

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
DAVID M. MARTIN ) CASE NO. 05-13213  
JANE H. MARTIN )  
 )  
Debtors )

**DECISION AND ORDER**

At Fort Wayne, Indiana, on August 18, 2005.

On July 25, 2005, Bank One, N.A. filed a Motion for Relief from Stay and Abandonment. The certificate of service filed with the notice of that motion indicates that only the debtor, debtor's counsel, trustee and U.S. Trustee were served with notice of the motion and opportunity to object thereto. All creditors and parties in interest are entitled to notice of the abandonment of property from the bankruptcy estate. See, Fed. R. Bankr. P. Rule 6007.

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 and file a 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