANTON ENGLER

Case No. 9:08-bk-04360-ALP

Debtor.

**OBJECTION BY CHAPTER 7 TRUSTEE TO
MOTION FOR RELIEF FROM STAY FILED BY
JP MORGAN CHASE BANK, N.A.**

COMES NOW the Chapter 7 Trustee, ROBERT E. TARDIF JR., and objects to the Motion for Relief from Stay filed by JP Morgan Chase Bank, N.A. and states as follows:

1. JP Morgan Chase Bank, N.A. claims to have unavoidable statutory liens by the service of various writs of garnishment within the 90-day period before filing, which the Trustee disputes. While the timing of the any lien may be dictated by statute, the creditor has nothing more than judicial liens since the liens are created, if at all, by the service of a writ of garnishment issued out of a purely judicial proceeding.
2. The Trustee argues that any lien created within the 90-day prepetition period constitutes avoidable preferences and the voidability of such lien is not governed by Section 545. The allowance of the claimed involuntary lien is absolutely contrary to the principles and concepts governing preference litigation.

Certificate of Service

I HEREBY CERTIFY that the foregoing has been electronically filed and served via the CM/ECF system or by regular U.S. Mail on the following on June 10, 2008.

/s/ Robert E. Tardif Jr.
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