

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
JANICE S. SEARLES ) CASE NO. 08-13583  
 )  
 )  
Debtor )

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

At Fort Wayne, Indiana, on November 3, 2008.

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, Fed. R. Bankr. P. Rules 1007(b)(3), (c).

The petition in this case was filed on October 22, 2008. Accompanying the petition was a certificate demonstrating that credit counseling was completed on April 23, 2008. This is more than 180 days prior to the date the case was filed. Therefore, based upon the present record, it seems 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. 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