

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

In re:

Case no.: \_\_\_\_\_

[NAME OF DEBTOR(S)]

Debtor(s).

Chapter \_\_\_\_\_

**DEBTOR'S MOTION TO WAIVE  
OF CREDIT COUNSELING REQUIREMENT**

To: [*Name of Judge, e.g. "The Hon. Melvin S. Hoffman"*]:

Debtor requests a waiver of the credit counseling requirement set forth in 11 U.S.C. Section 109(h) because of incapacity, disability or active military duty in a military combat zone.

[1. *See instructions: Describe in detail the incapacity or disability or indicate where debtor(s) (is/are) currently stationed, if serving in the military.*

2. *See instructions: choose one of the following: "The debtor has a disability as is defined and described in 11 U.S.C. Section 109(h) and is physically unable, after reasonable effort, to participate in an in person, telephone or Internet briefing as required by 11 U.S.C. Section 109(h)(1)" or "The debtor lacks capacity ("incapacity") as is defined and described in 11 U.S.C. Section 109(h)(4)."*]

Wherefore, the Debtor(s) respectfully request(s) that the Court grant a waiver of the credit counseling requirement set forth in Section 109(h).

/s/ Name of Debtor

[*Typed name of Debtor. If pro se, the Debtor must sign this motion*]

(*Required signature block*)

(OR)

/s/ Counsel for Debtor(s)

Counsel for Debtor(s)

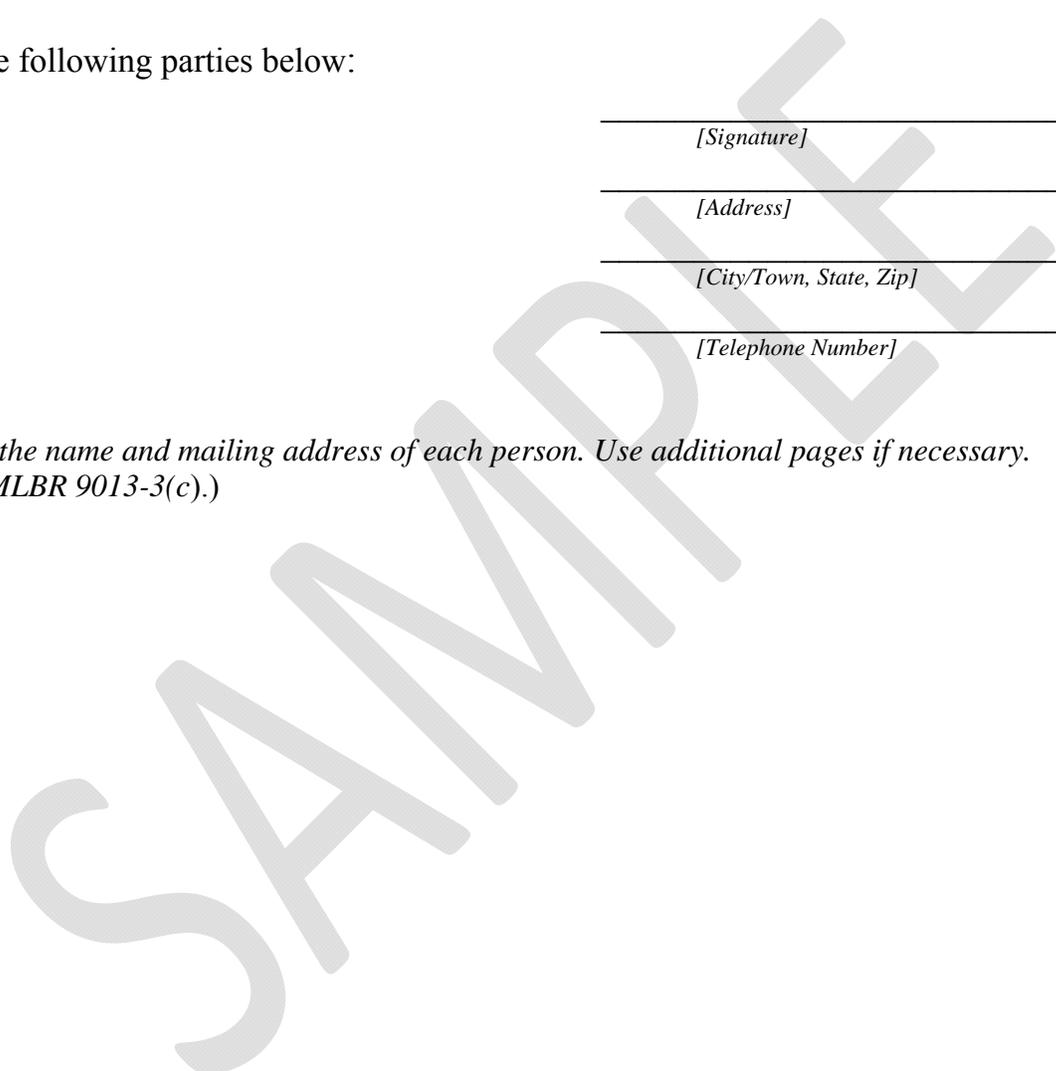
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**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_, hereby certify that on \_\_\_\_\_ I  
*[Print/Type Name]* *[Date]*  
mailed a true and complete copy of \_\_\_\_\_,  
*[Name of Document]*  
via United States Postal Service first class mail, with adequate postage prepaid, addressed  
to the following parties below:

\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Address]*  
\_\_\_\_\_  
*[City/Town, State, Zip]*  
\_\_\_\_\_  
*[Telephone Number]*

*(List the name and mailing address of each person. Use additional pages if necessary.  
See MLBR 9013-3(c).)*



## INSTRUCTIONS

### TO COMPLETE DEBTOR'S MOTION FOR WAIVER OF CREDIT COUNSELING REQUIREMENT

1. In a joint case, a separate motion must be filed for each debtor seeking a waiver.
2. Disability or incapacity: Before describing any medical conditions or filing additional documents supporting a purported disability or incapacity, *see* Fed.R.Bankr.P. 9037 and Local Bankruptcy Rule 9018-1 for filing options.
3. Military Service: Disclosure of military service should not in any way compromise the safety of the debtor or others, *see* Local Bankruptcy Rule 9018-1 for filing options.
4. See 109(h)(4): A description of “incapacity” and “disability” as it applies to this waiver request is found in 11 U.S.C. Section 109(h)(4).
5. The motion must be served on the case trustee and the United States Trustee.
6. Certificates of service: *See* Local Bankruptcy Rule 9013-3(c) for requirements. The motion may be denied if service is not proper.