

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
EDWARD LANGEL and) CASE NO. 04-63433 JPK
JOYCE LANGEL,) Chapter 7
)
Debtors.)

ORDER FOR HEARING

On December 16, 2004, the debtors, by counsel, filed a Motion to Avoid Judicial Lien with respect to Monogram Credit Card. This motion was the subject of a hearing held on April 4, 2005, as a result of which the motion was denied without prejudice to re-file. On May 22, 2005, another Motion to Avoid Judicial Lien was filed with respect to Monogram Credit Card. This motion was denied by the Court's order of July 5, 2005, due to insufficiency of service of process of the motion upon the creditor. On July 10, 2005, yet another Motion to Avoid Judicial Lien was filed with respect to Monogram Credit Card. The certificate of service with respect to this motion and with respect to the notice of the motion provided pursuant to N.D.Ind.L.B.R. B-2002-2 evidences the same service defect as did the second motion and the first motion, i.e., they were not served in compliance with Fed.R.Bankr.P. 7004(b)(3)/T.R. 4.6(A)(1)/(2). The address utilized for service has yet to contain the designation "**to the attention of [an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process]**".

Ordinarily in this Court, three times is the straw that breaks the camel's back, and a motion of this nature is denied with prejudice. However, adopting that procedure here would punish the debtors for the nearly incomprehensible inability of their counsel to serve process in accordance with rules which have been clearly delineated and explained in orders of the Court directed to that counsel.

IT IS ORDERED that any further action on the Motion to Avoid Judicial Lien filed on July 10, 2005 is suspended pending further order of the Court.

IT IS FURTHER ORDERED that a hearing will be held on **October 7, 2005, at 11:00 A.M.** at which debtors' counsel shall appear before the Court for an educational session on how to comply with rules and Court orders which concern the manner in which service of process is effected on creditors of the nature of that involved here.

Dated at Hammond, Indiana on September 2, 2005.

/s/ J. Philip Klingeberger
J. Philip Klingeberger
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors
Trustee, US Trustee