

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

IN RE:)
)
DEMETRIUS K. WATKINS and)
BRANDY S. WATKINS,) Case No. 20-11157
)
Debtors.)

ORDER DENYING MOTION TO AVOID (DOCS. 10, 11, 12)

This case is before the court on the debtors' motions to avoid judgment liens of Peavy's Finance, Genesis Recovery Services, and Autovest, LLC, respectively. A motion to avoid judgment lien is a contested matter and thus must be served in accordance with Federal Rule of Bankruptcy Procedure 7004. *See* Fed. R. Bankr. P. 9014(b). There are several ways to serve a corporation or unincorporated association such as the creditors here, including by first class mail addressed to the attention of an officer, a managing or general agent, or to any agent authorized by appointment or by law to receive service of process. *See* Fed. R. Bankr. P. 7004.

The certificate of service attached to each motion shows that the debtors served the motions to the attention of a named person but do not show the title or position (*i.e.*, president, vice-president, registered agent, etc.) of the person so the court can determine whether service was proper. There is a split of authority whether you can simply serve an entity addressed to a titled officer – such as “President, XYZ Corporation” – or if you must identify the name of an actual officer in addition to the title. *See, e.g., In re Carlo*, 392 B.R. 920, 921 (Bankr. S.D. Fla. 2008). The court is of the opinion that the better course of action is to identify a named officer or agent, as the debtors did here. *See, e.g., id.* The problem is that the debtors failed to also include the title or position of each named officer or agent. The court thus denies the motions

without prejudice to the debtors reserving the motions and including in the certificate of service the title or position of each named person.

Dated: May 28, 2020


HENRY A. CALLAWAY
CHIEF U.S. BANKRUPTCY JUDGE