

Filer's Name, Address, Phone, email:		
<p style="text-align: center;"><b>UNITED STATES BANKRUPTCY COURT DISTRICT OF HAWAII</b> 1132 Bishop Street, Suite 250, Honolulu, Hawaii 96813</p>		
Debtor(s):		Case No.:
Plaintiff(s):		Adversary Proceeding No.:
	<i>(et al. if multiple parties)</i>	
Defendant(s):		
	<i>(et al. if multiple parties)</i>	

**REQUEST FOR ENTRY OF DEFAULT AND DECLARATION IN SUPPORT**

As certified in the declaration included herein, each of the following parties has failed to plead or otherwise defend in this matter. Pursuant to Fed. R. Civ. P. 55(a) (made applicable by Fed. R. Bankr. P. 7055), the undersigned requests that the clerk enter default against:

1. The defaulting party is (*check all that apply*):

a debtor (service must have been made on both the debtor and the debtor's attorney)

an individual other than an infant, incompetent, or someone protected under the Servicemembers Civil Relief Act (50 U.S.C. app. §§ 501 et seq.)

a domestic or foreign corporation, partnership, or other unincorporated association, including a limited liability company.

an insured depository institution

a state or municipal corporation or other governmental organization

the United States, an officer or agency of the United States, or the United States trustee.

2. The complaint or amended complaint was filed on: \_\_\_\_\_.
3. A summons was issued on: \_\_\_\_\_.
4. The defaulting party was served the summons and a copy of the complaint on: \_\_\_\_\_.
5. Service of the summons and a copy of the complaint was made in the following manner:
  - Personal service
  - First Class Mail
  - Service by publication
  - Service in a foreign country as authorized under the Hague Convention or other authority  
(attach a statement showing compliance with the specific provisions for service in that country)
6. If service was made by first class mail, cite the applicable provision(s) of Fed. R. Bankr. P. 7004 or Fed. R. Civ. P. 4 governing the sufficiency of service (*see attached instructions*):
  
  
  
  
  
  
  
  
  
  
7. No answer or other responsive pleading has been filed by the party or parties against whom this request is made.

The undersigned has personal knowledge of the foregoing and declares under penalty of perjury that the information above is true and correct.

Date: \_\_\_\_\_

/s/ \_\_\_\_\_  
[Print name and sign]

## INSTRUCTIONS

Prior to requesting entry of default, ensure that service was sufficient under Rule 7004 of the Federal Rules of Bankruptcy Procedure, including within the time limit for service of the summons under Rule 7004(e). Subdivisions (b) - (h) of Rule 7004 are printed below for reference. Check for any superseding amendments to Rule 7004 or for provisions of Rule 4 of the Federal Rules of Civil Procedure that may apply. In paragraph 6 of the form, cite the specific subdivision and paragraph of the applicable rule(s). If service was made by First Class Mail, provide the name address used, including the name of the officer or agent if the party was served through one.

### **Bankruptcy Rule 7004**

\* \* \*

(b) SERVICE BY FIRST CLASS MAIL. Except as provided in subdivision (h), in addition to the methods of service authorized by Rule 4(e)–(j) F.R.Civ.P., service may be made within the United States by first class mail postage prepaid as follows:

(1) Upon an individual other than an infant or incompetent, by mailing a copy of the summons and complaint to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession.

(2) Upon an infant or an incompetent person, by mailing a copy of the summons and complaint to the person upon whom process is prescribed to be served by the law of the state in which service is made when an action is brought against such a defendant in the courts of general jurisdiction of that state. The summons and complaint in that case shall be addressed to the person required to be served at that person's dwelling house or usual place of abode or at the place where the person regularly conducts a business or profession.

(3) Upon a domestic or foreign corporation or upon a partnership or other unincorporated association, by mailing a copy of the summons and complaint to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.

(4) Upon the United States, by mailing a copy of the summons and complaint addressed to the civil process clerk at the office of the United States attorney for the district in which the action is brought and by mailing a copy of the summons and complaint to the Attorney General of the United States at Washington, District of Columbia, and in any action attacking the validity of an order of an officer or an agency of the United States not made a party, by also mailing a copy of the summons and complaint to that officer or agency. The court shall allow a reasonable time for service pursuant to this subdivision for the purpose of curing the failure to mail a copy of the summons and complaint to multiple officers, agencies, or corporations of the United States if the plaintiff has mailed a copy of the summons and complaint either to the civil process clerk at the office of the United States attorney or to the Attorney General of the United States.

(5) Upon any officer or agency of the United States, by mailing a copy of the summons and complaint to the United States as prescribed in paragraph (4) of this subdivision and also to the officer or agency. If the agency is a corporation, the mailing shall be as prescribed in paragraph (3) of this subdivision of this rule. The court shall allow a reasonable time for service pursuant to this subdivision for the purpose of curing the failure to mail a copy of the summons and complaint to multiple officers, agencies, or corporations of the United States if the plaintiff has mailed a copy of the summons and complaint either to the civil process clerk at the office of the United States attorney or to the Attorney General of the United States. If the United States trustee is the trustee in the case and service is made upon the United States trustee solely as trustee, service may be made as prescribed in paragraph (10) of this subdivision of this rule.

(6) Upon a state or municipal corporation or other governmental organization thereof subject to suit, by mailing a copy of the summons and complaint to the person or office upon whom process is prescribed to be served by the law of the state in which service is made when an action is brought against such a defendant in the courts of general jurisdiction of that state, or in the absence of the designation of any such person or office by state law, then to the chief executive officer thereof.

(7) Upon a defendant of any class referred to in paragraph (1) or (3) of this subdivision of this rule, it is also sufficient if a copy of the summons and complaint is mailed to the entity upon whom service is prescribed to be served by any statute of the United States or by the law of the state in which service is made when an action is brought against such a defendant in the court of general jurisdiction of that state.

(8) Upon any defendant, it is also sufficient if a copy of the summons and complaint is mailed to an agent of such defendant authorized by appointment or by law to receive service of process, at the agent's dwelling house or usual place of abode or at the place where the agent regularly carries on a business or profession and, if the authorization so requires, by mailing also a copy of the summons and complaint to the defendant as provided in this subdivision.

(9) Upon the debtor, after a petition has been filed by or served upon the debtor and until the case is dismissed or closed, by mailing a copy of the summons and complaint to the debtor at the address shown in the petition or to such other address as the debtor may designate in a filed writing.

(10) Upon the United States trustee, when the United States trustee is the trustee in the case and service is made upon the United States trustee solely as trustee, by mailing a copy of the summons and complaint to an office of the United States trustee or another place designated by the United States trustee in the district where the case under the Code is pending.

(c) SERVICE BY PUBLICATION. If a party to an adversary proceeding to determine or protect rights in property in the custody of the court cannot be served as provided in Rule 4(e)–(j) F.R.Civ.P. or subdivision (b) of this rule, the court may order the summons and complaint to be served by mailing copies thereof by first class mail, postage prepaid, to the party's last known address, and by at least one publication in such manner and form as the court may direct.

(d) NATIONWIDE SERVICE OF PROCESS. The summons and complaint and all other process except a subpoena may be served anywhere in the United States.

(e) SUMMONS: TIME LIMIT FOR SERVICE WITHIN THE UNITED STATES. Service made under Rule 4(e), (g), (h)(1), (i), or (j)(2) F.R.Civ.P. shall be by delivery of the summons and complaint within 7 days after the summons is issued. If service is by any authorized form of mail, the summons and complaint shall be deposited in the mail within 7 days after the summons is issued. If a summons is not timely delivered or mailed, another summons will be issued for service. This subdivision does not apply to service in a foreign country.

(f) PERSONAL JURISDICTION. If the exercise of jurisdiction is consistent with the Constitution and laws of the United States, serving a summons or filing a waiver of service in accordance with this rule or the subdivisions of Rule 4 F.R.Civ.P. made applicable by these rules is effective to establish personal jurisdiction over the person of any defendant with respect to a case under the Code or a civil proceeding arising under the Code, or arising in or related to a case under the Code.

(g) SERVICE ON DEBTOR'S ATTORNEY. If the debtor is represented by an attorney, whenever service is made upon the debtor under this Rule, service shall also be made upon the debtor's attorney by any means authorized under Rule 5(b) F.R.Civ.P.

(h) SERVICE OF PROCESS ON AN INSURED DEPOSITORY INSTITUTION. Service on an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) in a contested matter or adversary proceeding shall be made by certified mail addressed to an officer of the institution unless—

- (1) the institution has appeared by its attorney, in which case the attorney shall be served by first class mail;
  - (2) the court orders otherwise after service upon the institution by certified mail of notice of an application to permit service on the institution by first class mail sent to an officer of the institution designated by the institution;
- or
- (3) the institution has waived in writing its entitlement to service by certified mail by designating an officer to receive service.