

M E M O R A N D U M

TO: ATTORNEY FOR PLAINTIFF

FROM: CLERKS OFFICE, U. S. BANKRUPTCY COURT

RE: ADVERSARY PROCEEDING INFORMATION
(Service of Summons and Complaint)

Attached hereto is a copy of the Summons and Notice of Pretrial Conference which has been prepared for the Complaint you filed. It is the responsibility of the Attorney for the plaintiff to serve a copy of the Summons (which also contains the notice of pretrial) and a copy of the Complaint on each defendant named in the complaint (copies must conform to the original). You may do this by the following methods:

1. First Class Mail - this is the most frequently used type of service. A copy of the summons - notice and a copy of the complaint would be mailed first class with postage prepaid to the defendant's usual dwelling house or place where he regularly conducts his business or profession.
2. Personal Service - This means that a copy of the summons - notice and a copy of the complaint are personally handed to the defendant. This type of service may be made by any person at least 18 years old who is not a party to the action. Sometimes, the attorney will request that the sheriff, U.S. Marshal, a private process server, secretary or paralegal perform this service.
3. Publication - this is the least common type of service and may be used only with authority of the Court. (See Bankruptcy Rule 7004(c).)

TIME LIMIT FOR SERVICE. The Summons must be served within ten (10) days from the date of the issuance of the Summons unless a shorter time period is required by the Court. This would occur if the time for answering the complaint is shortened by the Court (less than 30 days from the date of issuance of the Summons). In that event, the Court would like you to serve the Summons as soon as possible - or at least within three (3) days.

If the Summons is not served within the proper time, it will be necessary to contact the Court and a new Summons will need to be prepared.

CERTIFICATE OF SERVICE. After the Summons and Complaint have been served on the Defendants, you must file a certificate of service with the Court. This may be done by completing the back of the of the Summons form and filing same with the Court. This certificate of service must be filed promptly after the defendants have been served.

MEMORANDUM

TO: ATTORNEY FOR PLAINTIFF

FROM: CLERK, U. S. BANKRUPTCY COURT

RE: SERVICE OF MEMORANDUM TO PARTIES TO ADVERSARY
PROCEEDING

Attached hereto is a Memorandum from the Clerks Office directed to the parties to the adversary proceeding. At the time that you serve the Summons and Notice of Pretrial in the proceeding, please serve the attached Memorandum to the parties. This Memorandum is to alert all parties in the adversary proceeding of the need for formally requesting that their names be placed on the bankruptcy case matrix if they desire to receive future notices in the bankruptcy case.

Should you have any questions regarding this matter, please do not hesitate to contact the Clerks Office.

MEMORANDUM

TO: PARTIES IN ADVERSARY PROCEEDING

FROM: CLERK, U. S. BANKRUPTCY COURT

RE: PROCEDURE FOR INCLUSION OF NAME ON CASE MATRIX

By being a party in an adversary proceeding, you may be interested in having your name (or that of your attorney) placed on the bankruptcy case matrix in order that you can be informed of the various hearings scheduled in the case itself. Because adversary proceedings are filed and maintained separately from the bankruptcy cases, parties in an adversary proceeding are not automatically added to the bankruptcy case matrix. If you do desire that your name and address be added to the case matrix, you may send the Court a letter requesting this action. If your attorney desires to be placed on the case matrix, he would file a Notice of Appearance in the case with the Court.