

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF UTAH

In re)	
)	
RUTH MARLENE TELFORD,)	Bankruptcy Case No. 02C - 29533
)	
Debtor,)	Chapter 7
)	
)	
)	Adversary No. 03PC - 02381
HOLLI LUNDAL)	
)	
Plaintiff,)	
)	
vs.)	ORDER CONDITIONALLY
)	DISMISSING ADVERSARY
)	PROCEEDING
RUTH MARLENE TELFORD)	
)	
Defendant,)	

On September 4, 2003, an APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT was filed in this court by Holli Lundal in conjunction with the filing of adversary proceeding 03 P- 2381 GEC. The application to proceed without payment of fees seeks waiver of the fees under 28 U.S.C § 1915 (Proceedings in forma pauperis), which provides that any Court of the United States may authorize the commencement of a suit without payment of fees. The United States Bankruptcy Court is an Article I Court and not an Article III Court. It is a Unit of the United States District Court and is not a Court of the United States and has no authority to waive filing fees under 28 U.S.C. § 1915. See In re Courtesy Inns, LTD., Inc., 40 F.3d 1084, 1086 (10th Cir. 1994). For that reason, this Court lacks the power to waive the

filing fee for Adversary Proceeding 03P-02381. The fee must either be paid, or the adversary proceeding must be dismissed. Therefore, it is hereby

ORDERED that the filing fee for adversary proceeding 03P-02381 must be paid, in full, to the Clerk of this Court within 20 days of this Order; and it is further

ORDERED that in the event the filing fee for adversary proceeding 03P-02381 is not paid in full within 20 days of this Order, the adversary proceeding shall be dismissed without further notice or hearing.

DATED this 19 day of September, 2003.

BY THE COURT:



GLEN E. CLARK, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT

CERTIFICATE OF MAILING

I hereby certify that I mailed a copy of the foregoing ORDER CONDITIONALLY DISMISSING ADVERSARY PROCEEDING to the following this 19th day of September 2003.

HOLLI LUNDAL
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OREM UT 84097-0632

HOLLI LUNDAL
200 EAST CENTER STREET
OREM UT 84057

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AMERICAN FORK UT 84003-0073

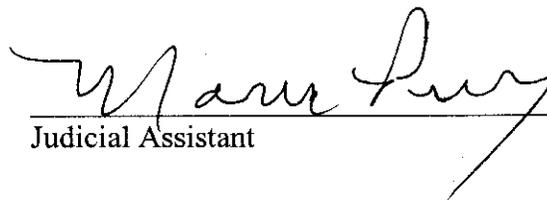
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4139 NORTH DEVONSHIRE CIRCLE
PROVO UT 84604

RALPH C PETTY
WEISS BERRETT & PETTY
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SALT LAKE CITY UT 84144

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