

# NOTICE

Re: Service of motions to avoid lien(s)

Hon. C. Kathryn Preston  
October 30, 2014  
Updated November 1, 2016

Effective December 1, 2014, in cases assigned to Judge Preston, service of all motions to avoid liens pursuant to 11 U.S.C. § 506 or § 522(f) **MUST** comply with Federal Rule of Bankruptcy Procedure 9014(b). The motion, notice and supporting documents must be served on the holder of the lien to be avoided in the same manner as service of a summons and complaint under Federal Rule of Bankruptcy Procedure 7004.

Federal Rule of Bankruptcy Procedure 9014(b) requires that “[t]he motion shall be served in the manner provided for service of a summons and complaint by Rule 7004 and within the time determined under Rule 9006(d).” For proper service of a summons, *see generally* B.R. 7004 and FRCP 4. Some common service rules:

- (i) Service upon the debtor must also be made upon debtor's counsel;
- (ii) Service upon a business entity must be directed to an officer, managing or general agent, or other agent authorized to receive service of process;
- (iii) With certain exceptions, service upon an FDIC insured financial institution must be made by certified mail on an officer of the institution;
- (iv) Service upon the United States must include service upon the local US Attorney and upon the United States Attorney General.

The following FDIC locator tool may be helpful in determining whether an entity is an FDIC insured institution: <http://www2.fdic.gov/idasp/main.asp> or <http://research.fdic.gov/bankfind/>