

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
LESTER ALLEN TUCKER) CASE NO. 05-12187
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on August 1, 2005.

The notice of motion and opportunity to object which CitiFinancial Mortgage Company (hereinafter "Movant") served in connection with its Motion for Relief from Automatic Stay and for Abandonment of Real Estate 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 24, 2005, while the notice refers to a motion filed on June 23, 2005. The notice also refers to a joint stipulation, but no such stipulation has been filed with the court.

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