

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
THOMAS L. HENDRICKS and) CASE NO. 05-68139 JPK
GERALDINE HENDRICKS,) Chapter 13
)
Debtors.)

ORDER SCHEDULING HEARING ON TECHNICALLY
DEFECTIVE COMBINED MOTION

On December 30, 2005, Chase Home Finance LLC, by counsel, filed a document entitled "Motion to Dismiss or in the Alternative for Adequate Protection Payments". While it may not be readily apparent, this motion violates the requirements of N.D.Ind.L.B.R. B-9013-1(a), which requires that motions which initiate a contested matter must be limited to one form of remedy, unless the motion requests "alternative relief". Sub-paragraph (c) of that rule provides that "requests for alternative relief" means motions "which are subject to identical notice and hearing procedures". The requested relief of dismissal of the case involves the Court's provision of notice of the hearing on that motion to all creditors and parties-in-interest; the requested relief of adequate protection requires notice of a hearing only to the creditor, the debtor and the Trustee: therefore, combining a motion to dismiss with a motion for adequate protection is *verboten*.

Rather than require the movant to file two new motions, the Court will let this combined motion slide at this time. However, in the future, these two forms of relief must be the subject of separate motions.

IT IS ORDERED that a pre-hearing conference will be held on **February 13, 2006, at 2:30 P.M.** with respect to the motion of Chase Home Finance LLC for dismissal of the debtors' Chapter 13 case, and with respect to the motion of that creditor for the provision of adequate protection with respect to its interests in property of the debtors' estate.

Dated at Hammond, Indiana on January 19, 2006.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors, Trustee, US Trustee
All Creditors, All Parties-in-Interest