

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF: )  
 )  
DAVID J. HILLYER ) CASE NO. 05-40845  
 )  
Debtor )

**DECISION AND ORDER**

At Fort Wayne, Indiana, on August 30, 2005.

The notice of motion and opportunity to object which American Home Mortgage (hereinafter “Movant”) served in connection with its Motion to Abandon Real Estate and for Relief from Stay does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The stated deadline for filing objections, August 6, 2005, is only five (5) days after 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