

ENTERED ON DOCKET
5-13-2010

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 7
)
SIKIRU A. OLUSOGA,) CASE NO. 10-67122 - MHM
)
Debtor.)

**ORDER GRANTING
EXEMPTION OF PREPETITION CREDIT COUNSELING**

On March 10, 2010, Philomina Olusoga filed, on behalf of Debtor and as his state court appointed guardian, a Chapter 7 case. On May 4, 2010, Debtor filed a *Motion to Excuse Debtor from Credit Counseling* (Doc. No. 20) (the "Motion"). Under 11 U.S.C. §109 (h) (4), a debtor may seek an exemption from the prepetition credit counseling requirement:


- (4) The requirements of paragraph (1) shall not apply with respect to a debtor whom the court determines, after notice and hearing, is unable to complete those requirements because of incapacity, disability, or active military duty in a military combat zone. For the purposes of this paragraph, incapacity means that the debtor is impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities; and "disability" means that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in an in person, telephone, or Internet briefing required under paragraph (1).

The Motion shows that Debtor suffers from Alzheimer's disease and lacks the requisite capacity to participate in credit counseling. Under 11 U.S.C. §102, no further notice or hearing is necessary. Accordingly, it is hereby

ORDERED that Debtor's request for a exemption from the requirement to obtain budget and credit counseling prior to filing is *granted*

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Debtor, Debtor's attorney, the Chapter 7 Trustee and the U.S. Trustee.

IT IS SO ORDERED, this the 12th day of May, 2010.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE