

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
THOMAS O'HARA ) CASE NO. 05-15418  
DIANE C. O'HARA )  
 )  
Debtors )

DECISION AND ORDER

At Fort Wayne, Indiana, on May 5, 2006.

The notice of motion and opportunity to object which Hicksville Bank (hereinafter "Movant") served in connection with its motion for relief from stay and abandonment does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not correctly state the date upon which the motion was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The motion was filed on April 12, 2006, while the notice refers to a motion filed on April 11, 2006.
- b. The notice was issued and served before the motion was filed. Can the opportunity to object to particular relief begin to run before that relief is requested?

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