

ADMINISTRATIVE ORDER OF THE SIXTH JUDICIAL COURT

WHEREAS, under Rule 64(a)(7) of the Utah Rules of Civil Procedure, this Court has the authority to designate who may legally serve the Writ of Garnishment; and

WHEREAS, the Utah State Tax Commission has petitioned this Court for an Order allowing certain employees of the Taxpayer Services Division of the Utah State Tax Commission to serve the Writs and Orders of Garnishments; and,

WHEREAS, this matter was considered by the Sixth District Judges at a regularly scheduled meeting; and,

WHEREAS, the Tax Commission was unable to obtain suitable accommodations from constables and other process servers; and

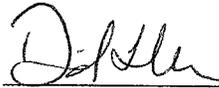
WHEREAS, it would be in the best interests of the debtors and the State to allow the Utah State Tax Commission to have its Writs and Orders of Garnishment served by employees of the Taxpayer Services Division.

IT IS HEREBY ORDERED:

That employees of the Taxpayer Services Division of the Utah State Tax Commission be allowed to serve Writs of Garnishments under Rule 64 of the Utah Rules of Civil Procedure. The names of those person(s) shall be filed with the Sixth Judicial District Court, and any additions or deletions of names shall immediately

be filed with the Court. Each person serving said Writs has received training from a member of the Utah Attorney General's Office. The salary of the person(s) serving the Writs cannot be affected by the number of orders served.

DATED this 12 day of JUN, 2006.



K.L. McIff, Presiding Judge
Sixth District Court

DAVID L. MOWER



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Utah State Tax Commission

PAM HENDRICKSON
Commission Chair

R. BRUCE JOHNSON
Commissioner

PALMER DEPAULIS
Commissioner

MARC B. JOHNSON
Commissioner

RODNEY G. MARRELLI
Executive Director

May 19, 2006

Honorable K. L. McIff
Presiding Judge
Sixth Judicial District Court
895 East 300 North
Richfield, Utah 84701

RE: Administrative Order of Court/Names of Persons Serving Orders

As required under the Administrative Order of this Sixth District Court, the Utah State Tax Commission, Taxpayer Services Division, is supplying the following names of those person(s) who will be serving the Writs of Garnishments. All of the following person(s) have successfully completed certification through the Office of the Attorney General:

Oren Kimber
Kerry Wheelwright
Alled Bates
Joseph Caldiero
Sandra Jones

Dee Talbot, Director
Taxpayer Services Division
Utah State Tax Commission

ZACHARY D. SHAW #8999
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah State Tax Commission
160 East 300 South, 5th Floor
P.O. Box 140874
Salt Lake City, Utah 84114-0874
Telephone: (801)366-0375

IN THE SIXTH JUDICIAL DISTRICT COURT
STATE OF UTAH

IN RE:) PETITION FOR ORDER PURSUANT
UTAH STATE TAX COMMISSION) TO UTAH RULES OF CIVIL
) PROCEDURE, 64(a)(7), TO
) ALLOW TAX COMMISSION TO
) SERVE GARNISHMENTS

PETITION

COMES NOW the Utah State Tax Commission through its attorney of record and petitions this Court for an Order that employees of the Taxpayer Services Division of the Utah State Tax Commission, who are trained process servers, be allowed to serve writs of garnishment pursuant to Utah Rules of Civil Procedure, Rule 64(a)(7).

Employees of the Taxpayer Services Division who are trained process servers have been serving the garnishment papers, pursuant to an Order of the Court in other judicial districts in Utah.

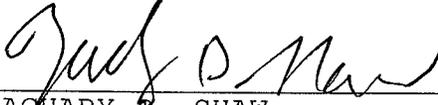
The Tax Commission, in order to best serve the public, needs to be able to execute a garnishment within hours of locating assets. Using the sheriff or constable can take up to 10 days to have the garnishment served, whereas by using employees of the Taxpayer Services Division the garnishments can be served on the same day.

The Tax Commission is willing to waive all costs for service of the Writ if the Commission can have its designated employees serve its garnishments.

The Tax Commission currently issues approximately 90-100 garnishments each month at an approximate cost of \$1,500.00.

THEREFORE, based upon this Petition and the Affidavit of Dee Talbot, the Utah State Tax Commission petitions this Court for an Order allowing employees of the Taxpayer Services Division who are trained process servers, to serve writs of garnishments and orders of garnishments pursuant to Utah Rules of Civil Procedure 64(a)(7).

DATED this 18th day of May, 2006.



ZACHARY B. SHAW
Assistant Attorney General

AFFIDAVIT

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

I, DEE TALBOT, Director, Taxpayer Services Division of the Utah State Tax Commission, being duly sworn, do hereby depose and say:

1. That I am the Director of the Taxpayer Services Division of the Utah State Tax Commission.

2. That employees of my Division, who are trained process servers, have been serving garnishments pursuant to Utah Rules of Civil Procedure 64(a)(7), in other Utah judicial district courts.

3. That the Taxpayer Services Division has approximately 90-100 garnishments that need to be served each month.

4. That the cost of this service by the Constable's Office is at least \$10.00 per service or \$1,500.00 per month.

5. That the Utah State Tax Commission, if using its own people to serve the garnishments, would not pass these costs on to the debtor or charge any others costs of collection to the debtor.

6. That the Utah State Tax Commission can serve these garnishments within hours of locating assets, whereas it often takes up to 10 days to have the sheriff or constable serve the

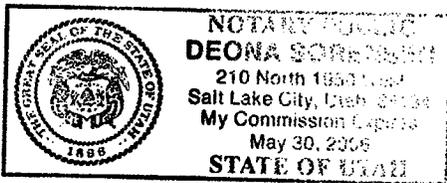
garnishments. Thus using employees of the Taxpayer Services Division enhances the likelihood of the Tax Commission's being able to collect delinquent tax dollars for the State.

7. That since the Division has employees who are trained as process servers, and are already on staff, it would be cost effective to the State to have the Utah State Tax Commission serve its own garnishments.

DATED this 22 day of Aug, 2005.


DEE TALBOT

Subscribed and sworn to before me this 22nd day of August, 2005.




NOTARY PUBLIC
Residing at: Salt Lake

My Commission Expires:

May 30, 2006

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL

Attachment No. 3



SIXTH JUDICIAL DISTRICT COURT
2006 MAY 24 AM 11:29

CLERK

MARK L. SHURTLEFF
ATTORNEY GENERAL

RAYMOND A. HINTZE
Chief Deputy

Protecting Utah • Protecting You

KIRK TORGENSEN
Chief Deputy

May 19, 2006

Honorable K. L. McIff
Presiding Judge
Sixth Judicial District Court
895 East 300 North
Richfield, Utah 84701

Dear Judge McIff:

The Taxpayer Services Division of the Utah State Tax Commission has requested that I contact you with regard to requesting an Administrative Order from the Sixth District Court allowing certain individuals in the Utah State Tax Commission to be certified and allowed to serve Writs of Garnishment pursuant to Utah Rules of Civil Procedure 64(a)(7) and 64(d)(3)(A). Rule 64(d)(3)(A) provides that "The Officer shall serve the writ and accompanying papers on Plaintiff, and, as applicable, the garnishee and any person named by the Defendant as claiming an interest in the property." Rule 64(a)(7) defines "officer" as "any person designated by the Court to whom the writ is issued."

The Tax Commission has received such Orders from the First, Second, Third, Fourth, Fifth and Eighth Utah District Courts and the outcome has been very successful.

It is not the intention of the Commission to usurp the powers of the various county sheriffs' offices. In fact, the Tax Commission has in the past and will continue in the future to use the various county sheriffs as primary process servers. However, due to the nature of jeopardy assessment procedures there are

Honorable K.L. McIff
May 19, 2006
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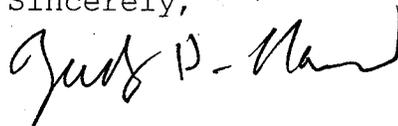
occasions when immediate service is necessary, making it difficult and at times impossible to do so through the sheriffs' offices.

The individuals who are listed in the enclosed Director's letter to you, have been tutored with regard to service of process, especially in the area of garnishments by a member of the Utah Attorney General's Office.

Please find enclosed a Petition, an Affidavit in Support of Petition, an Administrative Order, and a letter from the Taxpayer Services Division Director. The Administrative Order is substantially the same as the ones previously signed in the First, Second, Third, Fourth, Fifth and Eighth District Courts. Please execute the original Administrative Order enclosed and return to me for delivery to the Tax Commission. Should you have any questions or concerns with the Order, please call me at (801)366-0369.

Thank you for your consideration of this matter.

Sincerely,



Zachary D. Shaw
Assistant Attorney General

ZDS:ds

Enclosures



From: Brent Bowcutt
To: Brown, Valeen; Johnson, Peggy; Miller, Jennifer; Neill, Sandy; Ramsay, Holly; Torgerson, Ryan
Date: 9/24/2007 4:46:23 PM
Subject: Orders on our courts web
CC: Morgan, Christopher

Please see the attached general orders adopted by the judges of the Sixth District Court. These are also posted on our courts web/home page at <http://www.utcourts.gov/intranet/dist/dist/sites/6th/>