



is granted.

On January 20, 1995, the Debtor Ellen Edwards renewed a loan with Blazer, received some additional cash with total loan amount of \$2,065.07 and granted to Blazer a security interest in various home entertainment electronic items. Mrs. Edwards executed a combination promissory note and security agreement (Debtors' exhibit 1) with "Schedule A/Security Listing" (Creditor's exhibit 1) attached which documents granted a security interest in the listed "consumer goods" with declared values as follows:

<u>Property</u>	<u>Value</u>
1 Magnavox 25" Console television	800.00
3 25" televisions	900.00
1 Video Recorder VHS	250.00
1 Video Camera Magnavox	1,000.00.

On February 7, 1996, the Debtors filed this Chapter 7 case, and listed in their schedules the following pertinent property to this matter with corresponding values and state law exemption claims:

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(B) a nonpossessory,  
nonpurchase-money security  
interest in **any**—  
(i) household  
furnishings, household goods, wearing apparel, appliances, books,  
animals, crops, musical instruments, or jewelry that are held  
primarily for the personal, family, or household use of the debtor  
or a dependent of the debtor;  
(emphasis added)

<u>Property</u>	<u>Value</u>	<u>Exemption</u>
4 Televisions	\$400.00	O.C.G.A. §44-13-100(a)(4) <sup>2</sup>
2 VCR's	\$200.00	O.C.G.A. §44-13-100(a)(4)

The Debtors subsequently amended their schedules to include the video camera valued at \$200 claimed as exempt under O.C.G.A. §44-13-100(a)(4).<sup>3</sup>

The Debtors seek to avoid Blazer's lien in the televisions, VCR's and the video camera, alleging that they are household goods. Blazer disputes the values assessed by the Debtors and argues that only one television and one VCR can constitute a "household good" as the additional televisions and VCR are not necessary for a debtor's fresh start.

Valuation for exemption purposes is determined as of the date of the filing of debtor's bankruptcy petition, in this case February 7, 1996. Johnson v. General Motors Acceptance Corp. (In re Johnson), 165 B.R. 524 (S.D. Ga. 1994). The debtors' Schedule B Personal Property and C Property Claimed as Exempt set forth the

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<sup>2</sup>Official Code of Georgia annotated (O.C.G.A.) §44-13-100(a)(4) exempts:

The debtor's interest, not to exceed \$200.00 in value in any particular item, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor. The exemption of the debtor's interest in the items contained in this paragraph shall not exceed \$3,500.00 in total value;

<sup>3</sup>The Debtor's now also asserted that they amended their schedule of exemptions to exempt the televisions and VCR's under O.C.G.A. §44-13-100(a)(6), although Amended Schedule C does not reflect this exemption claim.

Debtors' opinion of market value of the Debtors' interest in the listed property as of the date of the bankruptcy filing. At hearing, the Debtor Ellen Edwards testified, describing the televisions, VCR and camcorder at issue, their condition and gave her opinion as to value and the basis for that opinion. Meredith v. Hardy, 554 F.2d 764, 765 (5th Cir. 1977) (a property owner is competent to testify as to the value of his property). The creditor offered no evidence of value as of the date of the filing of the petition but relied on the "Schedule A/Security Listing" from January 20, 1995, more than a year prior to filing. I find the debtor's testimony creditable and unrebutted.<sup>4</sup> The values of the items in dispute fall within the exemption limitations for household goods under O.C.G.A. §44-13-100(a)(4).

I have consistently defined "household goods" in this context as:

items of tangible personal property held primarily for personal or family use by the debtor or a dependent of the debtor in or about the household, excepting therefrom items held for investment purposes or items having a pecuniary value independent of its functional use.

Blazer Fin. Svc. v. Hoffmeyer (In re Hoffmeyer), Chapter 13 Case No. 387-00162 slip op. at p. 7 (Bankr. S.D. Ga. October 23, 1991 Dalis, J.); Plummer v. Massey-Ferguson Credit Corp. (In re Plummer), Ch. 7

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<sup>4</sup>Blazer has not challenged the dischargeability of this debt under 11 U.S.C. §523 and the bar date for dischargeability complaints passed May 14, 1996.

Case No. 387-00162 slip op. at pp. 16-17 (Bankr. S.D. Ga. July 1, 1988 Dalis, J.). Clearly, televisions and VCRs fall under this definition of household goods.

The only remaining issue is whether the Debtors may avoid Blazer's lien over more than one television or VCR.<sup>5</sup> Section 522(f) expressly allows a Debtor to avoid a nonpossessory nonpurchase money lien over any household goods. The statute contains no limitation upon the number of items available for lien avoidance. Once an item is determined to be a "household good" as that term is used in §522(f) and the Georgia exemption statute O.C.G.A. §44-13-100(a)(4), to the extent that the item is exemptible by a debtor but for the nonpurchase money nonpossessory lien of the creditor, the lien may be avoided.

It is therefore ORDERED that the Debtors' motion to avoid the lien of Blazer is GRANTED.

JOHN S. DALIS  
UNITED STATES BANKRUPTCY JUDGE

Dated at Augusta, Georgia  
this 15th day of July, 1996.

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<sup>5</sup>At hearing, Blazer's counsel asserted that I have previously limited a debtor's available exemption under household goods to one television and one VCR. I do not recall such limitation nor has my research revealed any prior decision making such limitation and counsel has failed to point out any such decision in brief.