

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
TIMMY ALLEN SKEENS) CASE NO. 06-10519
PHYLLIS ELAINE SKEENS)
)
Debtors)

DECISION

At Fort Wayne, Indiana, on May 15, 2006.

This case was filed on April 19, 2006. By an order issued on April 28, 2006, the court informed the debtors that they had not completed credit counseling during the 180 days prior to the petition and, thus, were not eligible for relief under title 11. See, 11 U.S.C. § 109(h)(1). They were then given fourteen (14) days to demonstrate their eligibility or to show cause why the case should not be dismissed. On May 9, 2006, the debtors filed certificates indicating that they completed credit counseling on May 6, 2006 – a date well after the petition was filed, rather than before as required by §109(h)(1). There has been no other response to the court’s order.

The debtors did not complete credit counseling during the 180 day period prior to filing this case. 11 U.S.C. § 109(h)(1). Furthermore, they have failed to demonstrate that they qualify for a waiver of that requirement by filing a certification describing “exigent circumstances” which necessitated 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). As a result, they are not eligible for relief under the United States Bankruptcy Code, 11 U.S.C. § 109(h), and this case should be dismissed. An order doing so will be entered.

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