

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Debtor.

Case No. _____

**MOTION BY INDIVIDUAL DEBTOR
FOR DETERMINATION THAT DEBTOR IS UNABLE
TO COMPLETE REQUIREMENTS FOR BUDGET AND CREDIT COUNSELING**

Pursuant to 11 U.S.C. § 109(h)(4), debtor, _____,¹ asks the Court to determine that the budget and credit counseling requirements of 11 U.S.C. § 109(h)(1) not apply to debtor because of the reason checked below:

- Incapacity.** (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities);
- Disability.** (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet);
- Active military duty in a military combat zone.**

The specifics of the debtor's situation are as follows: _____

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: _____

Note: Filing of motion required by NM IBR 1007(b)(3)(D) and (c).

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

**USE OF THIS FORM IS REQUIRED BY OCTOBER 14, 2005, COURT ORDER
NM Form 505 for self-represented debtor**