

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF ILLINOIS

KHADJIA V. THOMAS  
CLERK OF COURT

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SPRINGFIELD, ILLINOIS 62701

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April 23, 2013

Dear Chapter 7 Case Trustees:

This letter provides general information to address several noticing issues and questions the Springfield Clerk's office has received. As you know, staff cannot provide legal advice. I will, however, attempt to provide some general guidelines pertaining to noticing in response to recent questions received. You are also encouraged to review Fed. R. Bankr. P. 2002.

One issue which has been raised involves the use of the Bankruptcy Noticing Center ("BNC") by case trustees. The Clerk's office uses the BNC for most of its noticing. The BNC also offers services to case trustees. For specific information about using the BNC for your noticing, please contact Joe Speetjens at (703) 563-8460 or [jspeet@noticingcenter.com](mailto:jspeet@noticingcenter.com).

When the Clerk's office uses the BNC, we experience a two day delay between when we send a document to the BNC and when the document is actually mailed. Accordingly, you may have seen that when a 21 day objection period is required, the actual time period we insert in a document is 23 days. Thus, the only caution to you about using the BNC is that you must have a clear agreement with the BNC about when each of your notices will be mailed. If you insert a required 21 day deadline in a notice but the BNC does not mail the document for a day or two, your notice will not comply with the Rules.

A second issue involves returned mail. Some trustees have received returned mail and have called the Clerk's office asking what their obligations are with respect to that mail. The answer requires a legal analysis and, again, staff cannot provide legal advice. We can only provide general information about how we handle return mail.

When we send notices through the BNC, the debtor's attorney's address is used as the return address. Accordingly, we do not receive return mail although we do receive an email from the BNC regarding the fact that mail has been returned to the debtor's attorney. Generally, we consider that debtors have an obligation to provide complete and correct addresses for all creditors when a case is filed and that creditors who receive the initial notice of filing have a duty thereafter to update their address if they move. The BNC does not continue to send notices to "bad addresses" and you may have noticed a section at the bottom of some BNC certificates of service identifying creditors not served due to bad addresses.

Based on recent questions, there may be a perception that when the Clerk's office prepares and mails a notice whether through the BNC or directly, that the service is good and a safe harbor is created preventing that service from being challenged later by someone who did not get proper or timely notice. That perception is inaccurate. If someone does not receive a notice they are

entitled to receive, they may bring that problem to the Court's attention and seek relief regardless of who had the responsibility for sending the notice. To the extent that you receive returned mail, inquiries of the debtor or particular creditors will ensure proper noticing of future documents and reduce the risk of lack of notice to interested parties as the case progresses. Also, having proof in your own files from your receipt of returned mail that a creditor has moved and left no forwarding address may provide a higher comfort level.

A final issue which has been raised involves recently posted changes in Judge Gorman's procedures relating to adding creditors and new creditor addresses to a mailing matrix based on a certificate of service filed with a motion or other document. In the Springfield Division, the clerk's office staff will no longer add creditors or change creditors addresses based on a review of the certificates of service. This new procedure applies to all Springfield practitioners and trustees managing cases in the Springfield Division.

It is my intent to ensure case trustees are kept informed regarding procedural changes and how best to address the respective changes. Please let me know if you have any further noticing questions as it applies to the recent changes in the Springfield Division.

Sincerely,

*Khadijia V. Thomas*

U.S. Bankruptcy Clerk

cc: Judges, United States Bankruptcy Court, Central District of Illinois  
Nancy Gargula, U.S Trustee, Office of the U.S. Trustee  
Tim Ruppel, Assistant U.S. Trustee, Office of the U.S. Trustee  
Case Trustees

# The Noticing Center

Send bankruptcy notices easily - create an account now..

It's simple: Upload your bankruptcy notice PDF and an address list.

We take care of the rest.

Here is what our service includes:

- Reliable noticing procedures that have served the courts for years.
- Automatic removal of any duplicate documents if your mailing list contains multiple entries for a single recipient – this is a common occurrence.
- A Certificate of Service customized to the local rules for your district. 
- Import a CM/ECF address list with no additional formatting steps. 
- Address standardization to determine ZIP+4 and Intelligent Mail Barcodes to speed the notices through the USPS.
- Live support when you need it.

The Noticing Center is a service provided by BAE Systems. We are a bankruptcy noticing provider approved by the Administrative Office of the U.S. Courts.

How the Noticing Center works.

If you're an attorney, trustee, or other bankruptcy practitioner, you can use the Noticing Center to send bankruptcy notices by uploading a PDF copy of the document and an address list. Create a new account or login now.

The process is simple:

1. First, create an account or login.
2. Upload the PDF document and address file.
3. Select the court where the case is filed and enter the case number.
4. Complete your upload through a credit card payment or use your prepaid balance.
5. After mailing is complete, view the Certificate of Notice in your Account History Mailed tab.
6. File the Certificate of Notice through CM/ECF.

We can accommodate any size document. All documents will be printed double-sided in black and white on letter size paper, or 8.5 x 11 inches. One to five sheets will fit in a #10 windowed envelope and six to 60 will be in a 9x12". The envelopes are stamped "Official Business" so your notices are clearly recognized as legal material.

**Pricing is as follows:**

- Printed Sheet (single or double sided) - \$0.14 per sheet
- Postage USPS first class mail rates

**Contact Information:**

Website: [www.noticingcenter.com](http://www.noticingcenter.com)

Contact Person: Joe Speetjens

703-563-8460

[jspeet@noticingcenter.com](mailto:jspeet@noticingcenter.com)