

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**Automatic Dismissals under 11 U.S.C. § 521(i)
in Cases Filed on or after October 17, 2005**

Standing Order # 05-07

IT IS HEREBY ORDERED that, with respect to all cases filed on or after October 17, 2005:

1. If a party in interest seeks to dismiss a case pursuant to § 521(i), based upon a debtor's failure to file the requisite documents, unless otherwise ordered by the Court, a motion to dismiss the debtor's case shall be filed after the later of the following:
 - (a) 16 days after the filing of the petition;
 - (b) the day after the expiration of any extension granted by the Court; or
 - (c) the day after any show cause hearing held as a result of the debtor's failure to file the requisite documentation.

Such motions must be served upon the debtor, the debtor's attorney, if any, the case trustee and the United States Trustee on 5 days' notice (or 8 days if served via first class mail). During the notice period the debtor may either comply with §521(a)(1) or file an objection to the motion, and any party in interest may join or object to the motion. If an objection is filed, no order of dismissal shall be entered until a decision is rendered on the objection.

2. If the debtor or any other party opposes the motion to dismiss under § 521(i)(2), that party must file an objection to the motion within 5 days of service of the motion and the Court will schedule a hearing a within 5 days of the filing of the objection.
3. At any time prior to the expiration of the time period within which the debtor is required to file payment advices*, the case trustee may file a motion under § 521(i)(4) seeking an order determining that the case should not be dismissed notwithstanding the debtor's failure to file payment advices; in order to prevail on such a motion, the trustee must establish that:
 - (a) the debtor attempted in good faith to file copies of all payment advices; and
 - (b) that the best interest of creditors would be served by administration of the case.

The case trustee shall serve such motion on notice to all creditors pursuant Vt. LBR 9013-3 and the trustee may seek relief on 5 days' notice (or 8 days if served via first class mail).

4. If a motion under § 521(i)(4) is pending at the time a motion under § 521(i)(2) is filed, or any two such motions are pending simultaneously, the Court will defer consideration of the § 521(i)(2) motion until an Order is entered on the 521(i)(4) motion.

SO ORDERED.

October 20, 2005
Rutland, Vermont



Colleen A. Brown
United States Bankruptcy Judge

Last Revised 10/20/05

* as used herein, the term payment advices includes all evidence of payment the debtor received during the 60 days prior to the filing of the petition