

INSTRUCTIONS FOR FILING AN ADVERSARY PROCEEDING COMPLAINT

**WHAT YOU NEED TO FILE:**

1. A filing fee for each complaint (unless the plaintiff is a debtor, or a child support creditor or representative that has filed [Procedural Form #B281](#)). If the plaintiff is the trustee or a debtor-in-possession, the fee must be paid only by the estate, to the extent that there is an estate. If filing on paper, make check payable to "Clerk, U.S. Bankruptcy Court." Access [www.orb.uscourts.gov](http://www.orb.uscourts.gov), or contact court, for current fee.
2. [If filed on paper only] An original of the [Adversary Cover Sheet](#) - 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 filed by a non-governmental corporation that is not the debtor] - A Corporate Ownership Statement per Federal Rule of Bankruptcy Procedure (FRBP) 7007.1.

**COMPLAINT:**

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

The body of the Complaint must allege the applicable section(s) of the Code and must comply with FRBP 7008 and LBR 7008-1.

Sample Caption Format:

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

**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 7 days after the issuance of the Summons, the plaintiff must serve a copy of the Summons and Complaint on the defendant(s) and any defendant's attorney. Contact the clerk's office immediately if the 7 day deadline is not met!*

Service by mail may be made within the U.S. by first class mail, postage prepaid. In some cases, certified mail is required. See FRBP 7004(h). 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; (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 case administrator 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 8<sup>th</sup> Ave #2600, Eugene OR 97401.