

NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
FORT WAYNE TELSAT, INC.) CASE NO. 05-12177
)
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on June 23, 2009.

The Motion to Value Creditors' Interest in Property to be Abandoned, filed by JAS Partners, Ltd., is DENIED, because it fails to state the relief sought or the reasons for it with particularity. See, Fed. R. Bankr. P. Rule 9013; In re Minton, 2006 WL 533352 *2, 2006 Bankr. LEXIS 4269 (Bankr. N.D. Ind. 2006). In the context of the present motion, that requires the movant to take a position as to the value of the interest in property it wants the court to put a number to. We have explained this to them before. Boyer v. Simon, 2009 Bankr. LEXIS 283 *8-9 (Bankr. N.D. Ind. 2009) ("In this instance, that would have required the motion to put some kind of value upon Shoaff and Millett's liens and to allege facts substantiating that value."). Furthermore, the motion is unnecessary. The issue of the value of the estate's interest in property can properly be raised in through a motion for relief from stay, 11 U.S.C. § 362(d)(2), or a motion for abandonment, 11 U.S.C. § 554, without the need for a separate motion to value. In those proceedings, the movant has the burden of proving value, unlike the present motion which apparently asks for a determination of the value of someone else's interest in property and, given that the movant has not taken a position as to value, in which it apparently expects someone else to take up that burden.

SO ORDERED.

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