

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
MARCUS BLACKMON and) CASE NO. 05-64521 JPK
MAE BLACKMON,) Chapter 13
)
Debtors.)

NOTICE AND ORDER

This Chapter 7 Case, closed originally by order entered on November 16, 2005, was reopened by order entered on September 7, 2007 pursuant to the debtors' motion. That motion advised the Court that the purpose of its filing was because the debtors had inadvertently omitted an interest in real property from schedules filed in the case. The motion to reopen further stated that perhaps this interest should be administered in the case. A hearing was held on February 23, 2007 to determine the manner in which possible administration of this asset should take place, and an order was entered which stated that "debtors will file motion to close case if sale matter concluded without reappointment of trustee." Subsequently, when no motion to close case was forthcoming and no indication appeared on the record of administration of the asset, the Court scheduled a hearing by order entered on October 12, 2007. At this hearing, held on November 5, 2007, debtors' counsel advised the Court that no purchaser for the subject property had been found, and requested advise from the Court as to the manner in which this chapter 7 case should proceed with respect to the debtors' interests in the disclosed real estate. In the interim, Chapter 7 Trustee Calvin Hawkins resigned as trustee in the case, and no successor trustee has yet been appointed.

Having reviewed the record, it is very possible that the debtors' interests – essentially an undivided one-sixth interest with other siblings in a parcel of real estate of indeterminate value – is not worthy of administration by a successor chapter 7 trustee. That is the subject of this notice.

IT IS ORDERED AND NOTICE IS HEREBY GIVEN that absent an objection or request for hearing filed with the Court within 30 days of the date of entry of this order, the foregoing chapter 7 case will again be closed, and the debtors' interests in real property located at 6129 Noble Avenue, Hammond, Indiana will be deemed abandoned to the debtors and administered for the purposes of 11 U.S.C. § 350, pursuant to 11 U.S.C. § 554(c). Any objection or request for hearing filed with the Court must also be served upon debtors' counsel, Kevin M. Schmidt at 370 West 80th Place, Merrillville, Indiana 46410 and upon the United States Trustee at One Michiana Square, 5th Floor, 100 East Wayne Street, South Bend, Indiana 46601.

IT IS FURTHER ORDERED that in the event a timely objection or request for hearing is filed, the Court will schedule that matter for hearing by separate order.

Dated at Hammond, Indiana on November 13, 2007.

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

Distribution:
Debtors, Attorney for Debtors
Trustee Calvin Hawkins
US Trustee
All Creditors
All Parties-in-Interest