

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
BEATRICE EILEEN EDMONDS, ) CASE NO. 08-20038 JPK  
 ) Chapter 7  
Debtor. )

ORDER REGARDING OBJECTION TO DEBTOR'S  
MOTION TO REDEEM ["OBJECTION"]

On July 29, 2008, the debtor, by counsel, filed a Motion for Redemption with respect to a vehicle in which Capital One Auto Finance has a security interest. Notice of the motion was properly provided pursuant to N.D.Ind.L.B.R. B-2002-2(a)(6), and the motion itself was served upon the creditor in conformity with Fed.R.Bankr.P. 7004(b)(3) – in fact, the motion was served by certified mail, and a copy of the return receipt was filed by counsel for the debtor in order to establish service of process. The objection deadline stated in the notice was August 21, 2008 or 21 days from the date of the notice (the notice is dated July 29, 2008). Given the ambiguity in the notice, the objection deadline is taken by the court to be August 21, 2008. The motion and its accompanying notice were forwarded to chambers for review, and the court signed and dated an order approving the motion on August 26, 2008. However, before this order was docketed of record, it was brought to the attention of chambers by a case administrator that the Objection had been filed on August 27, 2008. Thus, prior to the actual entry of the order approving the motion, the Objection was brought to the court's attention.

It should also be noted that Attorney Robert McIntosh had entered his appearance on behalf of Capital One Auto Finance on March 14, 2008, and that he was not directly served by the debtor's counsel with either the motion or the with the notice concerning redemption. However, it also bears comment that because he had entered his appearance, Attorney McIntosh electronically received a copy of both of those documents upon their filing with the court. There is also no requirement for service of a motion initiating a contested matter on an

attorney for a party – service of process is measured by Fed.R.Bankr.P. 7004(b)'s requirements.

Under the foregoing circumstances, the Objection was late-filed, and even though it was brought to the court's attention prior to the entry of the order on the motion, the untimeliness of the Objection must count. The Objection is therefore untimely and does not provide a basis for further review of the motion.

IT IS ORDERED that the Objection is denied; an order granting the motion will be entered separately.

Dated at Hammond, Indiana on September 12, 2008.

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

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