

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
SHIRLEY MCCRANEY, ) CASE NO. 07-23199 JPK  
 ) Chapter 13  
Debtor. )

ORDER REGARDING MOTION FOR ADEQUATE PROTECTION  
PAYMENTS TO SECURED CREDITORS ("MOTION")

The Motion, which requests authorization for the Chapter 13 Trustee to disburse adequate protection payments to three secured creditors, was filed on March 4, 2008. It was accompanied by the filing of a Notice and Opportunity to Object, and a Motion to Shorten Notice with respect to the notice of the motion to creditors and parties-in-interest in the case.

First, a motion for provision of adequate protection is not subject to the "drop dead" procedure of N.D.Ind.L.B.R. B-2002-2: sub-paragraph (a)(1) of that rule applies solely to "agreements . . . providing adequate protection". There is no agreement in this case; the motion requests that the Court allow the provision of adequate protection by payments by the Trustee. Thus the notice docketed as record entry #27 is a nullity, which of course moots the Motion to Shorten Notice with respect to that notice. The Court also notes that whether effected by a motion to approve an agreement and Rule 2002-2 notice, or by means of a motion for a hearing *sans* agreement, in order to obtain an order from the Court approving pre-confirmation disbursement of payments by the Trustee, all creditors and parties-in-interest must be notified of the requested action.

IT IS ORDERED that the Notice filed as record entry #27 on March 4, 2008 is ineffective for any purpose.

IT IS FURTHER ORDERED that the Motion to Shorten Notice filed as record entry #28 on March 4, 2008 is denied.

IT IS FURTHER ORDERED that a hearing will be held on **April 14, 2008, at 1:00 P.M.**

on the debtor's Motion filed as docket record entry #26 on March 4, 2008; the Clerk shall provide notice of the hearing to all creditors and parties-in-interest in the case.

Dated at Hammond, Indiana on March 18, 2008.

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

Distribution:  
Debtor, Attorney for Debtor  
Trustee, US Trustee