

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
JOHNNY WAYNE COUCH) CASE NO. 07-10486
JILL IRENE COUCH)
)
Debtors)

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

At Fort Wayne, Indiana, on March 8, 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 debtors in this case have failed to demonstrate that this requirement has been fulfilled. The bankruptcy petition clearly instructs the debtors to complete and attach a signed copy of Exhibit D which certifies that credit counseling was completed within the time required or a waiver of that requirement. Although, the debtors filed Exhibit D, they failed to mark any of the boxes on that form which would indicate that they completed the required counseling or are requesting a waiver of the requirement. Neither have the debtors filed certificates 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 debtors are not eligible for relief under Title 11. Debtors shall file an amended Exhibit D, accompanied by certificates 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