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FILED IN THE
UNITED STATES
BANKRUPTCY COURT

2003 SEP -2 P 4: 18

DISTRICT OF UTAH

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

In re:)
STEPHEN M. HARMSEN) Bankruptcy Case No. 03-33637 JAB
) (Involuntary Chapter 7)
Debtor)
)

MOTION TO DISMISS

Stephen M. Harmsen, Debtor, moves the Court to dismiss these proceedings because the involuntary petition filed herein on August 9, 2003 (the "Petition") fails to comply with the requirements of 11 U.S.C. § 303 in that:

1. Said Petition was not signed by a sufficient number of creditors in that as of filing date of the Petition Debtor had more than 12 creditors, but the Petition is not signed by 3 or more creditors, as required by 11 U.S.C. § 303(b)(1).
2. Said Petition fails to establish that as of the filing date Debtor was not generally paying his debts as they came due, as required by 11 U.S.C. § 303(h)(1).
3. Within 120 days before the filing of the Petition no custodian was appointed or took possession of substantially all of the property of Debtor, as required by 11 U.S.C. § 303(h)(2).

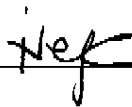


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Wherefore, the Debtor respectfully requests that the Court dismiss the Petition and these proceedings.

Dated this 2nd day of September, 2003

Respectfully submitted,



Mona Lyman Burton
Inga Regenass
Attorneys for Debtor

CERTIFICATE OF SERVICE

I certify that on September 2, 2003, I served a copy of the foregoing document to
the following by

U.S. Mail, postage prepaid
Hand Delivery
Fax

Michael Zundel
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