

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
JON A. CARNEY) CASE NO. 05-15246
BETTY J. CARNEY)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on January 30, 2006.

The notice of motion and opportunity to object which Fifth Third Bank (hereinafter “Movant”) served in connection with its Motion for Relief from Co-Debtor Stay does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not state the date upon which the motion was filed. N.D. Ind. L.B.R. B-2002-2(c)(2).
- b. The notice is not “dated as of the date it [was] served.” N.D. Ind. L.B.R. B-2002-2(c)(7). Furthermore, the stated deadline for filing objections, January 5, 2006, is only fifteen (15) days after the date the notice was served and creditors are entitled to at least twenty (20) days notice of the opportunity to file objections. N.D. Ind. L.B.R. B-2002-2(b)(1).

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