

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
CHARLES BERLIN WATRUS) CASE NO. 05-12937
ROSIE DELL WATRUS)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on September 19, 2005.

The notice of motion and opportunity to object which Mortgage Electronic Registration Systems 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 notice does not adequately "state the relief sought" by the motion. N.D. Ind. L.B.R. B-2002-2(c)(3). The notice does not identify the property upon which relief is sought.
- b. The certificate of service filed with the notice of that motion indicates that only the debtors, debtors' 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 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