

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

IN THE MATTER OF:)
)
JENNIFER R. PRITCHETT) CASE NO. 07-40378
)
)
Debtor)

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

At Fort Wayne, Indiana, on July 27, 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 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 July 16, 2007. Accompanying the petition was a signed copy of Exhibit D which represented that the debtor had completed credit counseling within the 180 days prior to filing and that a copy of the certificate was attached. Yet, no such certificate actually accompanied either the petition or Exhibit D. The certificate was ultimately filed by the debtor and it states that the debtor completed the required counseling on July 23, 2007 – after the date of the petition. That is not sufficient. See, 11 U.S.C. § 109(h)(1).

Based upon what has been filed, it appears that the debtor is not eligible for relief under Title 11. Debtor shall have fourteen (14) days to comply with § 109(h) and demonstrate eligibility for relief under Title 11 or show cause, in writing, why this case should not be dismissed. 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