

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

IN THE MATTER OF:)
)
JESUS GOMEZ) CASE NO. 06-40035
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on May 2, 2006

The notice of motion and opportunity to object which debtor (hereinafter “Movant”) served in connection with his 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 certificate of service accompanying the notice indicates that the notice was not served upon the lienholder, 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 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