

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:

SHAWN P. GHERITY
DEBORA J. GHERITY

Debtors

)
)
)
)
)
)

CASE NO. 05-15876

DECISION AND ORDER

At Fort Wayne, Indiana, on December 29, 2005.

The notice of motion and opportunity to object which debtors (hereinafter "Movant") served in connection with their Motion to Avoid Lien 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). Although the notice states that a copy of the motion is attached to it, there is no attachment to the notice filed with the court.
- b. The certificate of service accompanying the notice indicates that the notice was served only on the creditor whose lien is sought to be avoided. The trustee and U.S. Trustee are also entitled to service of the notice and opportunity to object. N.D. Ind. L.B.R. B-9013-2(c).

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