



IT IS ORDERED as set forth below:

Date: March 03, 2010

James E. Massey

James E. Massey
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

CASE NO. 09-72487

Kathy Marie Preston,

CHAPTER 7

Debtor.

JUDGE MASSEY

Kathy Marie Preston,

Plaintiff,

v.

ADVERSARY NO. 09-6592

Sallie Mae, Inc., AES, Inc. and ACS Key Bank,

Defendants.

ORDER ON MOTION FOR DEFAULT JUDGMENT AGAINST ACS KEY BANK

Debtor brought this adversary proceeding seeking a determination that educational loans made by the Defendants to Plaintiff are dischargeable. One of the Defendants is referred to in the caption of the complaint as ASC Key Bank and in the body of the complaint as Key Bank. As

best I can tell, ASC stands for "Affiliated Computer Services, Inc.," a company that administers student loans for lenders but that is not itself a lender. The certificate of service of the summons and complaint shows service on ACS Key Bank in care of CSC Corp. Service Co. at an address in Columbus, Ohio and on Key Bank at a post office box in Utica, New York.

Debtor now moves for a default judgment against ACS Key Bank. The Court does not believe that the motion, complaint and certificate of service of the complaint show the precise name of the lender. If the lender is Key Bank, National Association, it is insured by the Federal Deposit Insurance Corporation.¹ And if the targeted defendant is insured by the F.D.I.C., service by mail requires that certified mail addressed to an officer of the institution. Fed. R. Bankr. P. 7004(h).

The Court will afford Plaintiff three weeks within which to supplement her motion to show that the Defendant is in fact "ACS Key Bank" and that it is not insured by the F.D.I.C. If Plaintiff is prepared to show that service was proper, she may through counsel so inform Chambers, and a hearing will be scheduled on the motion at which proof of service may be presented. The Court will schedule a hearing on the motion at which Plaintiff must show proper service if she does nothing. If the complaint fails to identify correctly the entity holding the debt or debts at issue, Plaintiff should amend the complaint within three weeks to show the precise name of the defendant she seeks to sue, obtain a new summons and serve the new summons and amended complaint correctly.

END OF ORDER

¹ The website of the F.D.I.C. shows several entities with "Key Bank" in the names