

This order is SIGNED.



Dated: June 11, 2025


KEVIN R. ANDERSON
U.S. Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re:

MAX WARREN BARBER,

Debtor.

Bankruptcy Number: 25-21749

Chapter 13

Hon. Kevin R. Anderson

**ORDER DENYING DEBTOR'S EMERGENCY MOTION FOR SANCTIONS,
INJUNCTIVE RELIEF, AND EXPUNGEMENT OF WRONGFUL LIENS FOR
VIOLATIONS OF THE AUTOMATIC STAY, BAD FAITH CONDUCT, WILLFUL
INTERFERENCE WITH PROPERTY OF THE ESTATE, AND ABUSE OF PROCESS
(DOCKET NO. 33)
AND ORDER OF DISMISSAL PURSUANT TO 11 U.S.C. § 521(i)**

On June 2, 2025 the Court held a hearing on the Debtor's Emergency Motion for Sanctions, Injunctive Relief, and Expungement of Wrongful Liens for Violations of the Automatic Stay, Bad Faith Conduct, Willful Interference with Property of the Estate, and Abuse of Process (Docket No. 33). Max Warren Barber appeared on his own behalf as Debtor in the above-captioned Chapter 13 case. Kenyon D. Dove appeared on behalf of Gravity Capital, LLC. Darwin H. Bingham appeared on behalf of Canyon View Federal Credit Union. Tami Gadd appeared on behalf of the Chapter

13 Trustee. Mark A. Nickel appeared on behalf of Hybrid International, LLC. The Court heard argument from the parties and reviewed the relevant documents on file with the Court, before making findings of fact and conclusions of law on the record, which are incorporated herein.

The Debtor filed the above-captioned Chapter 13 case on April 2, 2025. Pursuant to 11 U.S.C. § 521(i), “if an individual debtor in a voluntary case . . . fails to file all of the information required under [11 U.S.C. § 521(a)(1)] within 45 days after the date of the filing of the petition, the case shall be automatically dismissed effective on the 46th day after the date of the filing of the petition.” The 45th day after the date of the filing of the petition expired on May 19, 2025. To date, the Debtor has filed none of the bankruptcy documents required by the Bankruptcy Code. Therefore, based on the foregoing and for good cause appearing, the Court **HEREBY ORDERS:**

1. The above-captioned case is dismissed for failure to file required bankruptcy documents pursuant to 11 U.S.C. § 521(i).
2. The Debtor’s Emergency Motion for Sanctions, Injunctive Relief, and Expungement of Wrongful Liens for Violations of the Automatic Stay, Bad Faith Conduct, Willful Interference with Property of the Estate, and Abuse of Process (Docket No. 33) is waived as to Gravity Capital, LLC pursuant to the Stipulation at Docket No. 47 and denied as to all other parties.
3. If a future bankruptcy case is filed in the District of Utah affecting one or both real properties at 1028 South 1900 East, Salt Lake City, Utah and/or 1836 East Yale, Salt Lake City, Utah 84108, the Clerk may reassign the case to the Honorable Kevin R. Anderson, or to the Chief Judge at the time of the filing.
4. The Court retains jurisdiction to consider the Debtor’s Emergency Motion for Order Enforcing Automatic Stay; Sanctions Against Canyon View Federal Credit Union, Scalley Reading Bates Hansen & Rasmussen, P.C., and Marlon L. Bates for Violation of the Automatic

Stay (11 U.S.C. §362(k)); and To Void Notice of Trustee's Sale (Docket No. 51). A hearing is currently set on July 7, 2025 at 2:30 p.m. for the Court's consideration of this Motion pursuant to the Notice of Hearing at Docket No. 52.

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DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing **ORDER OF DISMISSAL PURSUANT TO 11 U.S.C. § 521(i)** will be effected to the parties and in the manner designated below:

By Electronic Service:

- Darwin H. Bingham dbingham@scalleyreading.net, cat@scalleyreading.net
- Kenyon D. Dove defaultservices@smithknowles.com
- Lon Jenkins tr ecfmail@ch13ut.org, lneebling@ch13ut.org
- Jonathan D. Kirk ecf@kirklawutah.com, jonathan@kirklawutah.com
- Mark A. Nickel mnickel@grsm.com, sgomez@grsm.com, VLS_SLCSupport@grsm.com, mstevens@grsm.com
- United States Trustee USTPRegion19.SK. ECF@usdoj.gov
- Aaron M. Waite aaronmwaite@agutah.gov

By U.S. Mail: In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed. R. Civ. P. 5(b).

All parties on the Court's official mailing matrix.