

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

IN RE: CYNTHIA ANN DAVIS, Debtor

**No. 4:05-bk-40032
Ch. 13**

ORDER DENYING MOTION

On November 30, 2005, the debtor filed a Motion to Extend Exigent Circumstances Exemption For an Additional 15 Days Pursuant to 11 U.S.C. § 109(h)(3)(B). The motion relates to a Certificate of Exigent Circumstances that was filed with the Court on November 2, 2005, the day after the debtor filed her bankruptcy petition.

The Court hereby denies the debtor's motion to extend the exigent circumstances exemption because the predicate certificate is not in proper form. The requirement for pre-petition credit counseling--an individual or group briefing outlining the opportunities for available credit counseling and assisting debtors in performing a related budget analysis--is new to the bankruptcy code with the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. *See* 11 U.S.C. § 109(h)(1). There is an exception to the requirement for pre-petition credit counseling if the debtor

submits to the court a certification that--(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1) [the credit counseling requirement]; (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.

11 U.S.C. § 109(h)(3)(A).

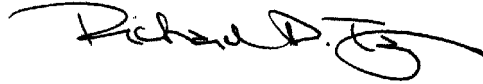
The certificate that was filed in this case is deficient in three regards. First, the certificate does not describe exigent circumstances that may merit a waiver of the credit counseling requirement. Second, the certificate does not state that the debtor requested credit counseling services but was unable to obtain the services within 5 days. And third, because of the first two deficiencies, the

certificate is not satisfactory with the Court. Because the certificate is not in proper form, the Court must deny the debtor's motion to extend the exigent circumstances exemption.

IT IS SO ORDERED.

November 30, 2005

DATE



RICHARD D. TAYLOR
UNITED STATES BANKRUPTCY JUDGE

cc: John G. Phillips
David D. Coop
U.S. Trustee