

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
MARK E. KAST ) CASE NO. 05-16541  
 )  
 )  
Debtor )

DECISION AND ORDER

At Fort Wayne, Indiana, on May 25, 2006

The notice of motion and opportunity to object which GMAC Mortgage (hereinafter “Movant”) served on April 26, 2006, 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 “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.
- b. Based upon counsel’s certificate of service, all creditors and parties in interest have not been served with a copy of the notice, as required by Bankruptcy Rule 2002(a) and Local Bankruptcy Rule 2002-2(d).

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