

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
Jennifer Renee Williams,) CASE NO. 08-20577-jpk
) Chapter 13
Debtor.)

ORDER DENYING MOTION FOR RELIEF FROM STAY AND ABANDONMENT, WITH
OPPORTUNITY TO AMEND

On August 25, 2011, Heritage Acceptance Corporation, by counsel, filed a Motion for Relief From Stay and Abandonment (record #128), together with a form of notice in the manner provided for by N.D.Ind.L.B.R. B-2002-2 (record #129).

First, the utilization of the “drop dead” procedure of N.D.Ind.L.B.R. B-2002-2 is not authorized by any statute or rule in a Chapter 13 case in the Hammond Division of the United States Bankruptcy Court for the Northern District of Indiana. The record #129 notice is void for all purposes.

More importantly, the motion itself fails nearly completely to comply with the requirements of N.D.Ind.L.B.R. B-4001-1(c), and it therefore fails to state the claim cognizable under 11 U.S.C. § 362(d)(1) or (2).

IT IS ORDERED as follows:

1. The record #129 notice is Void for all purposes.
2. The record #128 motion is Denied; provided, however, the movant is provided with an opportunity to file an amended motion in conformity with applicable law and rules, including N.D.Ind.L.B.R. B-4001-1(c): the filing of an amended motion will obviate the creditor’s payment of a new filing fee.
3. If the amended motion is not filed in proper form within 14 days of the date of entry of this order, the record #129 motion will be denied.

Dated at Hammond, Indiana on September 23, 2011.

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

Distribution:

Debtor, Attorney for Debtor

Trustee, US Trustee

Attorney for creditor, Kevin W. Vanderground, 91210 Connecticut, Suite B, Merrillville IN 46410