

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

IN THE MATTER OF:

THOMAS C. STALEY
SUSAN KAY STALEY

Debtors

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CASE NO. 05-42150

DECISION AND ORDER

At Fort Wayne, Indiana, on May 26, 2006.

The notice of motion and opportunity to object which CitiFinancial Mortgage Company (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 27, 2006, while the notice refers to a motion filed on April 26, 2006.

Creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto. Furthermore, there has been no appearance filed by local counsel as required by the court's order of April 26, 2006, in Case No. 04-14380, Matter of Treadwell. Therefore, CitiFinancial Mortgage Company's motion for relief from stay and abandonment is DENIED without prejudice.

SO ORDERED.

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