

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
THOMAS M. LEAHY) CASE NO. 05-18241
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on March 17, 2006

The notice of motion and opportunity to object which debtor (hereinafter “Movant”) served in connection with its Motion to Redeem 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 lienholder, provide any information regarding the amount to be paid or identify what it is that the debtor wants to redeem.
- b. 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.
- c. The certificate of service accompanying the notice does not indicate that the notice was served on the secured creditor.

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