

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
JOHN ROBERT EDWARDS and ) CASE NO. 07-22159-jpk  
MARYANN EDWARDS, ) Chapter 7  
 )  
Debtors. )

ORDER FOR HEARING ON MOTION FOR PERMANENT  
IN REM RELIEF FROM STAY AND ABANDONMENT ("MOTION")

The Motion was filed by JPMorgan Chase Bank, as Trustee, on June 6, 2008. The Motion seeks a form of relief beyond the scope of 11 U.S.C. § 362(d), and perhaps this action more properly should have been initiated as an adversary proceeding pursuant to Fed.R.Bankr.P. 7001(7). The Clerk issued an Order on June 12, 2008, requiring the movant to utilize the form of notice provided for by N.D.Ind.L.B.R. B-2002-2 with respect to the motion, a procedure arguably not appropriate in view of the non-routine nature of the relief sought. The form of notice, filed as record entry no. 69 on July 15, 2008, unfortunately does not comply with N.D.Ind.L.B.R. B-2002(c), in that the extraordinary form of relief is not specified in the notice. Additionally, the notice directs the filing of objections/requests for hearing with the Clerk of the United States Bankruptcy Court in South Bend, rather than the correct address of the Hammond Division. Given the deficiency of the notice, we are essentially back to where we should have been from the start: the Court's scheduling a hearing on the Motion.

IT IS ORDERED that a hearing will be held on **September 5, 2008, at 10:00 A.M.**, with respect to the motion. At that hearing, counsel for the movant shall be prepared to address the breadth of the tendered form of order, which would seem to apply to any person obtaining title from the debtors, even in the event of a voluntary sale approved by the mortgagee.

Dated at Hammond, Indiana on August 27, 2008.

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

Distribution:  
Debtor, Attorney for Debtor, Trustee, US Trustee  
Creditor – JPMorgan Chase Bank, as Trustee