

**UNITED STATES BANKRUPTCY COURT**  
DISTRICT OF NORTH DAKOTA

QUENTIN N. BURDICK UNITED STATES COURTHOUSE  
655 1<sup>ST</sup> AVENUE NORTH, SUITE 210  
FARGO, ND 58102-4932  
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**DIANNE G. SCHMITZ**  
CLERK

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Date: July 7, 2010  
To: Bankruptcy Community  
From: Dianne Schmitz, Clerk  
U.S. Bankruptcy Court  
Re: Change to Bankruptcy Noticing Center Practices - Creditor Mailings

Effective July 12, 2010, the Bankruptcy Noticing Center (BNC) will NOT mail notices to a creditor if the address is invalid.

When a bankruptcy court mails notices to a creditor, the court is required to use the address a debtor provides on its creditor mailing list unless a creditor has provided the court with a different address. The Bankruptcy Court for the District of North Dakota uses the BNC to mail notices, but the BNC can only do so if an address is valid. If an address is not valid, the United States Postal Service (USPS) treats this as sending mail to an undeliverable address. Reasons for undeliverable mail may include: incomplete address; moved to a foreign address; moved and left no forwarding address; post office box closed; and forwarding order expired. In some instances the USPS will forward mail when a creditor has given the USPS a forwarding address, but only for a limited time. It is up to the debtor or creditor to file a change of address with the court.

Since the start of the BNC program, the Administrative Office of the U.S. Courts has authorized the BNC to bypass notices with incomplete addresses. Now, the BNC will no longer print and mail notices to undeliverable addresses for the additional reasons stated above. Instead, the BNC will mail a notification to the debtor or debtor's attorney stating that the notice was bypassed. The bypass notification will: (1) include a copy of the notice that the BNC did not mail to the undeliverable address; (2) identify the creditor and the undeliverable address; (3) instruct the debtor to immediately mail the undelivered notice to the creditor; (4) inform the debtor that the BNC will not mail future notices to the undeliverable address; and (5) include space on the notification for the debtor to insert a corrected address for the creditor.

To ensure that a change of address is properly effected, attorneys and parties should file a BNC Bypass Notice (see attached sample) or a certificate of service indicating the creditor's name and new address upon which service of the notice may be performed. Either of these documents can be electronically filed using the <Certificate of Service> event in CM/ECF.

The BNC will continue to identify undeliverable addresses for creditors on each BNC Certificate of Notice under the category “Bypassed.” The BNC will also include the reason why a creditor’s address was bypassed and state that the debtor or debtor’s attorney was notified that the address was undeliverable.

Please note that the BNC will continue to mail notices to undeliverable addresses under the following conditions: (1) the address is for a debtor; or (2) the address is for a creditor who, pursuant to 11 U.S.C. §342(f), has filed a preferred address with the BNC for all cases or who, pursuant to 11 U.S.C. § 342(e), has filed a preferred address with the court for a particular case. The BNC will attempt to contact the preferred address recipient regarding the need for address correction.

Providing valid addresses will reduce the volume of returned mail that the debtor, debtor’s attorney and the courts receive, and it will avoid unnecessary postage costs.

I thank you in advance for your attention to this matter. Please feel free to contact this office should you have any questions pertaining to this change in creditor mailing practices with the District of North Dakota.