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IT IS SO ORDERED.

Dated: May 17, 2005

Thomas F. Waldron
Thomas F. Waldron
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

In re: RICHARD ALEXANDER
ALICIA HALL,

Debtors

Case No. 03-38875
Adv. No. 05-3141

RICHARD ALEXANDER
ALICIA HALL,

Plaintiffs

Judge Waldron
Chapter 13

v.

IRWIN HOME EQUITY, ET AL.,

Defendants

**ORDER DENYING MOTION FOR
SUMMARY JUDGMENT**

DATED AT DAYTON, OHIO this 17th Day of May, 2005:

Counsel for the Debtor recently filed a Motion For Summary Judgment (Doc. 13) in this pending adversary, which seeks to avoid a mortgage as wholly unsecured.

The Court notes that this Motion (Doc. 13) was not accompanied by any memorandum [See LBR 9013-1(a)], nor any affidavits, documents or any other filings contemplated by Federal Rule of Bankruptcy Procedure 7056. Although motions for summary judgment, with or without supporting affidavits and other documents, provide the opportunity for an expedited determination of some, or all, of the issues in a case or proceeding, appropriate attention must be paid to any such filing.

Additionally, although the Motion For Summary Judgment (Doc. 13) refers to an appraisal which "is a matter of record with this Court" the Plaintiff's complaint (Doc. 1) neither attached such an appraisal, nor identified where such an appraisal exists in the "record of this Court."

Most significantly, without regard to whether such an appraisal exists in the Court records, the Defendant's answer (Doc. 10) denies the Plaintiff's essential allegations concerning the value of the real property and the existing liens, and, at this stage, would require an evidentiary hearing

The Court suggests that counsel for the Debtor consider any such future filings more carefully to avoid the Court's scrutiny of such filings in connection with Federal Rule of Bankruptcy Procedure 9011.

Accordingly, the Motion For Summary Judgment (Doc. 13) is **DENIED**.

SO ORDERED.

c:

Richard R. Alexander and Alicia D. Hall, 622 Hollyhock Court, Trenton, Ohio 45067
(Plaintiffs)

Lester R. Thompson, Esq., 1340 Woodman Drive, Dayton, Ohio 45432 (Atty. for the
Debtors/Plaintiffs)

Edward A. Bailey, Esq., PO Box 968, Twinsburg, Ohio 44087 (Atty. for Mortgage
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the Chapter 13 Office), 131 North Ludlow Street, Suite 900, Dayton, Ohio 45402

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