

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
RALPH DAVID ROWE) CASE NO. 05-11073
TERESA IRENE ROWE)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on May 23, 2005.

The notice of motion and opportunity to object which Washington Mutual (hereinafter “Movant”) served in connection with its Motion to Modify the Automatic Stay and to Abandon Property of the Estate does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not “contain a brief summary of the ground for the motion or have a copy of the motion attached to it.” N.D. Ind. L.B.R. B-2002-2(c)(4). The notice does not tell interested parties where they might obtain a copy of the motion.
- b. The notice does not state the name of the motion which was filed. N.D. Ind. L.B.R. B-2002-2(c)(2).

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file a proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

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