

# Service 101: Wait a Minute Mr. Postman!



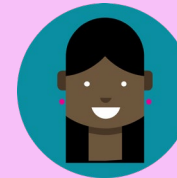
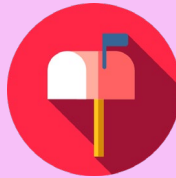
Service does not have to be scary. What is it? Why is it important? How do I do it? You have questions, we have answers.



Pleadings are legal documents filed in the bankruptcy court in order to obtain relief or permission to take an action requiring approval from the judge. A **Voluntary Petition** is the first pleading filed by a debtor in a bankruptcy case, and when filed with other required documents, opens a bankruptcy case. With few exceptions, pleadings filed in the bankruptcy court are public records that can be viewed electronically or physically at the courthouse by members of the public. Throughout a bankruptcy case the debtor is required to serve the pleadings they file.

## What is Service?

- **Service** is the formal delivery of a copy of the pleading or pleadings you have filed in the bankruptcy court to the parties affected by the relief requested or proposed action.
- **Service** is not complete until a **Certificate of Service** has been filed. A **Certificate of Service** is a written statement telling the bankruptcy court that you sent a copy of the pleadings to all parties affected by the relief requested or the proposed action. It should be filed immediately after the underlying pleading is filed and served, and include the party or parties being served, the date service was made, the name of the person making the service, and the method of service. It must also be signed, and include a statement made under penalty of perjury, that the information is true and correct.



## Why is Service Important?

### Notice to Parties:

Parties must be informed of any proposed action in the bankruptcy case that may affect them, so they have an opportunity to respond and be heard.

### Due process:

Due process is a constitutional right to which all parties are entitled. In the bankruptcy court, this means all parties are treated fairly, and in accordance with established procedure, before a party can take an adverse action against another party.

## How do I serve a pleading?

Send a copy of the pleading to all parties affected by the relief requested or proposed action via regular United States Mail Service, first class, postage fully pre-paid, and file a **Certificate of Service** as described above with the bankruptcy court.

