

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
TONYA DAWN McGINNIS) CASE NO. 05-13698
)
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on February 8, 2006.

The notice of motion and opportunity to object which AmeriCredit Financial Services, Inc., (hereinafter “Movant”) served in connection with its motion to terminate 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 adequately “state the relief sought” by the motion. N.D. Ind. L.B.R. B-2002-2(c)(3). The notice does not identify the co-debtor from whom relief is sought.
- b. The certificate of service accompanying the notice does not indicate that the co-debtor was served with a copy 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

