

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN RE: CASE NO. 04-12331)
)
TIMOTHY L. MARNER)
JENNIFER MARNER)
)
Debtors)
)
)
MARTIN E. SEIFERT, TRUSTEE)
)
Plaintiff)
)
vs.) PROC. NO. 05-1045
)
)
TIMOTHY L. MARNER)
JENNIFER MARNER)
)
Defendants)

DECISION AND ORDER

At Fort Wayne, Indiana on June 21, 2005

As to the defendant, Timothy Marner; plaintiff's motion for default judgment is GRANTED.

As to the defendant, Jennifer Marner, the motion is DENIED due to the failure to serve the summons within the time required by Rule 7004(f) of the Federal Rules of Bankruptcy Procedure. The summons was issued on March 1, 2005. On March 24, 2005, the plaintiff filed a certificate of service indicating the summons and the complaint were served upon her by first class mail on March 24, 2005.

The entry of final judgment in this adversary proceeding will be deferred until it has been resolved as to the defendant, Jennifer Marner.

SO ORDERED.

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