

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
RONALD R. JOHNSON) CASE NO. 04-41637
ANN M. JOHNSON)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on August 11, 2005.

The notice of motion and opportunity to object which debtors (hereinafter “Movant”) served in connection with their immaterial modification does not comply with the requirements of N.D. Ind.

L.B.R. B-2002-2 because:

- a. The notice does not “contain a brief summary of the ground for the immaterial modification or have a copy of the immaterial modification attached to it.” N.D. Ind. L.B.R. B-2002-2(c)(4). Although the notice states that a copy of the immaterial modification is attached to it, there is no attachment to the notice filed with the court.
- b. The notice is not accompanied by a copy of the court’s order authorizing notice to creditors and establishing deadlines for filing objections. N.D. Ind. L.B.R. B-2002-2(e).

Since creditors and parties in interest have not been given appropriate notice of the immaterial modification and the opportunity to object thereto, the court cannot confirm the chapter 13 plan at this time. Movant shall prepare and serve an Amended Notice of the immaterial modification 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 confirmation of the chapter 13 plan being denied without prejudice and without further notice.

SO ORDERED.

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