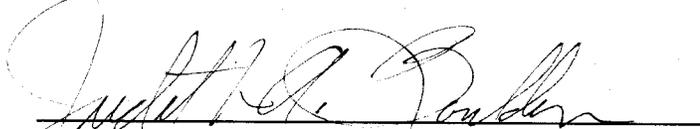

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH
STANDING ORDER NUMBER 3

This Standing Order Number 3 is issued by the United States Bankruptcy Court for the District of Utah pursuant to Local Rule 1001-2. It is effective for all cases or adversary proceedings filed on or after October 16, 2006, and for any claims transferred on or after October 16, 2006.

Dated this 10th day of October, 2006.



Glen E. Clark
Chief Judge, United States Bankruptcy Court
for the District of Utah



Judith A. Boulden
United States Bankruptcy Judge



William T. Thurman
United States Bankruptcy Judge

Approved



Dee Benson
Chief Judge, United States District Court for the
District of Utah

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

STANDING ORDER NUMBER 3

Whereas, on April 20, 2005 the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the BAPCPA) was enacted into law; and

Whereas, the Interim Rules, including Interim Rule 1007, promulgated by the Advisory Committee on Bankruptcy Rules designed to implement the substantive and procedural changes mandated by the BAPCPA were adopted by this Court on September 20, 2005 by Standing Order Number 2, and

Whereas, the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States has proposed an amendment to Interim Rule 1007, and

Whereas, the Judicial Conference of the United States has approved that the amendment to Interim Bankruptcy Rule 1007 be distributed immediately to the courts with a recommendation that it be adopted by standing order; and

Whereas, the Director's Procedural Form 104 Adversary Proceeding Cover Sheet, and 210 Transfer of Claim other than Security, have been amended and should be adopted; and

Whereas, the Local Form for Payment Advices Certification should be added to the Local Rules as Appendix F;

NOW THEREFORE, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the amendment to Interim Rule 1007 attached hereto is adopted effective for cases filed on or after October 16, 2006, the Director's Procedural Forms 104 and 210 attached hereto are adopted for adversary proceedings filed or claims transferred after October 16, 2006, and the Local Form for Payment Advices Certification is adopted as Appendix F to the Local Rules.

12 as prescribed by the appropriate Official Form which must
13 include one of the following:

14 (A) an attached certificate and debt repayment
15 plan, if any, required by § 521(b);

16 (B) a statement that the debtor has received the
17 credit counseling briefing required by § 109(h)(1) but does
18 not have the certificate required by § 521(b);

19 (C) a certification under § 109(h)(3); or

20 (D) a request for a determination by the court
21 under § 109(h)(4).

22 * * * * *

23 (c) TIME LIMITS. In a voluntary case, the schedules,
24 and statements, and other documents required by subdivision
25 (b)(1), (4), (5), and (6) shall be filed with the petition or
26 within 15 days thereafter, except as otherwise provided in
27 subdivisions (d), (e), (f), and (h) of this rule. In an
28 involuntary case, the list in subdivision (a)(2), and the
29 schedules, statements, and other documents required by

30 subdivision (b)(1) shall be filed by the debtor within 15 days
31 of the entry of the order for relief. ~~The documents required by~~
32 ~~subdivision (b)(3) shall be filed with the petition in a~~
33 ~~voluntary case. The statement required by subdivision (b)(7)~~
34 ~~shall be filed by the debtor within 45 days after the first date~~
35 ~~set for the meeting of creditors under § 341 of the Code in a~~
36 ~~chapter 7 case, and no later than the last payment made by the~~
37 ~~debtor as required by the plan or the filing of a motion for~~
38 ~~entry of a discharge under § 1328(b) in a chapter 13 case.~~
39 ~~The statement required by subdivision (b)(8) shall be filed by~~
40 ~~the debtor not earlier than the date of the last payment made~~
41 ~~under the plan or the date of the filing of a motion for entry of~~
42 ~~a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b). In~~
43 a voluntary case, the documents required by paragraphs (A),
44 (C), and (D) of subdivision (b)(3) shall be filed with the
45 petition. Unless the court orders otherwise, if the debtor has
46 filed a statement under subdivision (b)(3)(B), the documents
47 required by subdivision (b)(3)(A) shall be filed within 15 days

48 of the order for relief. In a chapter 7 case, the debtor shall file
49 the statement required by subdivision (b)(7) within 45 days
50 after the first date set for the meeting of creditors under § 341
51 of the Code, and in a chapter 13 case no later than the date
52 when the last payment was made by the debtor as required by
53 the plan or the filing of a motion for a discharge under
54 § 1328(b). The debtor shall file the statement required by
55 subdivision (b)(8) no earlier than the date of the last payment
56 made under the plan or the date of the filing of a motion for
57 a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of
58 the Code. Lists, schedules, statements, and other documents
59 filed prior to the conversion of a case to another chapter shall
60 be deemed filed in the converted case unless the court directs
61 otherwise. Except as provided in § 1116(3), any extension of
62 time for the filing of the schedules, statements, and other
63 documents required under this rule may be granted only on
64 motion for cause shown and on notice to the United States
65 trustee, ~~and to~~ any committee elected under § 705 or

66 appointed under § 1102 of the Code, trustee, examiner, or
67 other party as the court may direct. Notice of an extension
68 shall be given to the United States trustee and to any
69 committee, trustee, or other party as the court may direct.

COMMITTEE NOTE

Subdivision (b)(3) of the rule is amended to require the debtor to file an Official Form relating to the credit counseling requirement provided by the 2005 amendments to § 109. Official Form 1 includes statements that warn the debtor of the consequences of failing to comply with the credit counseling requirement. The rule also provides that the debtor may file a statement that the debtor has received credit counseling but has not yet received a certificate from the credit counseling provider. Subdivision (c) is amended to permit the debtor to file the certificate and debt repayment plan within 15 days after the filing of the petition if a Rule 1007(b)(3)(B) statement is filed.

Other changes are stylistic.

* * * * *

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS	DEFENDANTS	
ATTORNEYS (Firm Name, Address, and Telephone No.)	ATTORNEYS (If Known)	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce/sep property settlement/deedee <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – reinstatement of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$	
Other Relief Sought		

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES			
NAME OF DEBTOR		BANKRUPTCY CASE NO.	
DISTRICT IN WHICH CASE IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE	
RELATED ADVERSARY PROCEEDING (IF ANY)			
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.	
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE	
SIGNATURE OF ATTORNEY (OR PLAINTIFF)			
DATE	PRINT NAME OF ATTORNEY (OR PLAINTIFF)		

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Parties. Give the names of the parties to the adversary proceeding exactly as they appear on the complaint. Give the names and addresses of the attorneys if known.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not presented by an attorney, the plaintiff must sign.

ADVERSARY PROCEEDING COVER SHEET

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over some of the property or property rights of the estate. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding which the clerk of court needs to process the adversary proceeding properly and to prepare required statistical reports on court activity.

Instructions for completing Form 104 appear on the reverse side of the form.

United States Bankruptcy Court

_____ District Of _____

In re _____,

Case No. _____

TRANSFER OF CLAIM OTHER THAN FOR SECURITY

A CLAIM HAS BEEN FILED IN THIS CASE or deemed filed under 11 U.S.C. § 1111(a). Transferee hereby gives evidence and notice pursuant to Rule 3001(e)(2), Fed. R. Bankr. P., of the transfer, other than for security, of the claim referenced in this evidence and notice.

Name of Transferee

Name of Transferor

Name and Address where notices to transferee should be sent:

Court Claim # (if known): _____

Amount of Claim: _____

Date Claim Filed: _____

Phone: _____

Phone: _____

Last Four Digits of Acct #: _____

Last Four Digits of Acct. #: _____

Name and Address where transferee payments should be sent (if different from above):

Phone: _____

Last Four Digits of Acct #: _____

I declare under penalty of perjury that the information provided in this notice is true and correct to the best of my knowledge and belief.

By: _____

Date: _____

Transferee/Transferee's Agent

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 & 3571.

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____

NOTICE OF TRANSFER OF CLAIM OTHER THAN FOR SECURITY

Claim No. _____ (if known) was filed or deemed filed under 11 U.S.C. § 1111(a) in this case by the alleged transferor. As evidence of the transfer of that claim, the transferee filed a Transfer of Claim Other than for Security in the clerk's office of this court on _____ (date).

Name of Alleged Transferor

Name of Transferee

Address of Alleged Transferor:

Address of Transferee:

~~DEADLINE TO OBJECT TO TRANSFER~~

The alleged transferor of the claim is hereby notified that objections must be filed with the court within twenty (20) days of the mailing of this notice. If no objection is timely received by the court, the transferee will be substituted as the original claimant without further order of the court.

Date: _____

CLERK OF THE COURT

TRANSFER OF CLAIM OTHER THAN FOR SECURITY AND NOTICE**Applicable Law and Rules**

1. Section 502(a) of the Bankruptcy Code (11 U.S.C. § 502(a)) states that a claim, proof of which has been filed, “is deemed allowed, unless a party in interest . . . objects.”
2. Bankruptcy Rule 3001(f) provides that [a] proof of claim executed and filed in accordance with [the Bankruptcy Rules] shall constitute *prima facie* evidence of the validity and amount of the claim.”
3. Bankruptcy Rule 5003(b) requires the clerk to keep a claims register in every case in which it appears there will be a distribution to unsecured creditors. The claims register is a list of the claims filed, showing the creditor’s name and the number assigned to the claim by the court, and may contain other information, such as the amount claimed, at the discretion of the court.
4. Bankruptcy Rule 3001(e)(2) governs the procedure to be followed when a creditor that has filed a proof of claim in a case sells or otherwise transfers its claim to another entity. Rule 3001(e)(2) requires the transferee to file evidence of the transfer and further requires the clerk “immediately” to notify the alleged transferor by mail of the filing of the evidence of transfer. The notice sent by the clerk also must state that any objection must be filed within 20 days from the date the notice is mailed.
5. Form 210A is intended to serve as evidence of the transfer of the claim. Accordingly, the transferee must sign the form under penalty of perjury before filing it.
6. Form 210B is intended to serve as the notice the clerk mails to the alleged transferor. The form will be completed by the clerk and mailed by the Bankruptcy Noticing Center to the alleged transferor's address in the case records. If the alleged transferor wishes to make further inquiries, the notice includes sufficient information to identify the transferee's filing and other relevant documents in the court records.
7. Bankruptcy Rule 5005(a)(2) allows the court by local rule to permit documents to be filed, signed, or verified electronically, and Rule 9036 permits notices to be sent electronically if certain conditions have been met.
8. If the alleged transferor files a timely objection, the court must schedule a hearing to determine the matter. If no objection is filed, the clerk will substitute the transferee for the transferor in the claims register and other case other records pursuant to Rule 3001(e)(2).

Instructions

Caption

1. Identify the Judicial District in which the bankruptcy case was filed by filling in the blanks. Example: "Eastern" [DISTRICT OF] "California."
2. "In re": Insert the name of the debtor and the case number as they appear in the Notice of Chapter __ Bankruptcy Case, Meeting of Creditors & Deadlines" sent to creditors at the beginning of the bankruptcy case.
3. "Name of Transferee": Insert the name of the entity that purchased or otherwise acquired the claim. This should be same entity that files the notice and that signs or whose agent signs the notice.
4. "Name and Address where notices to transferee should be sent": Insert the name and address of the entity that has acquired the claim and is filing the notice. This is the address the court and parties in interest will use when they send notices and other documents in the case. Include a telephone number and the last four digits of any account number assigned by the transferee to the debt that is the basis for the claim.
5. "Name and Address where transferee payments should be sent (if different from above)": If payments on the claim should be sent to an address different from the one to which notices will be sent, the transferee should provide the payment address in this section of the form. Include a telephone number and the last four digits of any account number assigned by the transferee to the debt that is the basis for the claim.
6. "Name of Transferor": Insert the name of the creditor that sold or otherwise relinquished the claim.
7. "Court Claim # (if known)": If the transferee filing the notice knows the claim number assigned by the court to the claim purchased or otherwise acquired by the transferee, insert that number here. The transferee may review the claims register in the case to obtain the claim number.
8. "Amount of Claim": Insert the amount of the claim filed with the court by the transferor. The transferee may review the claims register to ascertain the amount.
9. "Date Claim Filed": Insert the date the claim was filed with the court by the

transferor. The transferee may review the claims register to ascertain the date.

10. "Phone:" Insert the phone number (if known) of the creditor that sold or otherwise relinquished the claim. Include the last four digits (if known) of the any account number used by the transferor to identify the debt that is the basis for the claim.
11. Signature and Date: The transferee filing the notice, if the transferee is an individual, or the transferee's agent, if the transferee is not an individual, must sign the notice under penalty of perjury. If an agent signs, the agent should type or print the agent's name and title or other authority, in addition to signing. The individual signing the notice also should date it. Rule 5005(a)(2) permits a court by local rule to authorize the filing, signing, and verifying of documents electronically. Generally, this requirement can be satisfied for electronic filings by typing "s/(name of individual signing or verifying)." Consult the court in which the notice is to be filed for specific requirements if the document is to be signed and verified electronically.
12. The transferee should not complete or file Form 210B. The clerk will complete the Form 210B notice and it will be mailed by the Bankruptcy Noticing Center.

General Information for the Clerk

Whenever a claim is transferred under terms specified in Rule 3001(e)(2), that is, other than for security and after a proof of claim has been filed, the purchaser/transferee must file evidence of the transfer. Rule 3001(e)(2) also requires the clerk "immediately" to give notice of the alleged transfer to the seller/transferor. The notice must state further that any objection must be filed within 20 days of the date the notice is mailed. Form 210A is designed to serve as evidence of the transfer and Form 210B is designed to serve as the notice the clerk sends to the alleged transferor of the claim.

The transferee completes Form 210A and signs it under penalty of perjury. The court's CM/ECF computer system will assemble the information needed to prepare the Form 210B notice from the docket entry for Form 210A and information in the case records in the clerk's office. The notice will be mailed by the Bankruptcy Noticing Center to the alleged transferor or, if the alleged transferor has agreed to receive notices electronically, it will be transmitted electronically.

If the alleged transferor wishes to make further inquiries, the Form 210B notice sent by the clerk includes sufficient information to identify the transferee's filing and other relevant documents in the court records. The clerk's Form 210B notice is sent to the alleged transferor's address in the court records since that is the address included in the mailing matrix filed by the

debtor or supplied by the creditor pursuant to Rule 2002(g).

If the transferor files a timely objection, either within 20 days of the mailing of the notice or within any extension of the deadline granted by the judge, the court will schedule a hearing to determine the matter. If no objection is timely filed, the clerk will substitute the transferee for the transferor in the claims register and other records of the court without the necessity of an order.

APPENDIX E

FORM FOR PAYMENT ADVICES CERTIFICATION

[INSERT CAPTION STATED IN LOCAL RULE 9004-1(a)]

PAYMENT ADVICES¹ CERTIFICATION

Under 11 U.S.C. § 521(a)(1)(B)(iv), I,² _____ hereby state as follows
(select one option below):

- 1. I have attached hereto, or previously filed with the Court, copies of **all** payment advices or other evidence of payment received from any employer within 60 days before the date of the filing of my bankruptcy petition.
- 2. I did not receive any payment advices or other evidence of payment at any point during the 60 days before the date of the filing of my bankruptcy petition.
- 3. I received payment advices from an employer during the 60 days before the date for the filing of my bankruptcy petition but have been unable to locate all of the documents or replacements. I understand that if I do not submit all payment advices or other evidence of payment **within 45 days** from the filing of my bankruptcy petition, my case will be **automatically dismissed** without further notice or hearing.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my knowledge, information, and belief.

Dated this _____ day of _____, 200__.

(Signature)
Debtor

¹ A "Payment Advice" includes, but is not limited to, pay stubs attached to your paycheck, employer's statements of hours and earnings, deposit notifications, etc.

² A separate form must be submitted by each debtor in a joint case.