

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
BRADLEY DONAVAN COY) CASE NO. 06-12325
JUDY GAIL COY)
)
Debtors)

DECISION AND ORDER
CONCERNING DEBTOR'S COMPLIANCE WITH § 109(h)

At Fort Wayne, Indiana, on December 15, 2006

As a result of the bankruptcy reforms of 2005, to be eligible for relief under Title 11 an individual must have received credit counseling from an approved agency during the 180 days prior to filing the petition. 11 U.S.C. § 109(h)(1). The certificate demonstrating completion of this counseling is supposed accompany Exhibit D to the petition. See, Interim Bankruptcy Rule 1007(b)(3), (c).

The petition in this case was filed on December 13, 2006. Accompanying the petition were certificates demonstrating that the debtors completed credit counseling. Judy Coy's¹ certificate indicates that she completed credit counseling on January 30, 2006.² This is more than 180 days prior to the date the case was filed. Therefore, based upon the present record, it seems that the debtors are not eligible for relief under Title 11. Debtors shall within fourteen (14) days of this date comply with § 109(h) and demonstrate eligibility for relief under Title 11 or show cause, in writing,

¹The certificate which has been filed indicates that "Judy Cox" completed credit counseling. Since the debtor's name is Judy Coy, it is not entirely clear whether the certificate which has been filed is for her or for someone else.

²The certificate of credit counseling filed by Bradley Coy indicates that he completed credit counseling on December 12, 2006, within the time period required by the statute.

why this case should not be dismissed. The failure to do so may result in the dismissal of this case without further notice or hearing.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court