

10 TIPS FOR SUCCESSFUL CERTIFICATES OF SERVICE



TIP I: WHO, HOW, AND WHEN?



SAMPLES - CERTIFICATION OF SERVICE

I. I certify that a true and correct copy of the (insert name of the document) was filed electronically on (insert month, day and year) with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

(list names and electronic addresses)

/s/ _____

Printed _____

(Insert your name here if only using I
- Delete II and III.)

II. I certify that a true and correct copy of the (insert name of the document) was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to the parties listed below on (insert month, day and year):

(list name and address)

/s/ _____

Printed _____

(Insert your name here if using I and II –
Delete signature line from I and delete all of III)

III. I certify that a true and correct copy of the (insert name of the document) was filed electronically with the United States Bankruptcy Court, and has been served on the following Insured Depository Institution pursuant to Fed. R. Bankr. P. 7004(h), or on the United States, or any of its officers or agencies pursuant to Fed. R. Bank. P. 7004(b)(4) or (5), on (insert month, day and year) by (insert certified, first class mail, or other type of authorized service) addressed to the following persons:

(names, titles and addresses)

/s/ _____

Printed _____

(Insert your name here if using I, II, and III or only I
and III – Delete sections and signature lines not needed.)

TIP 2: BE SPECIFIC AS TO METHOD OF SERVICE

I certify that a true and correct copy of the Motion for Relief from Stay was filed electronically on November 19, 2021 with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

Joe Dough – joe@doughlaw.com
John Smith – john@smithlaw.com

I further certify that a true and correct copy of the Motion for Relief from Stay was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to the parties listed below on November 19, 2021:

John Doe
3424 ABC Street
Saint Louis, MO 63102

Jane Doe
3424 ABC Street
Saint Louis, MO 63102

/s/ _____
Printed _____

I certify that a true and correct copy of the Motion for Relief from Stay was filed electronically on November 19, 2021 with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System and/or Regular United States Mail Service to the parties listed below.

Joe Dough
123 X Street
Saint Louis, MO 63105
joe@doughlaw.com

John Doe
3424 ABC Street
Saint Louis, MO 63102

Jane Doe
3424 ABC Street
Saint Louis, MO 63102

/s/ _____
Printed _____



TIP 3: SERVE CORRECT PARTIES

Serve:

- debtor and debtor's attorney (if any),
- parties directly affected by relief sought,
- the Trustee, and
- all parties who have filed a request for notice.



I certify that a true and correct copy of the Motion for Relief from Stay was filed electronically on November 19, 2021 with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

Joe Dough – Attorney for Debtor – joe@doughlaw.com

John Smith – Chapter 7 Trustee – john@smithlaw.com

Office of US Trustee - USTPRegion13.SL.ECF@USDOJ.gov

Alan Thompson – Attorney for XYZ Bank – alan@thompsonlaw.com

I further certify that a true and correct copy of the Motion for Relief from Stay was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to the parties listed below on November 19, 2021:

John Doe
3424 ABC Street
Saint Louis, MO 63102
DEBTOR

Jane Doe
3424 ABC Street
Saint Louis, MO 63102
DEBTOR

/s/ _____
Printed _____

TIP 4: SERVICE ON INSURED DEPOSITORY INSTITUTION

- Serving a bank? Service must be made via certified mail addressed to an Officer of the institution unless:
 - A. Institution has appeared by Attorney in the case; **OR**
 - B. Institution waived in writing service by certified mail by designating Officer to receive service.
- List name **and** title of Officer being served.

I certify that a true and correct copy of the Motion was filed electronically on November 19, 2021 with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

Joe Dough – Attorney for Debtor – joe@doughlaw.com
John Smith – Chapter 7 Trustee – john@smithlaw.com
Office of US Trustee - USTPRegion13.SL.ECF@USDOJ.gov
Alan Thompson – Attorney for XYZ Bank – alan@thompsonlaw.com

I further certify that a true and correct copy of the Motion was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to the parties listed below on November 19, 2021:

John Doe
3424 ABC Street
Saint Louis, MO 63102
DEBTOR

Jane Doe
3424 ABC Street
Saint Louis, MO 63102
DEBTOR

I further certify that a true and correct copy of the Motion was filed electronically with the United States Bankruptcy Court, and has been served on the following Insured Depository Institution pursuant to Fed. R. Bankr. P. 7004(h), on November 19, 2021, by certified mail, addressed to the following persons:

123 Bank, N.A.
c/o Tom Daniels, CEO
555 Main Street
Saint Louis, MO 63103

/s/ _____
Printed _____



TIP 5: SERVICE ON UNITED STATES, ITS OFFICERS, OR AGENCIES

- If service is on **U.S. Government** must be made to both of the following:
 - Office of US Attorney, EDMO
 - Attorney General of the United States
- In addition to the above parties, if service is on **Officer or Agency of the U.S. Government** also serve:
 - **Officer or non-corporate agency:** Officer or Agency.
 - **Corporate agency:** serve officer, managing or general agent, **OR** other agent authorized by law to receive service.

I certify that a true and correct copy of the foregoing document was filed electronically on November 30, 2017, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to those parties listed on the Court's Manual Notice List and listed below on November 30, 2017.

INTERNAL REVENUE SERV
PO BOX 7317
C/O MISSOURI CASES
PHILADELPHIA, PA 19101-7317

INTERNAL REVENUE SERV
PO BOX 7346
INSOLVENCY UNIT
PHILADELPHIA, PA 19101-7346

US ATTORNEY E.D. MO
ATTN: CIVIL PROCESS CLERK/BK UNIT
111 S. 10TH ST, 20TH FLOOR
ST LOUIS, MO 63102

US ATTORNEY E.D. MO
JOSHUA JONES, ASST US ATTORNEY
111 S. 10TH ST, 20TH FLOOR
ST LOUIS, MO 63102

US ATTORNEY GENERAL
950 PENNSYLVANIA AVE NW
WASHINGTON, DC 20530-0001



TIP 6: SERVICE ON A REGISTERED AGENT

- Practice Point: make sure you are using the most current registered agent on file.
 - Resource: Missouri Secretary of State business search can be located at <https://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0>



Search for a Business Entity

Exact Match searches should include corporate designations (inc., llc, etc.) and punctuation.

We recommend you do not include these for other searches.

Search

Business Name ▾

Search for a Business Entity

Business Name *

Includes names

Starting With ▾

☐ Only Active Corporations

SEARCH

TIP 7: LIMITED SERVICE IN CERTAIN CIRCUMSTANCES

- Amended Plans, Motions to Amend Plan, and Amended Budgets may be served only to the Trustee if:
 - A. Proposed Plan only increases plan payment amount or plan duration of confirmed plan;
 - OR**, in a Chapter 13 case, the proposed Plan
 - A. changes 12 or fewer monthly payments;
 - B. lowers monthly plan payment by less than 25% of existing plan payment
 - C. is the first amendment to the debtor's first confirmed plan; **AND**
 - D. does not waive any missed plan payments.



TIP 8: SERVICE ON OBJECTION TO CLAIM

- Always check the most recently filed Proof of Claim for the noticing address provided on the claim form.
- Include the name of the individual who signed the Proof of Claim and the noticing address on your Certificate of Service.



TIP 9: DATE OF SERVICE

- Practice Pointer:
 - Verify the date you list on your Certificate of Service is correct and is the date you actually served your pleading.



TIP 10: SERVICE OF MATTERS SET FOR EXPEDITED HEARING

- Expedited matters should be served as expeditiously as possible (by personal service or electronic means) on opposing counsel and any other necessary parties.
- Certificate of Service should specifically state the parties served and how they were served.
- Practice Pointer:
 - As a reminder, always make sure to first obtain permission from the Court before setting a matter on expedited notice.



ADDITIONAL RESOURCES

- “How to be Successful in Bankruptcy Court”:

<https://www.moeb.uscourts.gov/sites/moeb/files/How%20to%20be%20Successful%20in%20Bankruptcy.pdf>

- “Procedures Manual”

<https://www.moeb.uscourts.gov/sites/moeb/files/Procedures%20Manual%202021.pdf>

- Local Rules

<https://www.moeb.uscourts.gov/rules-and-procedures>

- Missouri Secretary of State Business Search

<https://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0>

