

United States Bankruptcy Court

Western District of Tennessee

200 Jefferson Avenue
Suite 410
Memphis, Tennessee 38103
(901) 328-3555
Fax: (901) 328-3560

Clerk of Court
Kathleen A. Ford

111 S. Highland
Room 107
Jackson, Tennessee 38301
(901) 328-3500
Fax: (901) 328-3560

September 26, 2018

Clerk's Announcement 18-01

NOTICE REGARDING PETITIONS FILED WITHOUT A CERTIFICATE OF CREDIT COUNSELING IN CHAPTER 7 AND 11 INDIVIDUAL CASES

11 U.S.C. § 521(b) requires all individual debtors to file a certification from an approved non-profit budget and counseling agency that the required services were provided (and also a copy of the debt repayment plan, if any); that Rule 1007(b)(3) also requires such individual debtors to file the document(s) referred to in 11 U.S.C. § 521(b); and that Rule 1007(c) requires the document(s) required by Rule 1007(b)(3) shall be filed with the petition in a voluntary case. Additionally, 11 U.S.C. § 109(h)(3)(A)(i), (ii), and (iii) provides for a waiver of the requirements to obtain credit counseling prior to filing by a debtor who submits to the court a post-petition certification outlining the exigent circumstances and that credit counseling was sought by the debtor but not obtained prior to bankruptcy. Further, 11 U.S.C. § 109(h)(4) provides for a waiver if the court determines, after notice and a hearing, that the debtor is unable to complete these statutory requirements because of incapacity, disability, or active military duty in a military combat zone.

Beginning with petitions filed on October 1, 2018, if the Certificate of Credit Counseling, or other documents required by 11 U.S.C. § 521(b) and Rule 1007(b)(3), 11 U.S.C. § 109(h)(3)(A), or 11 U.S.C. § 109(h)(4) are not filed with the voluntary petition, the Clerk's Office will issue a Deficiency Notice allowing the debtor to file the document(s) within 14 days. At the expiration of 14 days, if the required document(s) have not been filed, a Sua Sponte Order to Show Cause will be issued, unless the case is being dismissed because of other deficiencies.

If you have any questions, please contact me at the contact information listed above.

Kathleen A. Ford,
Clerk of Court