

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 November 21, 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 notice does not correctly state the date upon which the motion was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The motion was filed on August 24, 2005, while the notice refers to a motion filed on October 7, 2005.

Since this is the second time that creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the motion is DENIED, without prejudice to resubmission.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court