

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA**

In re:
GINA R. TAYLOR-GRONDA,
Debtor.

Case No. 08-00480-HAR
Chapter 7

**Filed On
2/6/12**

**MEMORANDUM RE DENIAL OF MOTION TO AVOID JUDICIAL LIEN
WITHOUT PREJUDICE**

The debtor moved for avoidance of a judgment lien pursuant to 11 U.S.C. § 522(f) and served the creditor by certified mail on the following addresses: Discover Fin Svcs LLC, PO Box 15316, Wilmington, DE 19850, and Discover Bank, c/o Crista [sic] L. White, Esq., 720 Olive Way, Suite 1301, Seattle, WA 98101. Pursuant to Fed. R. Bankr. P. 7004(h), service on an insured depository institution must be made by certified mail addressed to an officer of the institution. Rule 7004(h) contains exceptions to this requirement, but none of them appear applicable here.¹ The debtor's service on Discover Bank was deficient because it was not sent to an officer of the institution.

Because the debtor's motion to avoid judicial lien was not served in accordance with Fed. R. Bankr. P. 7004, it will be denied, without prejudice, pending proper noticing. An order will be entered accordingly.

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¹One of the exceptions permits service by first class mail if the institution has appeared by its attorney. Fed. R. Bankr. P. 7004(h)(1). The debtor served the creditor c/o Crista [sic] L. White, Esq. Courtview records reveal that Krista White was counsel of record for Discover Bank in *Discover Bank v. Gronda*, Case No. 4FA-07-2206 CI, the state court action that resulted in entry of the subject judicial lien. Ms. White has not entered an appearance for the creditor in this case, however. Thus, this exception does not apply.

DATED: February 6, 2012.

/s Herb Ross
HERB ROSS
United States Bankruptcy Judge

Serve: J. Crawford, Esq.
L. Compton, Trustee
U.S. Trustee
2/6/12