

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
KEITH A. McMILLAN) CASE NO. 02-11111
HEATHER D. McMILLAN)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on December 13, 2005

The notice of motion and opportunity to object which counsel for debtors (hereinafter “Movant”) served in connection with his application for compensation 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 application was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The motion was filed on November 10, 2005, while the notice refers to a motion filed on May 20, 2005.

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