

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
STEVEN RAY BEISWANGER and)
JULIE ALEISA BEISWANGER,) CASE NO. 09-20728 JPK
) Chapter 13
Debtor.)

ORDER REGARDING DEFECTIVE NOTICE OF MOTION FOR
UNPAID ATTORNEY FEES ["MOTION"]

The Motion was filed on September 14, 2009. On that same date, as docket record entry No. 42, counsel for the debtors filed a form of notice and certificate of service regarding the notice. On October 9, 2009 an order was entered which required the filing of a complete certificate of service. Actually, the original certificate of service with respect to the notice and with respect to the Motion itself was a complete certificate of service. The actual problem was that the notice was required to be given to the Trustee and all creditors pursuant to Fed.R.Bankr.P. 2002(a)(4). In apparent response to the October 9, 2009 order, a Certificate of Service was filed on October 9, 2009, which states that "a copy of the application for compensation and notice of motion and opportunity to object" was served on October 9, 2009 upon various entities. Putting aside the fact that the Certificate of Service does not delineate which application and which notice was so served, even if one were to assume that the certificate relates to the application and notice filed on September 14, 2009, that notice was dated September 14, 2009 and required responses by October 5, 2009. Thus, serving that notice on October 9, 2009 does not conform notice to the requirements of Fed.R.Bankr.P. 2002(a)(6).

IT IS ORDERED that any notice provided to anyone thus far in this case with respect to the Motion is ineffective.

IT IS FURTHER ORDERED that the court will take no action with respect to the Motion

until it has been properly noticed pursuant to the provisions of N.D.Ind.L.B.R. B-2002-2(a)(7) and Fed.R.Bankr.P. 2002(a)(6).

IT IS FURTHER ORDERED that if documentation establishing proper notice of the Motion has not been filed within 14 days of the date of entry of this order, the Motion will be denied without prejudice.

Dated at Hammond, Indiana on October 29, 2009.

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

Distribution:
Debtors, Attorney for Debtors
Trustee, US Trustee