

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

IN THE MATTER OF:)
)
MICHAEL RAY PEO) CASE NO. 07-40728
PATRICIA LYNN PEO)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on April 14, 2009.

On March 31, 2009, the court issued an order to show cause why the debtors' motion for post-confirmation modification should not be dismissed due to the failure to prosecute it. The debtors filed a timely response to the order to show cause which, in essence, states that the debtors thought they had done everything they needed to do to comply with the applicable rules of procedure and apparently do not entirely understand why they received the order to show cause. The order was issued because the debtors had not yet given creditors any notice of the motion as required by the local rules of this court. N.D. Ind. L.B.R. B-2002-2. In order to avoid having the motion for post-confirmation modification dismissed or denied for failure to prosecute, notice of the motion needs to be given to creditors and parties in interest advising them of the opportunity to object. Debtors shall have twenty-one (21) days within which to prepare and serve notice of the motion and opportunity to object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereof. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so may result in the motion being denied without prejudice and without further notice.

SO ORDERED.

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