UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:	)	
	)	
BEAU DENNIS STAUFFER	)	CASE NO. 06-10563
	)	
	)	
Debtor	)	

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

At Fort Wayne, Indiana, on April 27, 2006.

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). This requirement may be waived, however, if the debtor files "a certification," which "is satisfactory to the court," describing "exigent circumstances" necessitating the immediate filing of a bankruptcy petition without waiting for the completion of credit counseling, and which "states that the debtor requested credit counseling . . . but was unable to obtain [it]" within five days. 11 U.S.C. § 109(h)(3)(A)(i-iii). The certification must be filed with the petition, see, Interim Bankruptcy Rule 1007(b)(3), (c), and it must state the facts demonstrating both exigent circumstances and the debtor's efforts to obtain credit counseling "with particularity." Fed. R. Bankr. P. Rule 9013. If the certification is satisfactory to the court, the debtor is then required to obtain credit counseling within the 30 days following the petition. 11 U.S.C. § 109(h)(3)(B).

The debtor in this case has asked the court to waive the requirement of pre-petition credit counseling. Yet it has not properly done so. Although the bankruptcy petition clearly instructs the

debtor that if it is seeking a waiver of the pre-petition credit counseling requirement it "must attach [a] certification describing" the facts justifying that request, the debtor has not done so and no certification, of any kind, accompanies debtor's petition.

Based upon the present record the debtor is not eligible for relief under Title 11. Debtor shall file a certification demonstrating eligibility for relief under Title 11, which must fully comply with all of the requirements of § 109(h)(3), within fourteen (14) days. 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