

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

IN THE MATTER OF:)
)
RANDY ERVIN) CASE NO. 05-41169
PATTI ERVIN)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on January 12, 2006.

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

- a. The notice is not accompanied by a copy of the court's order authorizing notice to creditors and establishing deadlines for filing objections. N.D. Ind. L.B.R. B-2002-2(e).

Since creditors and parties in interest have not been given appropriate notice of the material modification 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 material modification being denied without prejudice and without further notice.

SO ORDERED.

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