

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:)
)
CHARLES FREDERICH ANGSTADT) CASE NO. 05-41073
JACQUELINE CHRISTIE ANGSTADT)
)
Debtors)

**DECISION AND ORDER DENYING
MOTION FOR POST-CONFIRMATION MODIFICATION**

At Fort Wayne, Indiana, on October 10, 2008.

The matter is before the court on a motion for post-confirmation modification filed by the debtors on September 9, 2008. The motion is deficient and, as a result, is being denied without prejudice.

The motion alleges only that one of the debtors recently had open heart surgery and will be off from work for a few months. While that may explain why the debtors might want to modify their confirmed plan, it says nothing about how they intend to do so. A proper motion must allege particular facts that are sufficient to warrant the relief sought. A motion for post-confirmation modification should explain what is being done and why, the changes to be made to the confirmed plan, whether and how those changes affect creditors, and ask the court to approve the modification. See, In re Minton, 2006 WL 533352 at *2 (Bankr. N.D. Ind. 2006) (the motion “must allege specific facts that, if true, would lead the court and others to the conclusion that granting the relief sought is the proper thing to do.”). Only if this type of information is forthcoming will creditors and the court be in a position to make some sort of determination concerning the propriety of the proposed modification, whether it should be objected to, or, absent objection, approved. While the notice of the motion that was served upon creditors may have provided some of this information, it was not

included in the motion itself, and the facts justifying the relief sought must be set out in the motion. A movant cannot supplement those facts by putting required information somewhere else, such as in a brief or a notice to creditors. See, Matter of Hansen, Case No. 08-10974, Decision and Order dated June 10, 2008.

The motion for post-confirmation modification is and therefore DENIED, without prejudice.

SO ORDERED.

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