

UNITED STATES BANKRUPTCY COURT  
Southern District of California

In re

**Bankruptcy Case No.**

Debtor

**Adversary Proceeding No.**

Plaintiff

v.

Defendant, Third-Party Plaintiff

Third-Party Defendant

**THIRD PARTY SUMMONS IN AN ADVERSARY PROCEEDING**

**YOU ARE SUMMONED** and required to submit a motion or answer to the third-party complaint which is attached to this summons to the Clerk of the Bankruptcy Court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of Clerk	Clerk, United States Bankruptcy Court 325 West "F" Street San Diego, California 92101-6991
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At the same time, you must also serve a copy of the motion or answer upon the defendant's attorney.

Name and Address of Defendant's Attorney
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At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney
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If you make a motion, your time to answer is governed by Federal Rule of Bankruptcy Procedure 7012. If you are also being served with a copy of the complaint of the plaintiff, you have the option of not answering the plaintiff's complaint **unless** this is an admiralty or maritime action subject to the provisions of Federal Rules of Civil Procedure 9(h) and 14(c), in which case you are required to file a motion or an answer to both the plaintiff's complaint and the third-party complaint, and to serve a copy of your motion or answer upon the appropriate parties.

**IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

Barry K. Lander, Clerk

## PROOF OF SERVICE

I, \_\_\_\_\_ (name), certify that service of this summons and a copy of the third-copy complaint was made \_\_\_\_\_ by:  
[date]

[ ] Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:

[ ] Personal Service: By leaving the process with the third-party defendants or with an officer or agent of third-party defendant(s) at:

[ ] Residence Service: By leaving the documents with the following adult at:

[ ] Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the third-party defendant at:

[ ] Publication: The third-party defendant was served as follows: [describe briefly]

[ ] State Law: The third-party defendant was served pursuant to the laws of the State of \_\_\_\_\_, as follows: [describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

\_\_\_\_\_  
[Date] \_\_\_\_\_  
[Signature]

Print Name		
Business Address		
City	State	ZIP