INSTRUCTIONS FOR FILING AN ADVERSARY PROCEEDING COMPLAINT

WHAT YOU NEED TO FILE:

1. A SEPARATE FILING FEE for EACH conventionally filed paper complaint (unless plaintiff is a debtor in a Ch. 7 or 13 case, or is a Debtor-In-Possession in a Ch. 11 or 12 case and the action will benefit an individual debtor (e.g., Dischargeability!)). Make check payable to "*Clerk, U.S. Bankruptcy Court*." Access www.orb.uscourts.gov, or contact court, for current fee.

2. [IF conventionally filed on PAPER] AN ORIGINAL of the Adversary Cover Sheet (B104) - completely filled out and signed. A blank Cover Sheet will be furnished upon request (INCLUDE a self-addressed, stamped, envelope if requesting in writing).

3. ORIGINAL COMPLAINT (unless filing a stipulated judgment without a complaint).

4. [IF conventionally filed on PAPER] ONE SELF-ADDRESSED, STAMPED, ENVELOPE - for return of original Summons for service.

5. [IF filed by a non-governmental CORPORATION] - A Corporate Ownership Statement per Fed. Rule Bankr. Proc. (FRBP) 7007.1.

COMPLAINT:

Make sure the heading is correct [e.g. "Complaint Objecting to *Discharge*" (i.e., of all debts) is different from a "Complaint Objecting to *Dischargeability*" (i.e., of a single debt)].

The body of the Complaint must show the applicable section(s) of the Code.

Sample Caption Format:

In re	)	CASE NO._____
	)	
Debtor(s)_____		ADV. PROC. NO._____
	)	(TITLE)
	)	(NOTE: Any jury trial demand must be
Plaintiff(s)	)	shown here)
v.	)	
Defendant(s)	)	

SUMMONS:

Except as provided in the last sentence of this paragraph, the court will issue an original Summons and send it to you for service. You will then need to make a copy for each party to be served. However if you electronically file the complaint using ECF, for service purposes you must print and use either the Summons you receive via a Notice of Electronic Filing (NEF) or, if available, a Summons that is automatically issued by the court via the ECF system during the filing process.

SERVICE OF THE SUMMONS (See FRBP 7004):

WITHIN 10 DAYS after the issuance of the Summons, a copy of the Summons, Complaint, AND Local Bankr. Rule (LBR) 7026-1 MUST BE SERVED by the plaintiff on the defendant(s) and any defendant's attorney, and to interested parties. Contact the clerk's office IMMEDIATELY if the 10 day deadline is not met!

Service by mail may be made within the U.S. by first class mail, postage prepaid. The Certificate of Service [Local Form #305] MUST: (1) be fully completed by the person who mailed the documents; (2) indicate the exact name and title of each party to whom the documents were mailed; (3) show compliance with FRBP 7004(b) and service of LBR 7026-1; (4) be attached to the original Summons, or linked to it if filed via ECF; AND (5) be IMMEDIATELY filed with the Bankruptcy Court.

QUESTIONS??? Please call the adversary clerk in Portland (503-326-1500) or Eugene (541-431-4000); or write to: Clerk, U.S. Bankruptcy Court, at either 1001 SW 5th Ave. #700, Portland OR 97204 or 405 E 8th Ave #2600, Eugene OR 97401.

***** SEE LOCAL FORM #ADV-2 FOR INFORMATION ON SUBPOENAS *****