

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
LEE MELBOURNE JENKINS ) CASE NO. 05-12485  
 )  
Debtor )

**DECISION AND ORDER**

At Fort Wayne, Indiana, on July 8, 2005

The notice of motion and opportunity to object which Community First Bank & Trust (hereinafter "Movant") served in connection with its Motion for Relief from Stay & Abandonment of Personal Property 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 June 7, 2005, while the notice refers to a motion filed on June 3, 2005.
- b. There is no certificate of service accompanying the notice indicating to whom it may have been sent. N.D. Ind. L.B.R. B-2002-2; N.D. Ind. L.B.R. B-9013-4.

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