

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN RE: CASE NO. 03-41024)
)
ROBERT J. WILLIAMS)
PATRICIA A. WILLIAMS)
Debtors)
)
)
EDWARD CHOSNEK, TRUSTEE)
)
Plaintiff)
)
vs.) PROC. NO. 04-4002
)
)
ROBERT J. WILLIAMS)
PATRICIA A. WILLIAMS)
Defendants)

DECISION AND ORDER
DENYING MOTION FOR DEFAULT JUDGMENT

At Fort Wayne, Indiana, on May 9, 2005

Pursuant to Bankruptcy Rule 7004(f), a summons must be served within ten (10) days of the date it was issued. If this is not done, service is defective. In re Cappuccilli, 193 B.R. 483, 486-87 (Bankr. N.D. Ill. 1996); In re Campbell, 105 B.R. 19 (9th Cir. B.A.P. 1989); In re Tuzzolino, 71 B.R. 231, 233 (Bankr. N.D. N.Y. 1986). Here, the summons was issued on March 10, 2004, but was not served on counsel for the debtors until December 7, 2004. By that time, the summons had expired. Plaintiff's motion for default judgment as to Defendant, Patricia A. Williams filed on May 4, 2005 is, therefore, DENIED.

SO ORDERED.

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