

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:

CHARLES ALLEN BROWN
LAHAPA NOELANI BROWN

Debtors

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CASE NO. 04-12827

DECISION AND ORDER

At Fort Wayne, Indiana, on December 20, 2005.

The notice of motion and opportunity to object which debtors (hereinafter "Movant") served in connection with their motion to modify confirmed chapter 13 plan does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not "contain a brief summary of the ground for the motion or have a copy of the motion attached to it." N.D. Ind. L.B.R. B-2002-2(c)(4).
- b. The notice does not adequately "state the relief sought" by the motion. N.D. Ind. L.B.R. B-2002-2(c)(3).
- c. The stated deadline for filing objections, January 12, 2005, does not allow creditors at least twenty (20) days notice of the opportunity to file objections. N.D. Ind. L.B.R. B-2002-2(b)(1).
- d. There is no certificate of service accompanying the notice indicating to whom it may have been sent. N.D. Ind. L.B.R. B-2002-2; N.D. Ind. L.B.R. B-9013-4.
- e. 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