

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
MARGARET OLIVIA TAYLOR-JORDAN ) CASE NO. 08-13795  
 )  
 )  
Debtor )

**DECISION**

At Fort Wayne, Indiana, on December 4, 2008.

By the court's order of November 17, 2008, the debtor was directed to comply with § 109(h) and demonstrate eligibility for relief under Title 11 within fourteen (14) days. The failure to do so was to result in dismissal without further notice or hearing. The debtor filed a response to that order on November 26, 2008, which indicates that, prior to the date of the petition, she attended some type of a counseling session which she mistakenly thought constituted the required credit counseling and only needed to pay the counseling fee to receive the certificate demonstrating that fact. Attached to her response is a letter from the counseling agency which states that the debtor attended a "financial counseling interview" prior to the date of the petition, but did not receive the "bankruptcy counseling" until November 11, 2008, after the date of the petition. This is not sufficient.

To be eligible for bankruptcy relief, section 109(h) of the United States Bankruptcy Code requires all individual debtors to receive a particular type of credit counseling from an approved agency prior to filing or to qualify for a waiver of that requirement. Not every financial counseling session satisfies the requirements of the statute. Despite the debtor's submission, she has failed to demonstrate that she completed the counseling required by § 109(h) during the 180 days prior to filing. 11 U.S.C. § 109(h). While she admittedly received some type of financial counseling before

filing and undoubtedly had a good faith, albeit mistaken, belief that it constituted what § 109(h) requires, it is clear that she did not obtain the credit counseling which would make her eligible to file bankruptcy until after the case was filed. That is not enough.

The debtor has not fulfilled the requirements of 11 U.S.C. § 109(h), is not eligible for relief under the United States Bankruptcy Code and this case should be dismissed. An order doing so will be entered.

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