

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
EDGAR WOODFAULK,) CASE NO. 05-66739 JPK
) Chapter 7
Debtor.)

ORDER REGARDING DEFECTIVE MOTION

On July 30, 2008, the debtor, by counsel, filed a Motion to Release Funds From Court Registry. This motion does not comply with the requirements of N.D.Ind.L.B.R. B-3011-1(b), which requires the filing of an affidavit demonstrating the claimant's present entitlement to the funds, and, if the claimant is the entity for whose benefit the funds were originally deposited, the affidavit must contain a statement to the effect that the right to payment has not, in any way, been transferred or assigned to any other entity.

IT IS ORDERED that the debtor shall file an amended motion, to which is attached an affidavit in conformity with the foregoing rule, within 15 days of the date of entry of this order.

IT IS FURTHER ORDERED that if the required amended motion is not timely filed, the court will deny the motion without prejudice.

IT IS FURTHER ORDERED that in the event an amended motion is filed, it will not be necessary for any notice of the amended motion to be provided by the debtor, with the sole exception that a copy of the amended motion shall be served upon the Office of the United States Attorney, 5400 Federal Plaza, Suite 1500, Hammond, Indiana 46320, and a certificate of service evidencing that service shall be filed with the amended motion.

Dated at Hammond, Indiana on August 6, 2008.

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

Distribution:
Debtor, Attorney for Debtor, Trustee, US Trustee