

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
WILLIAM DONALD SHANK) CASE NO. 04-15516
ANNE MARIE SHANK)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on May 6, 2005

The notice of motion and opportunity to object which HomeComings Financial Network (hereinafter "Movant") served in connection with its motion to approve stipulation for adequate protection does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not adequately "state the relief sought" by the motion. N.D. Ind. L.B.R. B-2002-2(c)(3). The requirements of paragraph (c)(3) contemplate the relief sought will be described with a greater degree of specificity than that which comes from simply restating the name of the motion. See also, LBR-3(a), 3(b).

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file a proof thereto 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 motion being denied without prejudice and without further notice.

SO ORDERED.

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