

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
SHARON JO SHAW) CASE NO. 01-14734
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on February 21, 2006

The notice of motion and opportunity to object which debtor (hereinafter “Movant”) served in connection with her Motion for Post-Confirmation Modification does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not correctly state the date upon which the motion was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The motion was filed on January 19, 2006, while the notice refers to a motion filed on January 18, 2006.
- b. The notice was issued and served before the motion was filed. Can the opportunity to object to particular relief begin to run before that relief is requested? Could a defendant’s obligation to answer a complaint arise before suit is filed?

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