

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
JEFFREY A. RICE) CASE NO. 08-12064
)
)
Debtor)

DECISION ON MOTION TO APPROVE STIPULATION

At Fort Wayne, Indiana, on August 14, 2008.

GMAC and the debtor have filed a motion to approve a joint stipulation for relief from the automatic stay together with notice of the motion and the opportunity to object thereto. The motion asks the court to approve a joint stipulation terminating the automatic stay and § 1301 co-debtor stay as it pertains to a 2007 Hummer H3 SUV. To the extent the parties want relief from the automatic stay as to the debtor, the court has no problem with the request. Yet, the motion does not simply seek relief from the automatic stay as to the debtor, it seeks relief as to a co-debtor as well. But, nowhere in the motion is the identity of the co-debtor revealed. Without being told who the co-debtor is, the court cannot determine if the co-debtor has been properly served with the motion and the notice. See, Fed. R. Bankr. P. Rule 9013, N.D. Ind. L.B.R. B-9013-2(b). As a result, while the court will grant relief as to the debtor, as to the co-debtor, the motion should be denied. An appropriate order will be entered.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court