

# **BANKRUPTCY <sup>UP</sup>DATE**

## **January 31, 2023**

If someone else would like to receive these <sup>UP</sup>dates, please send an e-mail to [Shan\\_Stroup@sdb.uscourts.gov](mailto:Shan_Stroup@sdb.uscourts.gov).

### **Mail Returned or Identified as Undeliverable**

When a notice or other document is served by mail by counsel for a debtor, it may be returned to the debtor's counsel as undeliverable by the postal service. When a notice or other document is served through the Bankruptcy Noticing Center and is unable to be delivered, the BNC e-mails a Notice of Returned Mail to counsel for the debtor, attaching the undelivered document and stating the name and address of the intended recipient. In both of these situations a creditor's claim may not be discharged if a key notice is not timely re-served on the creditor at a good address. **Upon receipt of returned mail or a Notice of Returned Mail from the BNC, please take appropriate action as soon as possible.**

When a mailed notice or other document is returned to counsel for a debtor or a creditor's address has been identified as undeliverable, the debtor's counsel should make a reasonable effort to determine the correct current address for the intended recipient, re-serve the undelivered notice or other document at the party's correct address, and prepare and file a Certificate of Service Regarding Returned or Undeliverable Mail conforming to [Appendix 2J](#) of our local rules, as required by Bankr. D.S.D. R. 2002-4(a). When filing a Certificate of Service Regarding Returned or Undeliverable Mail, please use the CM/ECF event "Certificate of Service" found under Bankruptcy - Other.

Pursuant to Bankr. D.S.D. R. 2002-4(c), if a valid address for a party cannot be determined, the debtor's counsel is required to prepare and file a Debtor's Statement Regarding Certain Undeliverable or Returned Mail conforming to [Appendix 2K](#) of our local rules that lists the name of the party not served, references each address at which service was attempted but not made, identifies each document for which good service has not been made, and summarizes the resources used to attempt to obtain a good address for the party. When filing a Debtor's Statement Regarding Certain Undeliverable or Returned Mail, please use the CM/ECF event "Statement re: Undeliverable or Returned Mail" found under Bankruptcy - Other.

## **Link**

[Previous Bankruptcy <sup>UP</sup>dates](#)

As always, should you have questions regarding this <sup>UP</sup>date or anything else concerning your dealings with the Court or the Clerk's office, please let us know.