

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
LARRY DEE LeWALLEN, JR.) CASE NO. 05-13537
TESSA M. LeWALLEN)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on October 6, 2005.

The notice of motion and opportunity to object which GMAC Mortgage (hereinafter “Movant”) served in connection with its motion for relief from stay and abandonment does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The certificate of service filed with the notice of that motion indicates that only parties 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

