

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

In re:  
IRENE ESCARZA DE LEON,  
  
Debtor.

Case No. A11-00273-DMD  
Chapter 7

**Filed On  
11/22/11**

**MEMORANDUM ON MOTION TO AVOID JUDICIAL LIEN**

Pending before the court is debtor Irene Escarza de Leon's motion to avoid judicial lien (Docket No. 51). The lien was created by a judgment recorded in the Anchorage Recording District on August 6, 2010, in the amount of \$98,164.19. This judicial lien encumbers the debtor's principal residence located at 1419 Annapolis Drive, Anchorage, legally described as:

Lot 12, Block 26, College Village Subdivision, Addition No. 12, according to the official plat thereof, filed under Plat Number 69-104, records of the Anchorage Recording District, Third Judicial District, State of Alaska.

The debtor properly served notice of the motion on The Voices of Polynesian Islanders in Alaska, Inc. pursuant to Fed. R. Bankr. P. 7004(b) by serving, via first class mail, an agent of the corporation authorized to receive service of process. However, Assistant Attorney General Richard Svobodny was not properly served. A review of the Alaska Court System's CourtView in *The Voice of Polynesian Islanders in Alaska (VPI), Inc., and Acting Attorney General Richard Svobodny v. de Leon*, Case No. 3AN-09-4782 CI, reveals that although Attorney General Richard Svobodny was named in the caption, the State of Alaska was the participant in that action. Fed. R. Bankr. P. 7004 requires that service upon a "state

or municipal corporation or other governmental organization thereof” be made in accordance with the “law of the state in which service is made when an action is brought against such a defendant in the courts of general jurisdiction of that state.” Fed. R. Bankr. P. 7004(b)(6). Pursuant to Rule 4(d)(7) of the Alaska Rules of Civil Procedure, service is effected upon the State of Alaska by “registered or certified mail to the Attorney General of Alaska, Juneau, Alaska, and [a] to the chief of the attorney general’s office in Anchorage, Alaska, when the matter is filed in the Third Judicial District.” Because the State of Alaska was not served in accordance with Rule 7004, the debtor’s motion will be denied, without prejudice, pending proper noticing. An order will be entered accordingly.

DATED: November 22, 2011

BY THE COURT

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

Serve: S. Ching, Esq.  
K. Battley, Trustee  
U. S. Trustee

11/22/2011