

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
CHERYL LYNN JACKSON,) CASE NO. 12-20392 JPK
) Chapter 13
Debtor.)

ORDER CONCERNING "ACCEPTANCE OF
EXECUTORY CONTRACT" ["ACCEPTANCE"]

The Acceptance was filed by the debtor, by counsel, as record #23 on March 12, 2012. Fed.R.Bankr.P. 6006(a) provides that a "proceeding to assume . . . an executory contract or unexpired lease, other than as part of a plan, is governed by Rule 9014". Fed.R.Bankr.P. 6006(c) provides that notice of a motion subject to sub-paragraph (a) of that rule is to be given to the other party to the contract or lease. The Acceptance does not evidence compliance with this notice requirement. Additionally, N.D.Ind.L.B.R. B-2002-2(a)(11) may not appear to provide for the circumstances of a Chapter 13 case, in that it requires notice pursuant to that rule with respect to motions "filed by a trustee or debtor-in-possession to assume . . . executory contracts and unexpired leases". However, with respect to the property subject to the executory contract, by operation of 11 U.S.C. § 1306(b), the Chapter 13 debtor Cheryl Lynn Jackson is a debtor-in-possession with respect to the property subject to the executory contract, and thus the provisions of this rule apply.

In order to effectively present this matter to the court, the Acceptance must be stated in terms of a "motion" subject to Fed.R.Bankr.P. 9014, and the motion must then be served upon the party to the executory contract.¹ Additionally, the notice required by N.D.Ind.L.B.R. B-2002-2(a)(11) must be utilized.

IT IS ORDERED that any relief requested by the Acceptance is denied, without

¹ The court also notes that the Acceptance does not designate the Account No. for which provision is made in the Acceptance.

prejudice to seeking the same or similar relief in accordance with the provisions of the applicable law.

Dated at Hammond, Indiana on March 27, 2012.

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

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee