

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
)  
PATRICIA MC GHEE, ) CASE NO. 07-22248 JPK  
) Chapter 13  
Debtor. )

ORDER REGARDING MOTION FOR SUBSTITUTION OF COLLATERAL  
OR AUTHORITY TO USE CASH COLLATERAL ("MOTION")

The Motion to which this order relates is that filed on December 16, 2008.

The court first notes that despite the admonition in its order entered on December 11, 2008, this Motion was accompanied by a form of "drop dead" notice. This notice is ineffective for any purpose.

By order entered on January 9, 2009, the court denied an apparently identical motion filed on November 4, 2008. As set out in that order, service of the motion must be effected pursuant to Fed.R.Bankr.P. 7004(b)(3), which has not been accomplished here. Additionally, as set out in the January 9, 2009 order, the Motion itself must be accompanied by a certificate of service evidencing proper service upon necessary parties, which again was not accomplished here. While the notice filed on December 16 states that a copy of the motion accompanied it, that notice was not served properly upon any party, and moreover, because the notice is totally ineffective, any attempt at service of the motion by means of attaching it to the notice is ineffective as well.

IT IS ORDERED that the Notice filed on December 16, 2008 is ineffective for any purpose.

IT IS FURTHER ORDERED that the court will take no action with respect to the Motion filed on December 16, 2008 until a certificate of service, evidencing service of that document upon Triad Financial Corporation and upon Hartford Insurance in the manner required by Fed.R.Bankr.P. 7004(b)(3), has been filed.

Dated at Hammond, Indiana on January 15, 2009.

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

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