Service Guidelines

To Whom Is Service Required?

Generally, service is always required to be made upon the debtor, debtor's attorney, trustee, and parties in interest or their designated counsel in a bankruptcy case, and the plaintiff(s), defendant(s), their respective counsel, and interested parties in an adversary proceeding.

An "interested party" is someone who has filed a Notice of Appearance or a Request for Notice.

Depending on the type of document being served, notice upon the "20 largest unsecured creditors" (chapter 11) or all creditors may also be required.

Fed. R. Bank. P. 2002, 7004, and 9008

FDIC: Insured Depository Institutions

- Service to the attention of an officer (no name specified) must be done by certified mail
  - State Bank & Trust c/o Officer
- Service to the attention of an officer whose relationship with the bank is known, still must be done by certified mail
  - State Bank & Trust c/o Pam Brown, Officer
- Service may be made by regular first class mail to the Attorney for the institution if the attorney has made an appearance in the case

FDIC: Insured Depository Institutions *(continued)*

- Service to the attention of an unknown named individual, such as a name provided by the debtor in the petition or on the mailing matrix when nothing has been filed in the case or on a claim to indicate who the person is in relation to the bank, is **improper**.
  - State Bank & Trust, c/o Lisa Jones
    - Ms. Jones may be the debtor's favorite drive-thru teller or her brother's next door neighbor's daughter who works at the local branch

- If an FDIC institution has waived, *in writing,* their entitlement to service by certified mail and designates, *in writing,* a named officer or service agent to receive service, the institution may be served by regular first-class mail.

Government Agencies

- Service upon any agency of the United States government must be made to:
  - The agency at their address to the attention of an officer or managing agent
  - AND to the Attorney General in Washington, D.C.
  - AND to the United States Attorney, to the attention of the Civil Process Clerk, in the district in which the case is brought.

Government Agencies *(continued)*

- Service upon any state, municipal corporation, or other governmental organization must be made to:
  - The person or office upon whom process is prescribed to be served by the law of the state in which service is made, or in the absence of the designation of any such person or office by state law, then to the chief executive officer thereof.
    - E.g., Hershel Vineyard, Secretary, c/o Office of General Counsel, Florida Department of Environmental Protection

Government Agencies *(continued)*

Google it!

Search for the Rules of Civil Procedure or general statutes for the state and then search for “process” or “civil process” or search for the agency website to obtain contact information.

Non-governmental Entities

- Service on a corporation, partnership, or company should be made to the attention of an officer or managing agent.
- Service to the attention of a unknown named individual whose relationship with the company is unknown is **improper**.
- Service to the attention of an officer whose relationship with the company is known is acceptable.
- If an attorney has made an appearance in the case on behalf of the corporation, then service by first-class mail or electronic notification via CM/ECF to the attorney is proper.

Service to Officers of Non-governmental Entities

Three Piggs Straw & Hay, LLC

Three Piggs Straw & Hay, LLC,
c/o Thomas Pigg

Three Piggs Straw & Hay, LLC
c/o Thomas Pigg, President
or Vice President, Secretary, Treasurer, CEO or CFO

Three Piggs Straw & Hay, LLC
c/o B. B. Wolfe, Esq.

Parties Represented by an Attorney

- If an attorney has made an appearance on behalf of an individual or an entity, then service on the attorney is considered proper service to that individual or entity.
- If the attorney is a registered user of the local court's CM/ECF system, the Notice of Electronic Filing (NEF) can constitute proper service.

Service of Objections to Claims

Service Upon Non-Governmental Claimants

- Service of an objection to claim is to be made upon the claimant at the *notice* address on the proof of claim filed with the court.
- If a separate notice address is not provided, service is to be made at the payment address.
- If the claimant is represented by an attorney who has filed a Notice of Appearance in the case, regardless of if the attorney signed the claim, service is to be made to the attorney for the claimant.

Service Upon FDIC Insured Institutions

- No name provided > certified mail
- Name provided, but not sure of that person's position > certified mail
- Officer's name and title provided > first class mail
- If an attorney has filed a Notice of Appearance on behalf of the institution > service by first class mail to the attorney of record is permitted, *even if the attorney did not file or sign the claim.*

Service Upon Federal Government Agencies

- The agency at the notice address provided on the claim
- AND to the Attorney General in Washington, D.C.
- AND to the United States Attorney, at the attention of the Civil Process Clerk, in the district in which the case is brought.

Service on Adversely Affected Parties

Generally, the service requirements of Rule 2002 apply whenever service is required on all creditors, unless a specific creditor or creditors will be adversely affected by the motion or application.

If there is an adverse affect, only the adversely affected creditor(s) must be served per Rule 7004.

EXAMPLE: A plan modification requires service to everyone on the mailing matrix.

But if that modified plan reduces the payout to a finance company on a car note deficiency (not the secured portion of the claim), the finance company would need
to be served per 7004.

CM/ECF Lists & the Matrix

Party List

- All case participants, parties in interest, and their attorneys, if represented.
  - Query by Case Number or SSN
  - Select "Party" option

10-40033-KKS Joe Schmo, Jr.
Case type: bk **Chapter:** 7 **Asset:** Yes **Vol:** v **Judge:** Karen K. Specie
Date filed: 03/01/2010 **Date of last filing:** 02/06/2013
Debtor dismissed: 06/21/2010

Parties

Abel B. Adams
123 Almosta Rd.
Tallahassee, FL 32301
123-456-7890
abadams@email.com
Added: 04/16/2010
(Trustee)

represented by

Johnnie Cochran
9872 Lyrical Lane
Atlanta, GA 30303
(404) 867-5309
Assigned: 06/21/10
LEAD ATTORNEY

Joe Schmo, Jr.
12468 Easy Street
Tallahassee, FL 32301
SSN / ITIN: xxx-xx-6789
Added: 04/16/2010
(Debtor)

represented by

Hagar T. Horrible
Hagar the Horrible, P.A.
4321 Sunday Dr.
Tallahassee, FL 32301
800-867-5309
hagar_t_horrible@yahoo.com
Assigned: 04/16/10
LEAD ATTORNEY

United States Trustee
110 E. Park Ave.
Tallahassee, FL 32301
Added: 04/16/2010
(U.S. Trustee)

Electronic & Manual Service List

- Provides the name(s) of *parties* who will receive electronic/email service for the case and those *parties* who will not receive electronic/email service.
  - Located on the Bankruptcy menu under "Mailing Information"
  - No PACER fees are incurred

Mailing Information for Case 10-40033-KKS

Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- **Abel B. Adams** abadams@email.com, abadamsasst@email.com
- **Hagar T. Horrible** hagar_t_horrible@yahoo.com

Manual Notice List

The following is the list of **parties** who are **not** on the list to receive email notice/service for this case (who therefore require manual noticing/service). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Johnnie Cochran
9872 Lyrical Lane
Atlanta, GA 30303

United States Trustee
110 E. Park Ave.
Tallahassee, FL 32301

The Mailing Matrix

- Official Mailing Matrix: The mailing addresses for everyone who is a party to, party in interest, or creditor in the case
- List of Creditors: All creditors in the case. Matrix does not include parties, attorneys, or other case participants.

Both matrix options are available without incurring PACER charges via the Bankruptcy menu.

Reading the Mailing Matrix

Information regarding "preferred," duplicate, or undeliverable addresses is located at the bottom of the mailing matrix.

- One or more creditors have registered a "preferred" address with the National Creditor Registry Service:

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

- One or more recipients have duplicate or undeliverable addresses:

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

Reading the Mailing Matrix

- (c) Address corrected by USPS Locatable Address Conversion System

(c)MORRISON & FOERSTER LLP
101 YGNACIO VALLEY RD STE 400
WALNUT CREEK CA 94596-7032

- (d) Duplicate entry

(d)eCAST Settlement Corporation
POB 35480
Newark NJ 07193-5480

- (p) Preferred address registered with the NCRS

(p)DELL FINANCIAL SERVICES
P O BOX 81577
AUSTIN TX 78708-1577

- (u) Undeliverable as addressed

(u)RADIOMETER MEDICAL A/S
ATTN: KIRSTEN RONO, PATENT DEPT.
AKANDEVEJ 21
DK-2700 BRONSHO,

Reading the Mailing Matrix *(continued)*

- + Recipient will receive electronic notification (NEF) through CM/ECF

Gilbert B. Weisman +
Becket & Lee
16 General Warren Blvd
Malvern, PA 19355-1245

- * Recipient has filed a Notice of Appearance in the case or is designated as one of the "20 Largest Unsecured Creditors" in a chapter 11 case

*EVEREADY BATTERY COMPANY
CO DAVID A. LANDER
ONE FIRSTAR PLAZA
SAINT LOUIS, MO 63101

Serving a “True” Copy

true copy: an exact copy of a written instrument

Rule 5.1(B)(3) of the Local Rules for the U.S. District Court for the Northern District of Florida requires that documents, whether filed on paper or electronically be formatted as follows:

- Double-spaced
- No smaller than 12 point font
- On plain white, letter sized paper (8 ½" x 11")
- Approximately 1 ¼" margins

Documents may be duplexed (one full page on each side of a sheet of paper) but otherwise must be a "true" copy. "Multi-plexing" is prohibited.

Multi-plexing Examples

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

IN RE: CASE NO. 12-40347-LMK

[redacted] CHAPTER 13

Debtors.

CREDITOR, FIRST COMMERCE CREDIT UNION'S, AFFIDAVIT IN SUPPORT OF MOTION TO LIFT AUTOMATIC STAY

STATE OF FLORIDA
COUNTY OF LEON

BEFORE ME, the undersigned authority, personally appeared Theresa Helms, who is personally known to me and who, being first duly sworn, deposes and says:

1. My name is Theresa Helms. I am over the age of 21 and otherwise competent to make this affidavit.

2. I am the collections manager for the creditor, First Commerce Credit Union, f/k/a, Florida Commerce Credit Union, and am acquainted with the debtors' auto loan which is the subject of the instant motion.

3. As reflected in the account statement which was attached to FCCU's motion, the balance due to FCCU from debtors is $30,678.32.

4. Debtors have defaulted in the payment of the amounts due pursuant to the note and security agreement which was attached to FCCU's motion.

5. Debtors have surrendered the collateral for the loan, a 2007 Chevrolet Avalanche truck, VIN 3GNEC12057G320329, to FCCU.

6. As reflected in the NADA valuation guide attached to FCCU's motion, the value of the vehicle is approximately $20,275, significantly less than the amount owed to FCCU.

7. The foregoing is a matter of personal knowledge to me.

FURTHER AFFIANT SAYETH NAUGHT.

DATED this 30th day of July, 2012.

[redacted]
Theresa Helms
Collections Manager

Sworn to and subscribed before me on this 30th day of July, 2012, by Theresa Helms, who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC

My Commission Expires:

DANNE H. MAYO
Commission # EE 29303
Expires July 25, 2016

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

[redacted] CASE NO: 09-41113-KKE
Chapter 13

/

MOTION FOR RELIEF FROM STAY FILED BY VANDERBILT MORTGAGE AND FINANCE, INC

Comes now, VANDERBILT MORTGAGE AND FINANCE, INC, hereinafter referred to as "Movant", seeking modification of the automatic stay in this case in order to exercise any and all rights Movant may have in the collateral described below, or in the alternative, adequate protection, and for cause would show the Court as follows:

1. On December 1, 2009, Debtor (hereinafter referred to as "Debtor," collectively or singular), filed for relief under Chapter 13 of the Bankruptcy Code. The plan was confirmed on June 14, 2010.

2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. 1334, 11 U.S.C. 362 and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.

3. On or about March 10, 2000, Debtor executed a Manufactured Home Retail Installment Contract and Security Agreement (hereinafter referred to as "Agreement") in the principal amount of $60,402.84 together with interest thereon as set forth therein. Said Agreement is currently serviced by Movant and a copy of the Agreement, together with an applicable servicing agreement or Power of Attorney, is attached hereto as **Exhibit "A."**

4. Funds were advanced by the Movant in connection with the aforementioned agreement as purchase money for the following property:

THAT CERTAIN 1999 Oakwood Manufactured Home, Serial Number HOGA28E02031A B

5. The terms of the aforementioned Agreement entitle Movant to possession of the collateral upon Default. The Movant has declared the Debtor in Default.

6. Movant now holds equitable title to the collateral as a result of the terms of the Agreement.

7. Debtor has defaulted under the terms of the Agreement by failing to keep the home insured as required. According to the Agreement, Debtor must maintain insurance on the property. In the event Debtor fails to keep the property insured, Movant may obtain insurance and require Debtor to pay the force-placed insurance, however, Movant is not required to obtain insurance. Debtor allowed the insurance on the property to lapse on April 12, 2012. The property has been uninsured since that date. In addition, the payoff on the account is $82,880.98 as of August 29, 2012, but the value of the home is only $26,750.00, according to the confirmed plan and Debtor's Notice of Valuation. Accordingly, there is no equity or value to the estate.

8. Accordingly, Movant requests that the Court grant it relief from the Automatic Stay in this case pursuant to 362(d)(1) of the Bankruptcy Code for cause, namely, the lack of adequate protection to Movant for its interest in the collateral. The value of the collateral is not sufficient in and of itself to provide adequate protection which the Bankruptcy Code requires to be provided to Movant.

9. In support of this Motion for Relief of the stay under 362(d) of the Bankruptcy Code, Movant would show that it would be inequitable to permit Debtor to retain the collateral, that there is no equity in the collateral and that said collateral is not necessary for an effective reorganization. Additionally, Movant would show that Debtor has failed to timely cure and satisfy the requirements with respect to the obligations set forth in the Agreement.

10. Movant submits that lack of adequate protection in this case is the appropriate ground for relief which Movant seeks under 362(d), and that the possible existence of equity over and above the indebtedness, which Movant denies exists, would not, even if it did exist, constitute adequate protection as contemplated by the Bankruptcy Code. Additionally, Movant would show that the Debtor enjoys the benefits of collateral without following the requirements of the Bankruptcy Code.

11. The Debtor has not maintained insurance on the property to protect Movant against the erosion of its collateral position and Movant is not otherwise being adequately protected.

12. If Movant is not permitted to enforce its security interest in the collateral or is not provided with adequate protection, it will suffer irreparable injury, loss and damage.

13. Movant asserts that sufficient cause exists to waive the requirement of Bankruptcy Rule 4001(a)(3), therefore allowing any order entered to be effective upon execution since the collateral is easily moved, easily secreted, and easily damaged within the fourteen day period that would otherwise stay recovery of the collateral. In addition, Movant prays that the Court suspend the Rule in all instances in which there is a consent on the part of the Debtor.

WHEREFORE, PREMISES CONSIDERED, Movant prays that Debtor be cited to appear herein; that upon final hearing hereof, this Court enter an order modifying the automatic stay under 11 U.S.C. 362(d), to permit Movant to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein and to gain possession of said collateral and that Movant have such other and further relief as is just.

DATED this 5th day of September, 2012 /S/ Matthew E. Bryant

Matthew E. Bryant
Fla. Bar ID: 93190
Timothy D. Padgett, P.A.
2878 Remington Green Circle
Tallahassee, Florida 32308
(850) 422-2520 (telephone)
(850) 422-2567 (fax)
meb@padgettlaw.net

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to **Freeman Jones, Debtor**, 1111 Windmill Lane, Tallahassee, FL 32305; and electronically to **Scott J. Manion, Esq.**, 2119 Delta Blvd., Tallahassee, Florida 32303; **Leigh D. Hart, Esq.**, PO Box 646, Tallahassee, FL 32302; and **US Trustee**, United States Trustee, 110 E. Park Avenue, Suite 128, Tallahassee, FL 32301, on this 5th day of September, 2012

/S/ Matthew E. Bryant

Matthew E. Bryant

For assistance, please contact our Help Desk

CMECF_HelpDesk@flnb.uscourts.gov

or

Tallahassee: 850-521-5001

Toll-Free: 888-765-1752