

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN RE: CASE NO. 05-15917)
)
JEANNA DEANNA WILLIAMS)
)
Debtor)
)
)
DUSTIN M. ROACH)
)
Plaintiff)
)
vs.) PROC. NO. 07-1083
)
JEANNA DEANNA WILLIAMS)
)
Defendant)

DECISION AND ORDER DENYING MOTION FOR DEFAULT JUDGMENT

At Fort Wayne, Indiana, on April 12, 2007.

This matter is before the court on the plaintiff’s motion for a default judgment. On March 5, 2007, the plaintiff filed a return indicating that the summons and the complaint had been served upon the debtor/defendant by first class mail that same day. The court notes that this service does not fulfill the requirements of Rule 7004(b)(9) of the Federal Rules of Bankruptcy Procedure.

Rule 7004(b)(9) of the Federal Rules of Bankruptcy Procedure requires service “of the summons and complaint to the debtor at the address shown in the petition.” Bankruptcy Rule 7004(b)(9). In this instance, the debtor provided two addresses on her petition – a street address and a mailing address. The plaintiff served the summons and complaint via first class mail to the “street address” listed on the petition, not the “mailing address.” When the plaintiff elects to make service by mail – regular mail or certified mail – rather than affect personal service, it is the mailing address

provided by the debtor which must be used. Since service was not directed to that address, the plaintiff's motion for default judgment is DENIED.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court