

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

¹In 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.

NM LF 504