

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
PHILLIP H. KELLEY) CASE NO. 05-10620
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on June 14, 2005.

The notice of motion and opportunity to object which Mortgage Electronic Registrations Systems, Inc. (hereinafter “Movant”) served in connection with its Motion for Approval of Joint Stipulation for Relief from Automatic Stay and Abandonment of Real Estate as to the property located as 822 1st Street, Huntington, Indiana 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 motion was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The motion was filed on March 30, 2005, while the notice refers to a motion filed on March 24, 2005.
- b. The notice does not “contain a brief summary of the ground for the motion or have a copy of the motion attached to it.” N.D. Ind. L.B.R. B-2002-2(c)(4) (emphasis added).

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

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