

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
MARIO V. MOSLEY,) CASE NO. 07-22396 JPK
) Chapter 13
Debtor.)

ORDER REGARDING DEFECTIVE SERVICE OF MOTION FOR SUBSTITUTION
OF COLLATERAL {"MOTION"}

The Motion, filed on November 1, 2007, was served upon HSBC Auto Finance at an address in Carol Stream, Illinois. On September 24, 2007, HSBC Auto Finance filed a Request for Notice Pursuant to Bankruptcy Rule 2002 and 9010, designating an address for purposes in this case, including notices and pleadings, in Arlington, Texas. Therefore, the Motion has not been properly served.

The Court additionally notes that even if the September 24, 2007 request had not been filed, the appropriate address for notice to the creditor is that stated in its filed proof of claim. If the debtor becomes aware of another address which may be effective for the creditor, then that address may be used in addition to the address designated in a proof of claim filed by that creditor.

Finally, the Court notes that a "drop dead" notice in the form provided by N.D. Ind.L.B.R. B-2002-2 was filed. The nature of the contested matter initiated by the Motion is not within the provisions of that rule, and thus the utilization of the "drop dead" procedure is inappropriate.

IT IS ORDERED that the Court will take no action with respect to the Motion until the record establishes proper service of it upon HSBC Auto Finance. Upon proper service being demonstrated of record, the Court will schedule the matter for a hearing.

Dated at Hammond, Indiana on November 13, 2007.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee