

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
WILLIAM DONALD SHANK) CASE NO. 04-15516
ANNE MARIE SHANK)
)
Debtors)

DECISION AND ORDER

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

The notice of motion and opportunity to object which CitiMortgage, Inc. (hereinafter “Movant”) served in connection with its Motion for Relief from the Automatic Stay and Abandonment does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The stated deadline for filing objections, July 19, 2005, is the same as the date of the notice and creditors are entitled to at least fifteen (15) days notice of the opportunity to file objections. N.D. Ind. L.B.R. B-2002-2(b)(1).

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