

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
)  
WILLIAM M. RHONE and ) CASE NO. 07-23475 JPK  
TINA M. RHONE, ) Chapter 7  
)  
Debtors. )

ORDER

This Chapter 7 case was initiated by petition filed on December 21, 2007. On that date, as docket record entry #5, a Certificate of Credit Counseling was filed with respect to the debtor William M. Rhone; there is nothing in the record to indicate that Tina M. Rhone received the “briefing” required by 11 U.S.C. § 109(h)(1) as a pre-condition of eligibility to file this case. 11 U.S.C. § 521(b)(1) requires a debtor who is an individual to file a certificate that the debtor has completed the requirements of 11 U.S.C. § 109(h). Interim Bankruptcy Rule 1007(b)(3) requires, in the circumstances of this case, that the debtor either have filed a statement of compliance with the credit counseling requirements of 11 U.S.C. § 109(h) or a request for a determination by the Court under 11 U.S.C. § 109(h)(4), regarding the debtor’s inability to complete the requirements because of “incapacity, disability, or active military duty in a military combat zone”. Interim Bankruptcy Rule 1007(c) requires the request for a determination under § 109(h)(4) to be filed with the petition.

On January 30, 2008 – more than one month after the filing of the petition – the debtor filed a “Motion to Waive Completion of Financial Management Course for Co-Debtor”, requesting exemption under 11 U.S.C. § 109(h)(4) with respect to the debtor Tina M. Rhone. Unfortunately, this motion comes too late under the foregoing requirements.

IT IS ORDERED that the Motion filed on January 30, 2008 is denied.

Dated at Hammond, Indiana on February 28, 2008.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Debtors, Attorney for Debtors, Trustee, US Trustee