

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor.

Case 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), debtor _____,¹ asks the Court to determine that debtor's certification herein 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.

Debtor's certification: I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now:

I certify under penalty of perjury that the information provided above is true and correct.

Debtor Signature: _____

Typed name of debtor: _____

Debtor address: _____

Debtor telephone: _____

¹ If the circumstances apply to each debtor in a joint case, submit a separate motion for each debtor.

Instructions to Self-Represented Debtor:

If you check box 3 on Exhibit D to the petition (official form 1), submit this form with your petition. You must then complete budget and credit counseling and submit a certificate of completion within 30 days of the date of filing of the petition unless you file a motion for extension of an additional 15 days for a total of 45 days from the date of filing of the petition and the motion for extension is granted. **Read the Court's bankruptcy information packet for complete instructions.**

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.

A list of credit counseling agencies in this district which have been approved by the United States trustee is available

- on the Internet at http://www.usdoj.gov/ust/eo/bapcpa/ccde/cc_approved.htm
- by calling the Clerk's Office at 505-348-2500 or toll free, 866-291-6805
- by visiting the Clerk's Office at 500 Gold Avenue SW, 10th floor, Albuquerque, NM

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