

CHECKLIST FOR SERVICE OF PROCESS IN CHAPTER 13 BANKRUPTCY CASES IN THE DISTRICT OF NJ

Federal Bankruptcy Rules of Procedure and the District of New Jersey Local Rules of Procedure dictate the time and manner for service and the forms with which a party must be served with notice in a Chapter 13 Bankruptcy Proceeding

CHECKLIST

REQUIRED SPECIAL SERVICE:

Does the Chapter 13 Plan and Motions (Part 7) contain a motion to avoid, modify or reclassify a lien in whole or in part?

If YES, Special Service is required on all affected creditors, at least 28 days prior to the scheduled hearing of the Plan. D.N.J. LBR 3015-1 (c).

1. File Local Form, Certificate of Service with the Bankruptcy Court. (Revised 8/1/2016). D.N.J. LBR 3015-1 (c). <http://www.njb.uscourts.gov/forms/certification-service>
2. File Notice of Transmittal letter served on the affected creditor together with Certificate of Service a copy of the Local Form, D.N.J. LBR 3015-1 (c). <http://www.njb.uscourts.gov/forms/notice-chapter-13-plan-transmittal-2017> (Revised 8/1/2017)

MANNER OF SERVICE:

Is the creditor affected by the Chapter 13 Plan and Motions a Federal, State or Commonwealth agency?

If YES, Special Service on the United States and its agencies must be made by First Class Mail in accordance with FRBP 7004(b)(4) and (5) by serving:

1. United States Attorney General

United States Attorney General
Attorney General
United States Department of Justice
Ben Franklin Station
P.O. Box 683
Washington, DC 20044

2. United States Attorney

United States Attorney
Peter Rodino Federal Building
970 Broad Street, Suite 700
Newark, New Jersey 07102

3. The Federal Agency as directed in the proof of claim or Register of Governmental Units maintained on the United States Bankruptcy Court website. <http://www.njb.uscourts.gov/content/register-governmental-units>

On the State of New Jersey and its agencies in accordance with FRBP 7004 (b)(6) with service by First Class Mail upon:

1. Office of the Attorney General

New Jersey Attorney General Office
Division of Law
Richard J. Hughes Justice Complex
25 Market Street, P.O. Box 112
Trenton, NJ 08625-0112

2. The State agency as specified on the proof of claim or Register of Governmental Units maintained on the United States Bankruptcy Court website. <http://www.njb.uscourts.gov/content/register-governmental-units>

Similar service requirements would apply if serving a State, Commonwealth or agencies other than New Jersey.

Is the creditor affected by the Chapter 13 Plan and Motions a Federal Insured Depository Institution (i.e. a bank insured by the FDIC)?

If YES, Special Service must be made in accordance with FRBP 7004(h)

1. Special Service on a Federal Depository Institution shall be made by CERTIFIED MAIL
2. Addressed to an officer of the institution at:
 - a. The address listed for "Notice" on the Proof of Claim;
 - b. The address provided in Notice of Appearance and Request for Service of Notices and Pleadings;
 - c. The address of the Federal Depository Institution. Search at the FDIC <https://research.fdic.gov/bankfind/> See also, National Information Center website: <https://www.ffiec.gov/npw/>

Is the creditor affected by the Chapter 13 Plan and Motions a domestic corporation?

If YES, Special Service must be made in accordance with FRBP 7004 (b)(3) by First Class Mail addressed to an OFFICER, MANAGING OR GENERAL AGENT or any other agent authorized by appointment or law to accept service of process at:

1. The address provided in Notice of Appearance and Request for Service of Notices and Pleadings; or
2. The address listed for "Notice" on the Proof of Claim
3. If no Notice of Appearance and/or no Proof of Claim have been filed, must serve at the corporation headquarters address.

Does the Chapter 13 Plan and Motions (Part 4 (d)) contain a request to cram-down, strip off or adjust interest rate?

If YES

1. Disclose the creditor(s) under Part 7 (Motions) of the Chapter 13 Plan and Motions.
2. Serve as set forth above for service of Chapter 13 Plan and Motions on the affected creditors.
3. Serve a Notice of Chapter 13 Plan Transmittal letter together with the Chapter 13 Plan and Motions.

Is the creditor represented by counsel who has filed a Notice of Appearance and Request for Service of Notices and Pleadings in the case?

If YES, service should also be made upon the attorney at the address listed in the Request for Service of Notices and Pleadings.

PRACTICE POINTER:

Remember to review docket for Notice of Transfer of Servicer

SERVICE OF MODIFIED PLAN AFTER CONFIRMATION:

A Modified Plan filed after confirmation requires service of process on ANY creditor which may be adversely affected by any provision in the Modified Plan. That is to say, any provisions that adversely alters the treatment of a creditor provided for under the previously confirmed plan.

Please note, D.N.J. LBR 3015-2. Modified Chapter 13 Plan and Motions states:

2015 Comment

If a modified chapter 13 plan includes a motion, the debtor must serve, in accordance with Local Rule 3015-1, each affected lienholder with Local Forms *Chapter 13 Plan and Motions* and *Notice of Chapter 13 Plan Transmittal*.