

United States Bankruptcy Court
Southern District of New York

In re _____,
Debtor(s)

Case No. _____
Chapter _____

REQUEST FOR THIRTY-DAY EXTENSION TO FILE
CREDIT COUNSELING CERTIFICATE

In accordance with 11 U.S.C. § 109(h)(1) and (3),¹ I hereby request that the court grant a thirty-day extension of the time to file a) my credit counseling certificate (indicating completion of the requirement to undergo credit counseling) from an approved nonprofit budget and credit counseling agency and b) a copy of any debt repayment plan (if such plan was created as part of credit counseling).

1. The exigent circumstances² that merit a thirty-day extension of the requirement to file with the court my certificate of completion of credit counseling and copy of the debt repayment plan, if any, are:

2. On [date] _____, I made a request to obtain credit counseling from an approved nonprofit budget and credit counseling agency.

3. I was unable to obtain credit counseling within the 5 days following my request because

4. If the court grants this request, I understand that I must complete credit counseling and file with the court the certificate of completion and a copy of the debt repayment plan, if any, within thirty days of the date of filing of my voluntary petition and that failure to do so may result in dismissal of my case.

5. I understand that if the court approves this request for a thirty-day extension but additional time is still needed to satisfy this filing requirement, I must file a motion, within the thirty-day extension period, to request additional time; if the court approves an extension beyond the thirty days, the time to file will be extended by an additional fifteen days only.

6. I understand that I can file a request to have the court determine that I am entitled to receive an exemption from this filing requirement but only on the basis that I have an incapacity or disability or am engaged in active military duty in a military combat zone.

7. I respectfully request that the court find the foregoing satisfactory, and grant the requested relief.

Signature of Attorney Date

Signature of Debtor Date
(In a joint case, both spouses must sign.)

Name of Attorney (Please print.)

Signature of Joint Debtor (if any) Date

¹ "(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing of the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

* * * * *

"(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

"(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

"(ii) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

"(iii) is satisfactory to the court.

"(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition, except that the court, for cause, may order an additional 15 days." 11 U.S.C. § 109(h)(1) and (3).

² Exigent circumstances: "Situations that demand unusual or immediate action." Black's Law Dictionary, Sixth Edition (West 1990).

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ORDER – DEBTOR’S REQUEST FOR THIRTY-DAY EXTENSION

IT IS HEREBY ORDERED that the debtor’s motion is *granted*. / *denied*.

The debtor has until _____ to file a credit counseling certificate and a copy of any debt repayment plan, if such plan is created as part of credit counseling.

_____, New York

Date: _____

BY THE COURT.

United States Bankruptcy Judge