

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

IN THE MATTER OF:)
)
GERALD FRANKLIN COOK) CASE NO. 05-41120
)
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on **November 17, 2005.**

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

- a. The notice does not state the date upon which the motion was filed. N.D. Ind. L.B.R. B-2002-2(c)(2).
- b. The stated deadline for filing objections, October 24, 2005, is only 17 days after the date of the notice and creditors are entitled to at least twenty (20) days notice of the opportunity to file objections. N.D. Ind. L.B.R. B-2002-2(b)(1).
- c. The notice is not “dated as of the date it was served.” N.D. Ind. L.B.R. B-2002-2(c)(7).

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

