

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)

WILLIAM DONALD SHANK)
ANNE MARIE SHANK)

Debtors)

CASE NO. 04-15516

DECISION AND ORDER

At Fort Wayne, Indiana, on June 10, 2005.

The notice of motion and opportunity to object which HomeComings Financial Network (hereinafter "Movant") served in connection with its agreed entry for relief from stay and to abandon real estate filed on April 25, 2005, does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not correctly state the date upon which the agreed entry was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The agreed entry motion was filed on April 25, 2005, while the notice refers to an agreed entry filed on May 12, 2005
- b. The stated deadline for filing objections, May 11, 2005, is prior to the date the notice was served and creditors are entitled to at least fifteen (15) days notice of the opportunity to file objections. N.D. Ind. L.B.R. B-2002-2(b)(1).

Since this is the second time that creditors and parties in interest have not been given appropriate notice and the opportunity to object thereto, the agreed entry will not be approved until such time as a motion to approve it is filed and properly noticed to all creditors.

SO ORDERED.

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