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**HAROLD S. MARENUS, CLERK
U.S. BKCY. APP. PANEL
OF THE NINTH CIRCUIT**

**UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE NINTH CIRCUIT**

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In re)	BAP No.	CC-04-1533-MoNP
)		
MARCO L. CONCEICAO and)	Bk. No.	LA-04-17761-TD
BRENDA CONCEICAO,)		
)	Adv. No.	LA-04-02238-TD
Debtors.)		
)		
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ALCOVE INVESTMENT, INC.,)		
)		
Appellant,)		
)		
v.)		
)		
MARCO L. CONCEICAO; BRENDA)		
CONCEICAO; RICHARD K. DIAMOND,)		
Chapter 7 Trustee; UNITED)		
STATES TRUSTEE,)		
)		
Appellees.)		
)		
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O P I N I O N

Argued and Submitted on June 22, 2005
at Pasadena, California

Filed - August 23, 2005

Appeal from the United States Bankruptcy Court
for the Central District of California

Honorable Thomas Donovan, Bankruptcy Judge, Presiding.

Before: MONTALI, NEWSOME,¹ and PERRIS, Bankruptcy Judges.

¹ Hon. Randall J. Newsome, Chief Bankruptcy Judge for the Northern District of California, sitting by designation.

1 MONTALI, Bankruptcy Judge:

2
3 In an era of heightened concern over the identity theft
4 and privacy of social security numbers, we are presented with a
5 situation where a creditor's failure to comply with a state law
6 requiring disclosure of judgment debtors' social security numbers
7 results in the loss of a \$50,000 lien. In a second anomaly, we
8 are asked to uphold an injunction against enforcement of an
9 apparently valid judgment lien because the judgment debtors'
10 property is subject to an invalid lien relating to an earlier
11 judgment.

12 Alcove Investment, Inc. ("Creditor") appeals from the
13 bankruptcy court's order granting a preliminary injunction to stop
14 the judicial sale of the home of Marco and Brenda Conceicao
15 ("Debtors"). The bankruptcy court ruled that Creditor's judgment
16 lien is invalid because Creditor did not comply with California
17 Code of Civil Procedure ("CCP") § 674, which requires judgment
18 creditors to list the judgment debtor's social security number if
19 known or, if unknown, to indicate that fact on the abstract of
20 judgment. Creditor argues that its non-compliance with the
21 statute is immaterial or that enforcement of the statute would
22 violate its Constitutional rights, among other things. We AFFIRM.

23 **I. FACTS**

24 On November 26, 1997, Creditor recorded a certified copy of a
25 \$50,200 judgment (the "First Judgment") against Debtors with the
26 Los Angeles County Recorder. Creditor did not record an abstract
27 of the First Judgment. The First Judgment did not contain
28 Debtors' social security numbers or any mention of whether

1 Creditor knew their social security numbers at the time of
2 recording.

3 On January 15, 1998, Creditor obtained a second judgment (the
4 "Second Judgment") against Debtor Marco Conceicao in an unlawful
5 detainer case in the amount of \$1,445.00. In August, 1998,
6 Creditor recorded an abstract of the Second Judgment, thus
7 creating the potential for a valid judgment lien on any property
8 Debtors owned or subsequently acquired. See CCP §§ 697.310,
9 697.340. Unlike the First Judgment, the abstract of the Second
10 Judgment included the social security number of Debtor Marco
11 Conceicao.

12 On August 16, 2000, Debtors acquired property in Los Angeles,
13 California (the "Property"). The properly recorded abstract of
14 the Second Judgment thus created a valid lien against the
15 Property. Subsequently, Creditor filed with the Los Angeles
16 Superior Court an Application for Order for Sale of Dwelling
17 pursuant to CCP § 704.750, seeking to enforce the Second Judgment
18 lien. The Superior Court heard arguments regarding this matter on
19 March 18, 2004. We have no transcript or written order from this
20 hearing, but the excerpts of record do contain a Notice of Ruling
21 signed by Creditor's attorney in the state court proceeding which
22 states that the Superior Court ordered the sale of the Property
23 (the "March Notice of Ruling") and recites that "[d]efendants
24 appeared on their behalf," which we assume means that Debtors
25 appeared pro se. We do not know if a written order for sale of
26 the Property was entered in March, nor do we have knowledge of the
27 arguments raised at this hearing and, in particular, whether the
28 validity of the First Judgment lien was questioned.

1 On September 2, 2004, the Superior Court filed an order
2 authorizing sale of the Property (the "September Sale Order").
3 This order lists two existing liens on the Property that were
4 superior to the Second Judgment lien -- a federal tax lien and the
5 First Judgment lien.

6 On April 6, 2004, during the time between the issuance of the
7 March Notice of Ruling and the September Sale Order, Debtors filed
8 their voluntary Chapter 7 bankruptcy petition.² Debtors received
9 their discharge on July 19, 2004. On August 4, 2004, Debtors
10 filed a complaint with the bankruptcy court seeking a declaratory
11 judgment that the First Judgment did not create a lien on the
12 Property due to the omission of their social security numbers from
13 the text of the First Judgment. Debtors subsequently filed a
14 motion for a preliminary injunction or other relief that would
15 prevent or delay the sale of the Property. At a hearing on
16 October 6, 2004, the bankruptcy court granted Debtors' motion for
17 a preliminary injunction, ruling that Debtors are likely to
18 prevail at trial because the First Judgment did not create a valid
19 judgment lien and Creditor cannot amend the First Judgment because
20 a discharge has been entered in Debtors' bankruptcy case. Debtors
21 did not question, and the bankruptcy court did not address,
22 whether the abstract of the Second Judgment created a valid lien
23 on the Property.³ We therefore assume, without deciding, that it

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25 ² Unless otherwise indicated, all chapter, section and rule
26 references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1330, and
to the Federal Rules of Bankruptcy Procedure, Rules 1001-9036.

27 ³ Although Creditor based its Application for Order for Sale
28 of Dwelling on the Second Judgment lien, Creditor did not argue
that this lien created sufficient grounds for sale of the Property
in its opposition to Debtor's motion for injunctive relief, nor
did Creditor raise this argument on appeal.

1 was valid.

2 The bankruptcy court correctly stated that the March Notice
3 of Ruling was not final. The court treated the September Sale
4 Order as the state court's final disposition of the Second
5 Judgment enforcement proceeding, but held that the order was
6 obtained in violation of the discharge injunction of section 524,
7 the automatic stay of section 362, or both.⁴ The bankruptcy court
8 issued a preliminary injunction on October 28, 2004, and, with the
9 agreement of counsel for both parties, attempted to certify the
10 matter for immediate appeal under Fed. R. Civ. P. 54(b)
11 (incorporated by Fed. R. Bankr. P. 7054). A BAP motions panel
12 determined that the bankruptcy court's certification was
13 inadequate, but granted leave to appeal the interlocutory
14 preliminary injunction under 28 U.S.C. § 158(a)(3).

15 II. ISSUES

16 1. Did the bankruptcy court have jurisdiction to issue the
17 preliminary injunction?

18 2. Did the bankruptcy court properly issue the preliminary
19 injunction, based on its ruling that recording the First Judgment
20 did not create a valid judgment lien on the Property because
21 Debtors' social security numbers were not included?

22 III. STANDARDS OF REVIEW

23 We review the bankruptcy court's decision to grant a
24 preliminary injunction for an abuse of discretion. Roe v.
25 Anderson, 134 F.3d 1400, 1402 (9th Cir. 1998). The court has

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27 ⁴ The bankruptcy court stated, "If [the September Sale
28 Order] were to have some affect [sic], then I would be concerned
with whether that order was obtained in violation of Section -
either Section 362 of the Bankruptcy Code or Section 524 of the
Bankruptcy Code, a violation of the automatic stay where [sic] the
discharge injunction." Transcript (10/6/04) p. 6:10-14.

1 abused its discretion if it bases its holding on "an erroneous
2 view of the law or on a clearly erroneous assessment of the
3 evidence." Id. (citations omitted). We review the bankruptcy
4 court's conclusions of law and questions of statutory
5 interpretation de novo and we review factual findings for clear
6 error. Village Nurseries v. Gould (In re Baldwin Builders),
7 232 B.R. 406, 410 (9th Cir. BAP 1999). Jurisdictional issues are
8 matters of law which we review de novo. Principal Life Ins. Co.
9 v. Robinson, 394 F.3d 665, 669 (9th Cir. 2005).

10 **IV. DISCUSSION**

11 The criteria for granting a preliminary injunction are: "(1)
12 a strong likelihood of success on merits, (2) the possibility of
13 irreparable injury to the [moving party] if the preliminary relief
14 is not granted, (3) a balance of hardships favoring the [moving
15 party], and (4) advancement of the public interest (in certain
16 cases)." Johnson v. California State Bd. of Accountancy, 72 F.3d
17 1427, 1430 (9th Cir. 1995) (citation omitted). "Alternatively, a
18 court may issue a preliminary injunction if the moving party
19 demonstrates 'either a combination of probable success on the
20 merits and the possibility of irreparable injury or that serious
21 questions are raised and the balance of hardships tips sharply in
22 his favor.'" Id. (citation omitted). Probability of success and
23 possibility of irreparable harm can be viewed as two factors on a
24 sliding scale so that as the required probability of success
25 increases, the likelihood of irreparable harm that is required
26 decreases. See United States v. Nutri-cology, Inc., 982 F.2d 394,
27 397 (9th Cir. 1992).

28 The bankruptcy court based its preliminary injunction solely

1 on Debtors' argument that the First Judgment did not create a
2 valid lien. We hold that the bankruptcy court's reasoning on this
3 issue was correct. Accordingly, we will affirm the bankruptcy
4 court's decision to grant injunctive relief to Debtors.

5 1. Jurisdiction

6 We have an independent duty to consider jurisdictional issues
7 sua sponte. WMX Technologies, Inc. v. Miller, 104 F.3d 1133, 1135
8 (9th Cir. 1997).

9 The bankruptcy court has subject matter jurisdiction in this
10 dispute because the Property was never expressly abandoned under
11 section 554(a) or (b) nor was it automatically abandoned under
12 section 554(c) as the case has not been closed. See 11 U.S.C.
13 § 554. If the Chapter 7 trustee abandons it, the bankruptcy court
14 would still have jurisdiction because the Property appears to be
15 claimed exempt by Debtors.⁵ These issues are sufficiently
16 related to the bankruptcy case to give the bankruptcy court
17 subject matter jurisdiction. 28 U.S.C. § 1334(b).

18 We agree with the bankruptcy court that there is "no
19 indication . . . that [any ruling reflected in the March Notice of
20 Ruling] . . . was a final judgment in any way, shape or form."
21 Transcript (10/6/04) pp. 5:24-6:2.

22 While the September Sale Order "appears to be a final
23 disposition" (id. p. 6:7), that order is void because it was

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25 ⁵ Based on our review of the online docket, we know that
26 Debtors' Schedule C listed a homestead exemption, presumably on
27 the Property. However, the status of Debtors' possible homestead
28 exemption is unclear from the excerpts of record. In the
September Sale Order the Superior Court states, "[o]n proof made
to the satisfaction of the Court that the property was not found
to be subject to a homestead exemption, that the fair market value
of the dwelling is \$250,000.00 . . ." But as discussed below, the
September Sale Order is void.

1 issued in violation of the automatic stay and the discharge
2 injunction. "[T]he stay of an act against property of the estate
3 . . . continues until such property is no longer property of the
4 estate," 11 U.S.C. § 362(c)(1), and the Property still belongs to
5 the estate for the reasons stated above. See 11 U.S.C. § 554.
6 See also Gruntz v. County of Los Angeles (In re Gruntz), 202 F.3d
7 1074, 1082 (9th Cir. 2000) (actions in violation of automatic stay
8 are void). Creditor cannot bring any action against Debtors
9 personally based on the First Judgment because Debtor's discharge
10 "voids any judgment at any time obtained to the extent that such
11 judgment is a determination of the personal liability of the
12 debtor with respect to any debt discharged . . ." 11 U.S.C.
13 § 524(a)(1).

14 Prior to Debtors' Chapter 7 filing, Creditor held an
15 unsecured claim for the reasons we discuss below. If the state
16 court had issued a final order or judgment regarding the validity
17 of the First Judgment lien before Debtors' bankruptcy, even if
18 incorrect as a matter of law, the bankruptcy court might well have
19 been precluded from exercising jurisdiction to make a contrary
20 ruling. No such order was issued, and therefore the matter was
21 properly before the bankruptcy court.

22 2. The recorded First Judgment is inadequate to create a
23 lien because Debtors' social security numbers were
omitted.

24 As noted by the bankruptcy court, judgment liens are created
25 by statute. According to Miller v. Bank of America, 166 F.2d 415,
26 417 (9th Cir. 1948), "[a] judgment in and of itself does not
27 necessarily constitute a lien upon any property unless made so by
28 statute." Creditor argues that this case is irrelevant because

1 the facts relate to personal property, not real property, but
2 Creditor cites no authority supporting the proposition that a
3 valid judgment lien could be created without relying on, and
4 complying with, applicable statutes. In California, CCP § 697.310
5 provides the statutory basis for creating a judgment lien based on
6 a state court judgment for money damages, and CCP § 674 describes
7 the elements of a properly recorded abstract of judgment.

8 California Code of Civil Procedure § 674(a) provides in
9 relevant part:

10 [A]n abstract of a judgment or decree requiring the
11 payment of money . . . shall contain all of the
following:

12 ***

13 (6) The social security number and driver's license
14 number of the judgment debtor if they are known to the
15 judgment creditor. If either or both of those numbers
are not known to the judgment creditor, that fact shall
be indicated on the abstract of judgment.

16 Cal. Civ. Proc. Code § 674 (West 2002).

17 In 1978, the legislature amended CCP § 674 by adding the text
18 of paragraph 6 and making no other changes. Stats.1978 c. 203,
19 § 1. When interpreting an unambiguous statute, "there can be no
20 room for construction of the statute." Harold L. James, Inc. v.
21 Five Points Ranch, Inc., 158 Cal. App. 3d 1, 4, 204 Cal. Rptr.
22 494, 496 (1984). Both the language of the statute and the
23 legislature's decision to amend the statute to include this
24 specific provision convey that the judgment creditor must include
25 the debtor's social security number or indicate that it is unknown
26 on the abstract of judgment.

27 Creditor argues that providing notice to the judgment debtor
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1 and the outside world is the primary purpose of CCP § 674.⁶ While
2 the process of recording abstracts of judgment serves to provide
3 constructive notice of liens, the social security number
4 requirement serves a more specific purpose. The bankruptcy court
5 described the purpose of this provision as avoiding "unnecessarily
6 clouding innocent people's title" who happen to have names similar
7 to judgment debtors. Transcript (10/6/04) pp. 2:25-3:1. At least
8 one reported California case has reached the same conclusion after
9 examining the legislative history of CCP § 674. Keele v. Reich,
10 169 Cal. App. 3d 1129, 1132, 215 Cal. Rptr. 756, 757 (1985). We
11 conclude that the First Judgment did not create a valid lien based
12 on the Keele court's interpretation of California law.

13 In Keele, the California Court of Appeals held that an
14 abstract of judgment that lacked the judgment debtor's social
15 security number did not create a valid judgment lien. Keele, 169
16 Cal. App. 3d at 1131, 215 Cal. Rptr. at 757. See also Ellrott v.
17 Bliss, 147 Cal. App. 3d 901, 195 Cal. Rptr. 446 (1983) (holding
18 that an abstract of judgment did not create a valid judgment lien
19 because the total amount of the judgment was omitted). The Keele
20 court noted, however, that an abstract of judgment might be valid
21 if the creditor truly lacks knowledge of the debtor's social
22 security number. In such a situation, "compliance with statutory
23 provisions for liens must be addressed on a case-by-case basis."
24 Keele, 169 Cal. App. 3d at 1132, 215 Cal. Rptr. At 757 (citing
25 Harold L. James, Inc., 158 Cal. App. 3d at 8, 204 Cal. Rptr. at
26 498). Even if we use a case-by-case approach, as Creditor would
27 like us to do, similarities between our case and Keele require us

28 ⁶ Creditor cites to Huff v. Sweetser, 97 P. 705, 8 Cal. App.
689 (1908) in which a judgment lien was declared invalid since it
was filed in the debtor's maiden name and the current landowner
did not have notice of the lien.

1 to adopt much of Keele's reasoning.

2 The case before us resembles Keele because the error at issue
3 in both Keele and our case is a missing social security number.
4 This particular error invokes policy concerns that differ from the
5 concerns addressed by other statutory requirements. As the
6 bankruptcy court observed, the purpose of requiring the number is
7 to prevent clouding innocent people's title because confusion
8 could occur if one's name is similar to the name of a judgment
9 debtor. The policy concerns at issue here are identical to those
10 considered in Keele.

11 Although the facts here regarding Creditor's knowledge of
12 Debtors' social security number differ from the facts in Keele,
13 this distinction is irrelevant. The creditor in Keele
14 misrepresented its knowledge of the debtor's social security
15 number by checking "unknown" when the number was actually known.
16 Keele, 169 Cal. App. 3d at 1130, 215 Cal. Rptr. at 757. Creditor
17 here is not alleged to have misrepresented its knowledge, but it
18 still violated the statute by failing to mention the social
19 security numbers at all. See CCP § 674(a)(6) (creditor must
20 either disclose the number or indicate that it is unknown).

21 After Keele, another California appellate decision held that
22 omission of some of the data required by the statutes governing
23 abstracts was not fatal to the validity of the judgment lien
24 because the trial court has "inherent power to correct clerical
25 errors in its records." Commonwealth Land Title Co. v. Kornbluth,
26 175 Cal. App. 3d 518, 531, 220 Cal. Rptr. 774, 781 (1985). In
27 Kornbluth, the date of entry of judgment was omitted from one of
28 five abstracts that were recorded at the same time. Although

1 Creditor did not cite Kornbluth, it appears that Kornbluth
2 supports Creditor's argument that it should not be penalized for
3 what might be regarded as a technical oversight when Debtors had
4 knowledge of the lien. However, as stated in Keele, "the issue is
5 not whether there was notice of the lien, but whether respondent's
6 abstract complied with statutory provisions enacted to insure
7 notice." Keele, 169 Cal. App. 3d at 1133, 215 Cal. Rptr. at 758.
8 Even if there was no confusion about the judgment debtor's
9 identity in this specific situation, the statute serves as a
10 blanket rule to prevent such confusion, and we are not free to
11 ignore it.

12 Even if we concluded, which we do not, that the Kornbluth
13 holding applies to our case, Kornbluth would not help Creditor.
14 Absent section 362, Kornbluth might permit Creditor to amend the
15 First Judgment to include the social security numbers nunc pro
16 tunc, to establish a valid lien that existed prior to the petition
17 date. Kornbluth, 175 Cal. App. 3d at 531, 220 Cal. Rptr. at 781.
18 See also CCP § 674(b). Creditor is prohibited from amending the
19 First Judgment because doing so would violate the automatic stay,
20 the discharge injunction, or both. 11 U.S.C. §§ 362, 524.
21 Therefore, although we believe that Keele is controlling, the
22 final outcome in the case before us would not change even if we
23 were to apply Kornbluth.

24 Creditor claims that the court should place substance over
25 form in the creation of a judgment lien so long as due process
26 requirements are met.⁷ Creditor cites Robbins Inv. Co. v.

27 _____
28 ⁷ The substance of Creditor's due process argument seems to
focus on providing actual notice to the judgment debtors and
constructive notice to potential purchasers of the existence of a
judgment lien. Creditor points out that Debtors did have notice
of the lien and an opportunity to oppose it, and argues in its

(continued...)

1 Robbins, 49 Cal. App. 2d 446, 122 P.2d 91 (1942), to support this
2 claim. Robbins stands for the proposition that a valid judgment
3 lien may be created by recording a copy of the judgment itself
4 rather than an abstract of judgment as long as the judgment meets
5 the requirements of CCP § 674. Id., 49 Cal. App. 2d at 447, 122
6 P.2d at 92. Creditor is correct that the copy of judgment it
7 filed had the potential to create a valid judgment lien. The
8 judgment lien is invalid not because of the form of the recorded
9 document, but because the content of the First Judgment is
10 inadequate under the requirements of CCP § 674.

11 Creditor also argues that, since a certified copy of a
12 federal judgment can be recorded under CCP § 697.060(a) to create
13 a valid judgment lien without complying with the mandates of CCP
14 § 674, the same should be true for state court judgments.⁸

15 Creditor relies on Ford Consumer Finance which held that the
16 statutory provision for creating judgment liens based on federal
17 judgments is indeed distinct from the provision relating to state
18 court judgments. Ford Consumer Finance reasons that CCP
19 § 697.060(a) acts as an exception to CCP § 697.310(a), which
20 requires that an abstract of judgment be recorded to create a
21 valid lien, in the same way that §§ 697.320(a) and 697.330(a) (2)
22 (allowing certified copies of judgments to create liens in family
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24 ⁷(...continued)
25 opening brief on this appeal that "additional surplus notice was
26 not needed in the form of [Debtors'] social security numbers and
driver's license numbers."

27 ⁸ Creditor formulates this argument as an equal protection
28 claim. However, Creditor cites no case law that supports his
argument, as Ford Consumer Finance Co. v. McDonell (In re
McDonell), 204 B.R. 976 (9th Cir. BAP 1996), stands for a
different premise. Creditor fails to persuade us that all
judgment liens must be created in the same manner, or that states
cannot hold state court judgment creditors to a higher standard
than federal court judgment creditors.

1 support matters, judgments against health care providers, or
2 workers' compensation judgments) are exceptions to the abstract
3 requirement. Ford Consumer Finance, 204 B.R. at 978. However,
4 the Ford Consumer Finance court did not take issue with the fact
5 that separate statutory requirements apply to different types of
6 judgments. It merely reasoned that the legislature must have
7 intended this result since it passed separate statutes. In our
8 case, the First Judgment was a state court judgment and it, or an
9 abstract of judgment, should have been recorded in compliance with
10 the statutory provisions applicable to state court judgments.

11 In its opposition to Debtors' motion for preliminary
12 injunction, Creditor argued that, if the lien were declared
13 invalid, it should be allowed to amend the recorded judgment under
14 CCP § 674(b), which reads in pertinent part: "An abstract of
15 judgment . . . that does not list the social security number and
16 driver's license number of the judgment debtor . . . may be
17 amended by the recording of a document entitled 'Amendment to
18 Abstract of Judgment.'" Creditor had the opportunity to amend the
19 recorded First Judgment to create a valid lien at any time before
20 Debtors filed for bankruptcy. After the filing, Creditor could no
21 longer amend the First Judgment without obtaining an order
22 granting relief from stay or annulling the stay. It did not
23 obtain such an order.

24 From the filing of Debtors' Chapter 7 case until the Property
25 ceases being property of the estate, section 362(a)(4) prohibits
26 Creditor from performing "any act to create, perfect, or enforce
27 any lien against property of the estate." 11 U.S.C. §§ 362(a)(4).
28 See also § 362(c)(1). As long as the Property remains in the

1 estate, Creditor cannot amend the First Judgment to create a valid
2 lien on the Property. Prior to Debtors' discharge, Creditor also
3 could not act to secure the personal liability of Debtors based on
4 the First Judgment because section 362(a)(5) prohibited Creditor
5 from performing "any act to create, perfect, or enforce against
6 property of the debtor any lien to the extent that such lien
7 secures a claim that arose before commencement of the case under
8 this title." § 362(a)(5). See also § 362(c)(2)(C). In addition,
9 section 362(a)(2) prohibited Creditor from "the enforcement,
10 against the debtor or against property of the estate, of a
11 judgment obtained before the commencement of the case under this
12 title." § 362(a)(2). Since the debt was unsecured at the time of
13 Debtors' discharge on July 19, 2004, it was discharged.

14 At this point, the discharge injunction prohibits Creditor
15 from amending the First Judgment. Amending the First Judgment to
16 create a valid lien would be equivalent to converting an action to
17 collect an unsecured personal liability into a secured judgment
18 lien, which is prohibited by section 524(a)(2). 11 U.S.C.
19 § 524(a)(2). Therefore, based on sections 362 and 524, Creditor
20 cannot amend the First Judgment now, nor can it file a valid
21 abstract of the First Judgment, because its last opportunity to
22 amend has expired. See generally, Lone Star Sec. & Video, Inc. v.
23 Gurrola (In re Gurrola), ___ B.R. ___, 2005 WL 1604625 (9th Cir.
24 BAP June 20, 2005) (no equitable exception to § 524; acts in
25 violation of that section are void).

26 Since Creditor's recording of its First Judgment did not
27 create a valid judgment lien and sections 362 and 524 bar any
28 amendment to add Debtors' social security numbers, the bankruptcy

1 court did not abuse its discretion in granting Debtors' motion for
2 a preliminary injunction.

3 **V. CONCLUSION**

4 The bankruptcy court has subject matter jurisdiction over
5 this matter. The state court's March Notice of Ruling was not a
6 final order and its September Sale Order granting Creditor's
7 Application for Sale of Dwelling is void since it violated the
8 automatic stay with respect to the interest it asserted in the
9 Property and it violated the discharge injunction with respect to
10 Debtors' personal liability for the First Judgment.

11 The plain meaning of CCP § 674 and relevant case law dictate
12 that in order to create a valid lien a creditor must include the
13 debtor's social security number or indicate that it is unknown
14 when recording a judgment or abstract of judgment. Since the
15 First Judgment did not meet this requirement, it failed to create
16 a valid judgment lien. As an unsecured debt, Creditor's claim
17 against Debtors was discharged.

18 The bankruptcy court did not err by declaring the First
19 Judgment lien void when it chose to enjoin Creditor from enforcing
20 its Second Judgment lien. Accordingly, we AFFIRM.⁹

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⁹ We do not express an opinion regarding the remaining
26 issues in this dispute, such as whether the injunction should
27 remain in place when the validity of the lien Creditor sought to
28 enforce has not been challenged; whether the Chapter 7 trustee may
realize the benefit of any equity in the Property now that the
First Judgment lien has been invalidated; whether Debtors can
claim that equity as exempt. The bankruptcy court can deal with
those matters as this proceeding continues before it.