

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
SUNSHINE INVESTMENTS LLC) CASE NO. 04-15515
)
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on June 3, 2005

This case was originally filed under chapter 11 of the United States Bankruptcy Code. On May 4, 2005, The Shoppes filed a motion for allowance of administrative expense and, served a notice of the motion upon all creditors, advising them that they had until May 24, 2005 within which time to object. Soon thereafter the debtor voluntarily converted this case to chapter 7 and, on May 16, 2005, Mark Warsco was designated as the interim trustee.

Although the deadline for objecting to The Shoppes' motion has passed without objection, it appears to the court that the trustee has not been served with either the motion or the notice of the opportunity to object to it. The court also feels that since the trustee is the one now charged with administering the assets of the bankruptcy estate, he should be given some kind of opportunity to respond to the motion before the court enters an order authorizing the administrative expense. Therefore the court will take no further action with regard to the application for administrative expenses filed on behalf of The Shoppes on May 4, 2005, until movant serves a copy of that motion, together with a new notice of the opportunity to object thereto upon the case trustee. The failure to do so and file proof thereof within twenty-one (21) days of this date will result in the motion being denied, without prejudice, without further notice or hearing.

SO ORDERED.

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