

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
JAMES EDWARD LUEDTKE ) CASE NO. 08-21611 JPK  
 ) Chapter 13  
Debtor. )

ORDER REGARDING OBJECTION TO DEBTOR'S EXEMPTIONS ("OBJECTION")

\_\_\_\_\_ The Objection was filed on August 14, 2008. In part, it is a straight forward objection to the debtor's claim of exemptions stated in the debtor's Schedule C. However, the request for relief in the Objection takes it well beyond a straight forward exemption objection. The request for relief includes the prayer "that the Court require that all of the Debtor's property wherever located, to be inventoried and appraised, and for all other relief just and proper in the premises."

The court notes that the counsel for Falk PLI Engineering & Surveying, Inc.– on whose behalf the Objection was filed– practices primarily in the Southern District of Indiana. Perhaps scattershot motion practice is accommodated in the United States Bankruptcy Court in that district– it is not accommodated here.

The objection to the debtor's exemptions clearly initiates a contested matter pursuant to Fed.R.Bankr.P. 9014. However, there is no provision in the Bankruptcy Code with respect to the additional request that the court require the debtor's property to be inventoried and appraised. This request asks the court to enter an order which the court deems to be a form of equitable remedy– akin to an affirmative injunction requiring the debtor to undertake certain action– subject to Fed.R.Bankr.P. 7001(7), a request which must be initiated by means of an adversary proceeding. In view of this construction, the Objection violates N.D.Ind.L.B.R. B-9013-1(a), which requires the filing of separate applications in relation to relief requested from the court. The requested relief of requiring an inventory and appraisal is not in any manner a

matter which can be initiated by a motion. If the court were to simply deny that portion of the motion, because the entire matter was presented to the court in one document, the court's denial would not constitute a final judgment with respect to the Objection, a circumstance which N.D.Ind.L.B.R. B-9013-1(a) is expressly designed to avoid. As a result, due to violation of the foregoing rule, the court will deny the Objection in whole.

IT IS ORDERED that the Objection is DENIED; provided, however, that an objection to the debtor's claim of exemptions filed within 10 days of the date of entry of this order shall be deemed to relate back to the date of the filing of the objection for the purposes of any deadline for objection, and that the denial of the request for an order requiring inventory and appraisal is without prejudice to the filing of an adversary proceeding seeking the same or similar relief.<sup>1</sup>

Dated at Hammond, Indiana on August 28, 2008.

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

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

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<sup>1</sup>The creditor's attorney's law firm appears to be becoming more active in the United States Bankruptcy Court for the Northern District of Indiana, Hammond Division. It is suggested to counsel that he/she become fully conversant with the rules of the United States Bankruptcy Court for the Northern District of Indiana in order to avoid unnecessary delay and annoyance.