

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
ROGER LEE HOFFMAN) CASE NO. 03-11699
)
Debtor)

DECISION AND ORDER TO AMEND

At Fort Wayne, Indiana, on September 13, 2006.

The notices of the motions and opportunity to object which debtor (hereinafter “Movant”) served in connection with his motions to avoid the judicial liens of Arrow Financial Services, LLC¹ and Monogram Credit Card Bank of Georgia do not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notices do not “contain a brief summary of the ground for the motion or have a copy of the motion attached to it.” N.D. Ind. L.B.R. B-2002-2(c)(4). Although the notices state that a copy of the motion is attached, there are no attachments to the notices filed with the court.
- b. The certificate of service accompanying each notice indicates that the notices, as well as the motions, were served in care of another entity or person. Thus, it is not readily apparent that the lienholder was served with a copy of the notice and opportunity to object thereto as required. In re Rae, 286 B.R. 675 (Bankr. N.D. Ind. 2002).

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 them 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.

¹This notice begins by stating that the debtor filed a motion to avoid the lien of Arrow Financial Services, but then states that the lien is held by Monogram Credit Card Bank of Georgia. Thus, the identity of the lienholder of the lien debtor seeks to avoid is not entirely clear.

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