

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
ALTON MERCER, JR. and ) CASE NO. 03-64880 JPK  
SHIRLEY PASTINA MERCER, ) Chapter 13  
 )  
Debtors. )

ORDER REGARDING NOTICE OF MOTION  
CONCERNING POST-CONFIRMATION AMENDMENT OF PLAN

On August 25, 2005, the debtors, by counsel, filed an Amended Chapter 13 Plan. On August 30, 2005, the debtors, by counsel, filed a copy of the Notice of Motion and Opportunity to Object served upon creditors and parties-in-interest in this case. The first paragraph of that Notice states: "A copy of the amended plan was sent to you under separate cover."

The Court finds that this form of notice does not comply with the provisions of N.D.Ind.L.B.R. B-2002-2(a)(12) and (c). This latter provision provides that either LBF-3a or LBF-3b "or another form of notice substantially similar thereto shall be used to give creditors and parties in interest notice of the motion and the opportunity to object thereto". That rule further provides that the notice must both "briefly and specifically state what you are asking the Court to do", and "contain a brief summary of the ground for the motion or having a copy of the motion attached to it". The form of Notice utilized by debtors' counsel does neither – a statement that the motion has been separately provided by a separate mailing does not evidence notice to all creditors and parties-in-interest of the motion as N.D.Ind.L.B.R. B-2002-2 is intended to accomplish.

IT IS ORDERED that the Court will take no action on the debtors' proposed Amended Chapter 13 Plan until the record demonstrates compliance with the provisions of N.D.Ind.L.B.R. B-2002-2(a)(12) and (c).

Dated at Hammond, Indiana on October 13, 2005.

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

Distribution:  
Debtors, Attorney for Debtors, Trustee, US Trustee