

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:)
)
RANDY EUGENE CHEEK) CASE NO. 05-40062
)
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on

On March 28, 2005, Debtor filed a notice of amendment. Attached to this notice are amended bankruptcy schedules and a motion to amend bankruptcy petition. Presenting these items for filing in this fashion is contrary to Local Bankruptcy Rule B-1009(a).

Whenever a bankruptcy petition, list, statement or schedule is amended, Local Bankruptcy Rule B-1009(a) requires the amendment to be accompanied by “a separate notice of amendment.” The notice required by this rule must be filed separately from the amended schedules to which it relates. It should not be attached to or incorporated into the item being amended; neither should those items be attached to or incorporated into it. Indeed, taking debtor’s submission at face value, the only thing filed was a notice of amendment because that is what the document filed says it is. See, N.D. Ind. L.B.R. B-9013-1(a) (all requests shall be named in the caption). See also, N.D. Ind. L.R. 5.1(a); N.D.Ind. L.B.R. B-5005-1(a) (the name of each filing must be set forth on the first page). Consequently, although debtor has filed a notice of amendment, it has yet to file the amended schedule to which the notice refers.¹

¹ Even if the court were to consider the copy of the schedule attached to the motion as having been filed separately, it still does not comply with the local rules of the court. It is not denominated as an amended schedule and the new information it contains is not emphasized in any way. See N.D. Ind. L.B.R. B-1009(a)(“[T]he amended information shall be highlighted or underlined on all copies. In

Based upon the foregoing, it appears that debtor's filing of March 28, 2005, does not comply with the local rules of this court. Accordingly, the court will take no action with regard thereto or as a result thereof. Furthermore, debtor shall, within fourteen days of this date, show cause why that filing should not be stricken.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court

order to accommodate the possibility of multiple amendments, each amendment shall be numerically identified.”)