



IT IS ORDERED as set forth below:

Date: February 24, 2010

A handwritten signature in black ink, appearing to read "W. H. Drake", is written over a horizontal line.

**W. H. Drake
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

IN THE MATTER OF:	:	CASE NUMBERS
	:	
JEFFREY PAUL HUNT,	:	BANKRUPTCY CASE
	:	NO. 09-12647-WHD
	:	
Debtor.	:	
-----	:	
	:	
GEORGIA LOTTERY	:	
CORPORATION,	:	
	:	
Plaintiff,	:	ADVERSARY PROCEEDING
	:	NO. 09-1095
v.	:	
	:	
JEFFREY PAUL HUNT,	:	IN PROCEEDINGS UNDER
	:	CHAPTER 7 OF THE
Defendant.	:	BANKRUPTCY CODE

ORDER

This matter comes before the Court on the Motion for Default Judgment, filed by Georgia Lottery Corporation (hereinafter the "Plaintiff"). The Motion arises in connection

with an adversary proceeding initiated by the Plaintiff to determine the dischargeability of a debt owed by Jeffrey Paul Hunt (hereinafter the “Defendant”). The Defendant has failed to file an answer to the Plaintiff's complaint or otherwise respond to the complaint or the Motion. The Court is not in a position, however, to grant the Motion, as the Complaint and Summons were not served properly.

The certificate of service reflects that the Complaint and Summons were served only upon the Defendant's attorney of record, J. Nevin Smith. Rule 7004(b)(9) of the Federal Rules of Bankruptcy Procedure provides that service on a bankruptcy debtor is accomplished “by mailing a copy of the summons and complaint to the debtor at the address shown in the petition or statement of affairs or to such other address as the debtor may designate in a filed writing.” FED. R. BANKR. P. 7004(b)(9). Perfection of service of process results in this Court’s obtaining jurisdiction over parties such that it can adjudicate their rights. *See Combs v. Nick Garin Trucking*, 825 F.2d 437, 442 (D.C. Cir. 1987) (citation omitted); *Fed. Trade Comm’n v. Compagnie DeSaint-Gobain-Pont-A-Mousson*, 636 F.2d 1300, 1319 (D.C. Cir. 1980). Without proper service upon the Defendant, rather than his attorney, the Court cannot find that the Defendant is in default and must deny the motion. As it is within the Court's discretion to permit a plaintiff to attempt to effectuate proper service, the Court will deny the motion without prejudice to permit the Plaintiff an opportunity to perfect proper service of the Complaint and Summons.

For the reasons stated above, the Motion for Default Judgment, filed by Georgia

Lottery Corporation, is hereby **DENIED** without prejudice.

END OF DOCUMENT