

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor.

No.

**MOTION FOR DETERMINATION THAT
DEBTOR'S CERTIFICATION OF EXIGENT CIRCUMSTANCES
WHICH WARRANT A WAIVER OF REQUIREMENT FOR BUDGET AND
CREDIT COUNSELING PRIOR TO FILING PETITION IS SATISFACTORY**

Pursuant to 11 U.S.C. § 109 (h)(3)(A), the debtor (*state name of debtor if a joint case*)¹ asks the Court to determine that the certification in Exhibit D to the petition filed on (*date petition filed*) is satisfactory and warrants a temporary waiver of the credit counseling requirements of 11 U.S.C. § 109(h)(1) and that debtor be given 30 days from the date of filing of the petition to complete budget and credit counseling and file a certificate of completion with the court.

The exigent circumstances that prevented the debtor from complying with the credit counseling requirements before filing the petition are as follows:

[*state description of exigent circumstances here*]

s/submitted electronically _____

Typed name of attorney for debtor

Attorney address and telephone number

Notes:

Exigent circumstances: A situation that demands unusual or immediate action and that may allow people to circumvent usual procedures, as when a neighbor breaks through a window of a burning house to save someone inside. BLACK'S LAW DICTIONARY 236 (7th ed. 1999).

Counseling is required by 11 U.S.C. § 109(h)(1). Submission of certification for temporary waiver of requirement is authorized by 11 U.S.C. § 109(h)(3)(A) and NM IBR 1007(b)(3). Certification is required to be filed with petition in accordance with NM IBR 1007(c). The petition, Official Form 1, was amended October 1, 2006, by the inclusion of Exhibit D which provides for debtor's certification. The motion regarding certification is required by Exhibit D.

USE OF THIS FORM IS REQUIRED BY OCTOBER 14, 2005, COURT ORDER

¹ In a joint case, include the debtor's name in the body of the motion. If the circumstances apply to each debtor, submit a separate motion for each debtor. Each debtor must complete credit counseling and submit a certificate of completion within 30 days of the date of filing of the petition unless a motion for extension of an additional 15 days for a total of 45 days from the date of filing of the petition is filed and granted.