

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
JAMES ARTHUR REDD) CASE NO. 06-10878
BEVERLY ANN REDD)
)
Debtors)

DECISION

At Fort Wayne, Indiana, on July 3, 2006.

By the court's order of June 14, 2006, the debtors were directed to file a certification which fully complied with the requirements of § 109(h)(3) and demonstrated eligibility for relief under Title 11 within fourteen (14) days. The failure to do so was to result in dismissal without further notice or hearing. On June 28, 2006, the debtors filed certificates demonstrating that they completed credit counseling that day, well after the date on which they filed their petition.

Despite the debtors' submission, they have failed to demonstrate that they completed the counseling during the 180 days prior to filing. 11 U.S.C. § 109(h). 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). All the debtors have done is show that they obtained credit counseling after the case was filed. That is not enough.

The debtors have not fulfilled the requirements of 11 U.S.C. § 109(h), are not eligible for relief under the United States Bankruptcy Code and this case should be dismissed. An order doing so will be entered.

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