

TRUSTEE'S NEWSLETTER

BRETT N RODGERS, TRUSTEE

CHAPTER 12 AND 13 PROCEEDINGS

FEBRUARY 2005

PROOF OF SERVICE

When filing your documents, please do not put the proof of service at the front, otherwise the Court labels the electronic transmission to us as "Certificate of Service" which is not necessarily an accurate description of the document.

FYI –MEIJER

The new address for Employer Orders for Meijer is:

MEIJER
2929 WALKER AVENUE
GRAND RAPIDS, MI 49544

PLANS BEING MAILED TO TRUSTEE

The Trustee's Office does not need a copy of the plan mailed to our office. Attorneys are sending our office a copy of the plan this is not necessary, we receive email copy of plan from the court.

CHANGING PROOFS OF SERVICE

It has come to our attention that the "proofs of service" filed by a majority of the attorneys explicitly state we were served a copy by "ordinary mail, postage paid," when in fact, we are not being served except via the electronic batch sent over to us from the Court. Speaking with the Court about this, they agreed that if attorneys are stating they mailed the Trustee's office a copy, then they should mail us a copy.

The rule states...."the File User must serve pleadings or documents upon all persons entitled to notice or service in accordance with applicable rules. If the recipient is a registered participant in the System, service of the "Notice of Electronic Filing" shall be prepaid; with the exception of a summons and complaint."



The part of the rule...."service of the "notice of Electronic Filing" shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid..." does not mean attorneys can say we were served a particular way and then not serve us in that manner, but that is "equal" to being served that particular way. Therefore, Attorneys need to change their proofs of service to explicitly state the facts. (Example, one office states in their proof of service "served on the Trustee electronically thru the BNC"). If the proof of service is left unchanged, the proof of service is not a factual representation to the court of the circumstances subscribed to.

