

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 asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after 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: _____

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.

NM LF 504 for self-represented debtor

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Instructions to Self-Represented Debtor:

If you asked for credit counseling services from an approved provider, but were unable to obtain those services during the 7 days after you made the request, and exigent circumstances merit a 30-day temporary waiver of the requirement, 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.

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 Fed. R. Bankr. P. 1007(b)(3). Certification is required to be filed with petition in accordance with Fed. R. Bankr. P. 1007(c).

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

- on the Internet at www.justice.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