

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
RICKY LYNN FROST, SR.) CASE NO. 06-10746
CONNIE SUE FROST)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on June 8, 2006.

By the court's order of May 24, 2006, the debtors were directed to file a certification which fully complied with the requirements of § 109(h) and demonstrated eligibility for relief under Title 11 within fourteen (14) days. On June 7, 2006, the debtors filed a response to the court's order. Unfortunately, this response is not sufficient or "satisfactory to the court." Assuming the debtors have described exigent circumstances which necessitate the immediate filing of the bankruptcy petition their response failed to demonstrate that "the debtor requested credit counseling . . . but was unable to obtain [it]" within five days. 11 U.S.C. § 109(h)(3)(A)(i), (ii). Indeed, it indicates debtors made no effort to do so because they were not aware of the requirement.

The debtors have not fulfilled the requirements of § 109(h) and are not eligible for relief under the United States Bankruptcy Code. This case is therefore dismissed without prejudice.

IT IS FURTHER ORDERED that the trustee shall file a final report and account within thirty (30) days. Upon receipt of the final report and account, this case will be closed.

SO ORDERED.

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