

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
JON A. CARNEY ) CASE NO. 05-15246  
BETTY J. CARNEY )  
 )  
Debtors )

DECISION AND ORDER

At Fort Wayne, Indiana, on June 1, 2006.

The notice of motion and opportunity to object which Fifth Third Bank (hereinafter “Movant”) served in connection with its motion to approve agreed order terminating stay 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 to approve or have a copy of the motion attached to it.” N.D. Ind. L.B.R. B-2002-2(c)(4).
- b. The notice does not adequately “state the relief sought” by the motion. N.D. Ind. L.B.R. B-2002-2(c)(3).
- c. The notice does not correctly state the name of the motion. N.D. Ind. L.B.R. B-2002-2(c)(2). The request the court acts on is the motion that has been filed, see, Fed. R. Bankr. P. Rule 9013, not the agreed order the court is asked to approve.

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

