

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

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

**DECISION ON MOTION FOR EXTENSION OF TIME**

At Fort Wayne, Indiana, on May 19, 2006

When the debtor filed this case he sought a temporary waiver of the credit counseling requirement which is a condition of eligibility for bankruptcy relief. See, 11 U.S.C. § 109(h). He did not however, give the court all of the information it needed in order to determine whether he qualified for such a waiver. See, 11 U.S.C. § 109(h)(3)(A). Accordingly, on April 27, 2006, the court issued a decision and order explaining what the statute required and giving the debtor fourteen (14) days to demonstrate his eligibility for relief under Title 11 by filing a certification fulfilling all of the requirements of § 109(h)(3). The two-week deadline established by the court's order expired on May 11, 2006, without any response from the debtor. Then, on May 16, the debtor filed a motion for an extension of time seeking an additional fifteen (15) days to make various submissions including "the necessary forms for debtor counseling."<sup>1</sup> This motion is not sufficient. To begin with, it was filed well after the expiration of the deadline which the debtor is asking the court to extend, and it offers no explanation as to why Mr. Stauffer did not ask the court to extend the

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<sup>1</sup>The motion also asks that the case be transferred to this court's South Bend Division. Because of the court's decision concerning the debtor's eligibility for bankruptcy relief, it does not need to concern itself with that request or with the fact that the present motion fails to comply with Local Bankruptcy Rule B-9013-1(a) which requires every motion or other request for an order from the court to be filed separately.

deadline before it expired. See, Fed. R. Bankr. P. Rule 9006(b)(1). More significantly, the debtor should not need an extension of time in order to provide the court with information demonstrating his eligibility for bankruptcy relief and a waiver of the credit counseling requirement. The facts justifying that waiver either did or did not exist on the date of the petition. The debtor either did or did not face some type of exigent circumstances and he either did or did not request credit counseling only to find himself unable to obtain it within 5 days. 11 U.S.C. § 109(h)(3)(i), (ii). Putting those facts before the court does not require any particular form. Instead, all that needs to be done is for the debtor to describe with the requisite particularity facts which are already in his possession. Two weeks should be plenty of time to do that, especially when we are talking about a document that should have been filed with the petition itself. Interim Bankruptcy Rule 1007(b)(3), (c).

Debtor's motion for an extension of time to comply with the court's order of April 27, 2006, is DENIED. The debtor has failed to comply with the requirements of that order and the certification debtor filed in an effort to obtain a temporary waiver of the requirement of pre-petition credit counseling is not satisfactory to the court. 11 U.S.C. § 109(h)(3)(A)(iii). The debtor has not fulfilled the requirements of 11 U.S.C. § 109(h) and is not eligible for relief under the United States Bankruptcy Code, therefore this case will be dismissed and an order doing so will be entered.

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