

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
DARLENE JOAN BEEMAN ) CASE NO. 09-10355  
 )  
 )  
Debtor )

**DECISION AND ORDER**

At Fort Wayne, Indiana, on March 3, 2009.

On February 25, 2009, the debtor filed a motion asking the court to allow a credit counseling certificate which indicates that counseling was completed after the filing of this case. The motion states that the debtor erroneously completed the post-petition financial management course prior to filing rather than the pre-petition counseling required by § 109(h). A certificate demonstrating completion of this counseling accompanied the motion.

Although the court sympathizes with the debtor's error, it does not have the discretion to waive or modify the eligibility requirements of § 109(h), except in the circumstances specifically identified by Congress. See, 11 U.S.C. §§ 109(h)(3), (4). Despite the debtor's submission, she has not yet satisfied the requirements of § 109(h), and therefore is not eligible for relief under title 11.

The debtor shall have fourteen (14) days to comply with § 109(h) and demonstrate eligibility for relief under Title 11 by filing a certificate demonstrating completion of credit counseling within 180 days prior to filing, a satisfactory certification demonstrating that the debtor is eligible for a temporary waiver of that requirement under § 109(h)(3) due to exigent circumstances, or a request to completely waive that requirement due to disability or incapacity pursuant to § 109(h)(4). 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