

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:)
)
JACK D. SALTS) CASE NO. 07-40065
)
)
Debtor)

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

At Fort Wayne, Indiana, on February 28, 2007.

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 debtor in this case has failed to demonstrate that this requirement has been fulfilled. The bankruptcy petition clearly instructs the debtor to complete and attach a signed copy of Exhibit D which certifies that the debtor completed credit counseling within the time required or is requesting a waiver of that requirement. Although, the debtor filed a signed copy of Exhibit D with the petition, the debtor failed to mark any of the boxes on that form which would indicate that it completed the required counseling or that is requesting a waiver of that requirement. Neither has the debtor filed a certificate demonstrating completion of credit counseling or any kind of request attempting to set forth facts that might justify a waiver of that requirement.

Based upon the present record the debtor is not eligible for relief under Title 11. Debtor shall file an amended Exhibit D accompanied by a certificate demonstrating completion of credit counseling or a request for a waiver of the credit counseling requirement which fully complies with all of the requirements of § 109(h)(3) or § 109(h)(4), within fourteen (14) days. The failure to do so will result in the dismissal of this case without further notice or hearing.

SO ORDERED.

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