

# Service Guidelines

**To Whom Is Service Required?**

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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

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- ◉ 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

## FDIC: Insured Depository Institutions *(continued)*

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- ◉ 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

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- ◉ 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, at the attention of the Civil Process Clerk, in the district in which the case is brought.

## Government Agencies *(continued)*

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- ◉ 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)*

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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

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- 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

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- ◉ 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

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## Service Upon Non-Governmental Claimants

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- ◉ 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

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- ◉ 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

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- ◉ 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

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The service requirements of Rule 7004 do not 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

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## Party List

- All case participants, parties in interest, and their attorneys, if represented.
  - Query by Case Number or SSN
  - Select “Party” option
  - Querying the case incurs a PACER charge but there is no additional charge for this list.

**10-40033-LMK Joe Schmo, Jr.**

**Case type: bk Chapter: 7 Asset: Yes Vol: v Judge: Lewis M. Killian Jr.**

**Date filed: 03/01/2010 Date of last filing: 06/21/2010**

**Debtor dismissed: 06/21/2010**

### Parties

**Abel B. Adams**

123 Almosta Rd.  
Tallahassee, FL 32301  
123-456-7890  
abadams@deadmail.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: 123-45-6789  
*Added: 04/16/2010*  
*(Debtor)*

represented by

**Hagar the Horrible**

Hagar the Horrible, LLC  
4321 Sunday Dr.  
Tallahassee, FL 32301  
800-867-5309  
julie\_gibson@flnb.uscourts.gov  
*Assigned: 04/16/10*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**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.
- Includes links to the Creditor List (creditors only) and the Mailing Matrix (creditors & parties)
- Located on the Bankruptcy menu under “Mailing Information”
- No PACER fees are incurred

## Mailing Information for Case 10-40033-LMK

### 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@deadmail.com
- **Hagar the Horrible** julie\_gibson@flnb.uscourts.gov

### 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

### [Creditor List](#)

Click the link above to produce a complete list of **creditors** only.

### [Mailing Matrix](#)

Click on the link above to produce a list of **all** creditors and **all** parties in the case. User may sort in columns or raw data format.

# The Mailing Matrix

- 1 – All Creditors/Parties by Case Number (Most Commonly Used): The mailing addresses for everyone who is a party to, party in interest, or creditor in the case
- 2 – Creditors Only by Case Number: All creditors in the case

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

## Hearing Activity

[Request Hearing Cancellation](#)

## Most Commonly Used

*Updated periodically to reflect event usage*

[Most Commonly Used](#)

## Mailing Information

[Electronic & Manual Service Lists](#)

## Mailing Label Options

*Electronic recipients marked by + after name in Option 1*

[1 - All Creditors/Parties by Case Number \(Most Commonly Used\)](#)

[2 - Creditors Only by Case Number](#)

# Reading the Mailing Matrix

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

(c)MORRISON & FOERSTER LLP  
101 YGNACI 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)*

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- ⊙ + 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

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## 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

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

IN RE: [REDACTED] CASE NO. 12-40347-LMK

DEBTORS: [REDACTED] CHAPTER 13

**CREITOR, FIRST COMMERCIAL 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, 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 3GN6C12857G20329, 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.

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  
FLORIDA STATE BAR

My Commission Expires:

DANNE H. MENDO  
Commission Expires July 31, 2016  
www.flcourts.org

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

CASE NO. 09-41113-KCF  
Chapter 13

**MOTION FOR RELIEF FROM AUTOMATIC  
STAY UNDER 362(D) OF THE  
BANKRUPTCY CODE**

Comes now, VANDERKELT 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 its case would show the Court as follows:

1. On December 1, 2009, Debtor (hereinafter referred to as "Debtor," collectively or singularly), filed for relief under Chapter 13 of the Bankruptcy Code. The plan was confirmed on June 14, 2010.
2. Jurisdiction of this case 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, 2009, Debtor executed a Manufactured Home Retail Installment Contract and Security Agreement (hereinafter referred to as "Agreement") in the principal amount of \$69,490.84 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 to purchase money for the following property:  
THAT CERTAIN 1999 Oldwood Manufactured Home, Serial NumberH0A20K0221A18

10. Movant admits that lack of adequate protection in this case is the appropriate ground for relief which Movant seeks under 362(d), and that the possible extinction of equity over and above the indebtedness, which Movant admits 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 secured, 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 3<sup>rd</sup> day of September, 2012.

/s/ Matthew E. Bryant

Matthew E. Bryant  
Esq. Bar No. 93199  
Timothy D. Padgett, P.A.  
2010 Remington Street, Suite  
Tallahassee, Florida 32308  
(904) 422-2320 (Telephone)  
(904) 422-2367 (Fax)  
meb@tpadgett.com

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 first-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 \$52,880.99 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 meet and satisfy the requirements with respect to the obligations set forth in the Agreement.

**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 Woodhill Lane, Tallahassee, FL 32309, and electronically to Scott F. Manning, Esq., 2119 Delta Blvd., Tallahassee, Florida 32303; Leigh B. Hart, Esq., PO Box 646, Tallahassee, FL 32302; and US Trustee, United States Courthouse, 119 E. Park Avenue, Suite 124, Tallahassee, FL 32304, on this 3<sup>rd</sup> day of September, 2012.

/s/ Matthew E. Bryant

Matthew E. Bryant

For assistance, please contact our Help Desk

[CMECF\\_HelpDesk@flnb.uscourts.gov](mailto:CMECF_HelpDesk@flnb.uscourts.gov)

or

Tallahassee: 521-5014

Toll-Free: 888-765-1752