

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
SIMON JAMES TRUEBLOOD,) CASE NO. 05-69141 JPK
) Chapter 7
Debtor.)

ORDER ON APPLICATION BY TRUSTEE FOR
ALLOWANCE OF § 506(c) FEES AND EXPENSES
ON BEHALF OF THE TRUSTEE AND ATTORNEY FOR
THE TRUSTEE TO BE PAID FROM THE PROCEEDS OF
THE LIQUIDATION FUNDS ("APPLICATION")

The Application was filed on February 18, 2009. The record establishes that by orders entered on January 16, 2009, the Trustee was awarded Trustee's compensation of \$11,156.14 and expenses of \$255.26; and by separate order, compensation for the attorney for the Trustee in the amount of \$3,015.00 and expenses of \$123.12. These orders were general orders authorizing allowance of fees. The Application is more targeted, in that the court construes it to seek to assert a claim under 11 U.S.C. § 506(c) with respect to the allowances awarded by the January 16, 2009 orders in relation to creditors who have filed secured creditors in this case.

A motion pursuant to 11 U.S.C. § 506(c) initiates a contested matter under Fed.R.Bankr.P. 9014; Fed.R.Bankr.P. 9014(b) requires service of the motion to be made in the manner required by Fed.R.Bankr.P. 7004. The certificate of service with respect to the Application establishes that service upon the secured creditors sought to be affected by the Application has not been made in accordance with the requirements of Fed.R.Bankr.P. 7004.

IT IS ORDERED that the court will take no action with respect to the Application until the record evidences proper service of the Application upon the secured creditors sought to be affected by it.

IT IS FURTHER ORDERED that if the certificate of service designated in the immediately preceding paragraph is not filed within 21 days of the date of entry of this order,

the Application will be denied.

IT IS FURTHER ORDERED that in the event an appropriate certificate of service is filed within the preceding time limitation, the court will schedule the Application for a hearing with notice to all affected secured creditors.

Dated at Hammond, Indiana on March 12, 2009.

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

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee