

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
KYLE KEITH ROEMMICH) CASE NO. 06-11136
HEATHER ROXANNE ROEMMICH)
)
Debtors)

DECISION AND ORDER TO AMEND

At Fort Wayne, Indiana, on August 28, 2006.

The notices of motions and opportunity to object which Deutsche Bank National Trust Company (hereinafter "Movant") served in connection with its Motions for Relief from the Automatic Stay and Abandonment do not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notices do not correctly state the date upon which the motions were filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The motions were filed on August 3, 2006, while the notices refer to motions filed on August 2, 2006.
- b. The notices were issued and served before the motions were filed. Can the opportunity to object to particular relief begin to run before that relief is requested? Could a defendant's obligation to answer a complaint arise before suit is filed?

Since creditors and parties in interest have not been given appropriate notice of the motions and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve amended notices of the motions and opportunity to object which comply with N.D. Ind. L.B.R. B-2002-2 and file proof thereof within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motions being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court