

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

IN THE MATTER OF:)
)
DOUGLAS ROBERT TOPOLSKI) CASE NO. 05-40192
JILL MAUREEN TOPOLSKI)
)
Debtor)

DECISION AND ORDER

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

The notice of motion and opportunity to object which debtors (hereinafter “Movant”) served in connection with their motion to avoid the lien of Unity Surgical Center¹ does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because the notice does not adequately “state the relief sought” by the motion. N.D. Ind. L.B.R. B-2002-2(c)(3).

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

¹The court notes that there appears to be some discrepancy between the information contained in the motion and the information contained on debtors’ Schedule C. In their motion, debtors appear to be claiming an exemption in the amount of \$30,000, yet Schedule C reflects a claimed exemption in the amount of only \$2,000. Whether this discrepancy will have any impact upon the relief sought is something the court need not determine unless notice of the motion is properly given.