

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
JERRY MARLIN MINDER and) CASE NO. 02-60320 JPK
WANDA LOU MINDER,) Chapter 13
)
Debtors.)

ORDER REGARDING DEFECTIVE NOTICE

On October 12, 2007, counsel for the debtors filed an Application for Attorney Fees. The Court responded to this application with its order entered on October 22, 2007, which pointed out to counsel for the debtors that the procedural requirements of N.D.Ind.L.B.R. B-2002-2(a)(7) had not been followed with respect to the application. Subsequently, on December 12, 2007, counsel for the debtors filed a Notice of Debtors' Motion, in an apparent attempt to comply with the Court's order.

N.D.Ind.L.B.R. B-2002-2(c) states a required format for a notice to creditors regarding matters within the scope of Rule B-2002. This format requires utilization of LBF 3A or LBF 3B, or the equivalent of those notices which states the specifics outlined in Rule B-2002(c). Paramount among the requirements of the Rule is that the notice give creditors and parties-in-interest specific information concerning the request made by a motion or application, a requirement which can be accomplished either by attaching the motion/ application to the notice or by specifically and definitively describing the contents of the motion/ application in the notice itself. Very little in the notice filed on December 12, 2007 complies with Rule B-2002-2(c), including the following lacks of compliance: (1) the party seeking relief is not the debtor, it is the debtors' counsel; (2) the name of the motion is not specifically designated, and the date of filing is nowhere to be found; (3) there is no statement as to the relief requested of the Court; (4) there is no statement of summary of the grounds for the motion, and no copy of the motion is attached; (5) the date upon which responses are due is not stated – the recitation of a

number of days from the date of service is not a statement of a date for compliance with the objection deadline.

The Court finds that the notice filed on December 12, 2007 fails to satisfy the requirements of N.D.Ind.L.B.R. B-2002-2, and that the Application must be denied.

IT IS ORDERED that the Application is denied, without prejudice to presenting it to the Court in proper form.

Dated at Hammond, Indiana on January 14, 2008.

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

Distribution:
Debtors, Attorney for Debtors
Trustee, US Trustee