

SERVICE REQUIREMENTS

This chart is a guide to service requirements pursuant to the Federal Rules of Bankruptcy Procedure, the Bankruptcy Code and Local Rules, and are for contested matters, complaints and summonses. For a list of attorneys who agree to accept electronic service of contested matters filed pursuant to FRBP 9014 in lieu of paper service, refer to the court's website in the Attorney Information Section/Paper Notice Waiver.

NOTE:

1. For **all scenarios**, if an attorney has made an appearance on behalf of an individual/institution, service on the attorney is considered proper on that individual/institution.
2. Service upon debtor(s) via electronic notification is not sufficient pursuant to FRBP 7004.
3. Service may also be dependant upon the operating agreement of the business entity.

Referenced service lists can be located at www.nceb.uscourts.gov in the Resources section.

INSTITUTION	REQUIREMENTS
FDIC INSURED DEPOSITORY	<p>Must be served by certified mail, unless:</p> <ul style="list-style-type: none"> • An attorney has made an appearance in the case. If so, the attorney can be served by first class mail. • Institution has waived their entitlement to service by certified mail - order has been entered designating a named officer (service agent) to receive service. These individuals can be served by first class mail. <p>Examples of Proper Service: Bank & Trust c/o Officer c/o John Doe, Officer</p> <p>Example of Improper Service: Bank & Trust John Doe (relationship to bank is unknown/nothing filed in the case to indicate who this person is)</p>

INSTITUTION	REQUIREMENTS
GOVERNMENT	<p><u>USA - Service must be made to:</u></p> <ul style="list-style-type: none"> • The US Attorney, Attention: Civil Process Clerk, located in Raleigh, NC • The Attorney General of the US located in Washington, DC • If the action being brought is attacking the validity of an order of an officer or agency of the US, the officer or agency must also be served <p><u>USA agency - service must be made to:</u></p> <ul style="list-style-type: none"> • The agency at their address • The Attorney General of the US located in Washington, DC • The US Attorney, Attention: Civil Process Clerk located in Raleigh, NC • If the agency is a corporation, service to the attention of an officer or managing agent is also required pursuant to FRBP 7004(b)(5) and (b)(3)
STATE, CITY OR COUNTY	<p><u>State Agencies:</u></p> <ul style="list-style-type: none"> • Service on the State of NC must be made by serving the Attorney General or Deputy/Assistant Attorney General <p>Any NC Agency or other NC governmental organization, service must be made to:</p> <ul style="list-style-type: none"> • The designated process agent • Exception: If no process agent is designated, service must be made upon the Attorney General or Asst. Attorney General for NC <p><u>Out of State Agencies:</u></p> <ul style="list-style-type: none"> • Any out of state agency - search internet for Rules of Civil Procedure or General Statutes for the state you are looking for & search for Process or Civil Process <p><u>Public Agencies:</u></p> <ul style="list-style-type: none"> • Pursuant to FRBP 5003(e) and 11 USC Section 506(b), public agencies can specify addresses for bankruptcy noticing purposes. Service on these agencies at the address listed on the register is sufficient and acceptable for service without naming a specific person or serving at c/o of an officer or managing agent with one. • Exception: Service on the US Attorney should be addressed to the Civil Process Clerk <p><u>County or City Agencies:</u></p> <ul style="list-style-type: none"> • To the attention of Officer or Managing Agent by first class mail.

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<p>NON-GOVERNMENTAL CORPORATIONS, PARTNERSHIPS, COMPANIES</p>	<p><u>Non-governmental Corporations, Partnerships, Companies:</u></p> <ul style="list-style-type: none"> If an attorney has made an appearance in the case on behalf of the corporation, service can be made on that attorney by first class mail <p>Examples of Proper Service:</p> <p>Corporation c/o Officer or Managing Agent c/o John Doe, Officer</p> <p>Example of Improper Service: John Doe (<i>relationship to corporation is unknown/nothing filed in the case to indicate who this person is</i>) LLC c/o Manager or Member Manager</p> <p><u>Public Agencies:</u></p> <ul style="list-style-type: none"> Pursuant to FRBP 5003(e) and 11 USC Section 506(b), public agencies can specify addresses for bankruptcy noticing purposes. Service on these agencies at the address listed on the register is sufficient and acceptable for service without naming a specific person or serving at c/o of an officer or managing agent Exception: Service on the US Attorney should be addressed to the Civil Process Clerk <p><u>Registered Agents:</u></p> <ul style="list-style-type: none"> If a corporation is served to the attention of a registered agent, verify service is proper by accessing the NC Department of the Secretary of State website. Perform a search “by corporate name” (Example: Springleaf)
<p>OBJECTIONS TO CLAIM</p>	<p>Service is proper if:</p> <ul style="list-style-type: none"> Upon the claimant at the notice address specified on the proof of claim or amended proof of claim, or specified by a Notice of Address Change since the filing of the claim Upon the claimant’s attorney (<i>attorney has made an appearance in the case</i>), regardless of whether the proof of claim is signed by the attorney If the claimant is the United States or any of its officers or agencies, pursuant to the requirements listed above If the claimant is FDIC insured, pursuant to the requirements listed above <p>If the objection includes a request for determination of the amount of claim, service pursuant to 7004 is applicable.</p> <p><u>Note:</u> Service is pursuant to Rule 3007. Rule 7004 is only applicable as to the United States (7004(b)(4)), or an officer or agency of the United States (7004(5)), an insured depository institution (7004(h)), or if a request for determination of the amount of claim is requested.</p>

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ADVERSELY AFFECTED PARTIES	<p>The service requirements of FRBP 7004 do not apply whenever service is required on all creditors unless a specific creditor(s) is adversely affected by the motion/application. If there is an adverse affect, only the adversely affected creditor(s) is required to be served.</p> <p><i>Example:</i> A motion to modify plan which is served on all creditors states that the claim of a certain creditor will be reduced by the modification. Service upon that creditor is required pursuant to FRBP 7004.</p>
OFFICER, TRUSTEE, BA	<p>A president, vice-president or secretary/treasurer is an officer. A CEO or CFO is an officer. Service addressed to a specific person followed by one of these terms is sufficient.</p> <p>Examples: High Society Bank c/o The Bigwig, CEO c/o The Bigwig, CFO c/o The Bigwig, President c/o The Bigwig, Vice-President c/o The Bigwig, Secretary/Treasurer c/o The Bigwig, Member/Manager</p> <p><u>Service on Trustee:</u></p> <ul style="list-style-type: none"> • Pursuant to LR 9013-1(a), all filings, except proofs of claim, in all proceedings and cases <p><u>Service on Bankruptcy Administrator:</u></p> <p>Chapter 11/7:</p> <ul style="list-style-type: none"> • All case pleadings <p>Chapter 13:</p> <ul style="list-style-type: none"> • Motions to Convert to Chapter 11 or 12 <p>Chapter 12:</p> <ul style="list-style-type: none"> • Fee requests above the standard base fee • Additional fee requests above the presumptive non-base fee • Applications to employ a professional <p>Adversary Proceedings:</p> <ul style="list-style-type: none"> • When named as a party