

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	
)	
GERALD SCOTT SHEARMAN and)	CASE NO. BK10-80470-TLS
STACIA JEAN SHEARMAN,)	A10-8019-TLS
)	
Debtor(s).)	CHAPTER 13
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GERALD SCOTT SHEARMAN and)	
STACIA JEAN SHEARMAN,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
CITIZENS BANK, a/k/a)	
CHARTER ONE BANK,)	
)	
Defendant.)	

ORDER

This matter was presented to the court on the plaintiffs’ motion for summary judgment (Fil. #5). The motion is denied.

Service on the defendant is deficient. According to the return of service on file (Fil. #3), the defendant was served by certified mail to “Citizens Bank aka Charter One Bank, 480 Jefferson Blvd. RJE 135, Warwick, RI 02886.” The receipt was signed by “Bill.” According to Rule 7004 of the Federal Rules of Bankruptcy Procedure, service may be had by first class mail upon a corporation by mailing a copy of the summons and complaint to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. Fed. R. Bankr. P. 7004(b)(4). A summons addressed to a company only (as opposed to an officer, managing or general agent, or other agent authorized to receive service of process) does not meet that standard. If the defendant is an insured depository institution, service is to be made by certified mail to an officer of the institution. Fed. R. Bankr. P. 7004(h).

IT IS, THEREFORE, ORDERED that for the foregoing reasons, the plaintiffs’ motion for summary judgment (Fil. #5) is denied.

DATED: August 27, 2010.

BY THE COURT:

/s/ Thomas L. Saladino
Chief Judge

Notice given by the Court to:

*Erin M. McCartney
Kathleen Laughlin
U.S. Trustee

Movant (*) is responsible for giving notice to other parties if required by rule or statute.