

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
CAROLYN ELAINE MEYER) CASE NO. 05-18728
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on March 6, 2006

The notice of motion and opportunity to object which debtor (hereinafter “Movant”) served in connection with her Motion to Avoid Judicial Lien does not comply with the requirements of N.D.

Ind. L.B.R. B-2002-2 because:

- a. The notice does not “contain a brief summary of the ground for the motion or have a copy of the motion attached to it.” N.D. Ind. L.B.R. B-2002-2(c)(4). Although the notice states that a copy of the motion is attached to it, there is no attachment to the notice filed with the court.
- b. The certificate of service accompanying the notice indicates that both the motion and the notice of the opportunity to object to it were not served upon one of the lienholders, CACV, but upon an attorney who has not filed an appearance in the bankruptcy. This is not appropriate. In re Rae, 286 B.R. 675 (Bankr. N.D. Ind. 2002).

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