

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
CRAIG TERRY ROBBINS and) CASE NO. 04-62716 JPK
KARRIE LYNN ROBBINS,) Chapter 7
)
Debtors.)

ORDER DENYING MOTION TO RECONSIDER ORDER
OF JUNE 19, 2006

On June 19, 2006, the Court entered an order which determined that service of process of documents filed in relation to a Motion to Avoid Lien filed by the debtors on May 23, 2006, was insufficient. The specific insufficiency was failure of service of process to comply with the requirements of Fed.R.Bankr.P. 7004(h). The order recited a number of judicial opinions which support the determination made by the Court in the order.

The debtors filed a Motion to Reconsider Order of June 19, 2006 on June 29, 2006. The gist of the motion is that the entity designated in the debtors' motion as Citibank, N.A. is not a corporation, and that the address utilized for service upon that entity was that provided by the creditor.

The motion has missed the point of the foregoing rule. The Court has confirmed from public record information that said entity is an "insured depository institution" as that term is defined in Fed.R.Bankr.P. 7004(h). The record in this case establishes that said entity has not appeared by an attorney, and thus in order to effect service of process upon the foregoing entity, it is necessary that service of process be made by certified mail addressed to an officer of the institution, and that a certificate of service evidencing that manner of service and receipt of service by the entity be filed of record. The form of service of process utilized by the debtors' counsel fails to accord with this requirement, as does the certificate of service.

The Court finds that the debtors' motion fails to state any grounds upon which it may be

granted, and should therefore be denied.

IT IS ORDERED that the Motion to Reconsider Order of June 19, 2006, filed on June 29, 2006, is denied.

Dated at Hammond, Indiana on July 14, 2006.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors
Trustee, US Trustee