

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
JAMES MAYNARD DAVIS) CASE NO. 05-10946
LAURIE ELIZABETH DAVIS)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on May 1, 2006.

The notice of motion and opportunity to object which debtors (hereinafter “Movant”) served in connection with their motion to avoid a judicial lien 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).
- 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).
- c. The address of the clerk’s office to which objections should be mailed is different from the one in which the case is pending. N.D. Ind. L.B.R. B-2002-2(c)(5).
- d. The notice is not “dated as of the date it [was] served.” N.D. Ind. L.B.R. B-2002-2(c)(7). The notice is dated April 27, 2006, but purports to have been served on May 2, 2005.
- e. The certificate of service accompanying the notice indicates that the notice was not served on the lienholder, but upon the lienholder in care of some other entity which has not filed a notice of appearance in this case on the lienholder’s behalf. 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 thereof 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