

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

In re:

LISA ROSEANN OSMOND, and
CARMEN LOPEZ OSMOND,

Debtors.

Case No. 11-00592-DMD
Chapter 7

**Filed On
10/25/11**

MEMORANDUM ON MOTION TO AVOID JUDGMENT LIENS

Pending before the court is debtor Lisa Roseann Osmond's motion to avoid judicial liens (Docket No. 23) created by two judgments recorded in the Palmer Recording District. Mat Valley Properties, LLC holds the first judgment which was recorded on September 11, 2009 at Serial Number 2009-020399-0, in the amount of \$211,895.38. FIA Card Services, N.A. holds the second judgment. Its judgment was recorded on May 31, 2011 at Serial Number 2011-010082-0, and is in the amount of \$10,879.09. These judicial liens encumber Lisa Osmond's real property described as:

Lots 11 and 12, Block 2, Foxwood Subdivision, Addition No. 1, according to Plat No. 79-324, located in the Palmer Recording District, Third Judicial District, State of Alaska.

The debtor properly served notice of the motion on Mat Valley Properties, LLC pursuant to Fed. R. Bankr. P. 7004(b) by serving, via first class mail, an agent of the LLC authorized to receive service of process. The court will grant the debtor's motion as to Mat Valley Properties, LLC's lien. However, the second lienholder, FIA Card Services, N.A., was not properly served. FIA Card Services, N.A. is "an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act)."¹ Its status can be verified by visiting the FDIC's Institution Directory at <http://www3.fdic.gov/idasp/>. Because FIA Card Services, N.A. is an insured depository institution, it must be served in this contested matter

¹ See Fed. R. Bankr. P. 7004(h).

in accordance with Rule 7004(h) which requires service “by certified mail addressed to an officer of the institution.”² Rule 7004(h) contains exceptions to this requirement, but none of them appear applicable here. Because FIA Card Services, N.A., was not served in accordance with this rule, this portion of the debtor’s motion will be denied, without prejudice, pending proper noticing. An order will be entered accordingly.

DATED: October 25, 2011.

BY THE COURT

/s/ Donald MacDonald IV
DONALD MacDONALD IV
United States Bankruptcy Judge

Serve: E. Conard, Esq.
Mat Valley Properties, LLC, c/o Richard Stryken, 1140 Colony Way #3, PMB 311,
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K. Battley, Trustee
U.S. Trustee

10/25/11

² Fed. R. Bankr. P. 7004(h).