



IT IS ORDERED as set forth below:

Date: January 23, 2015

**W. Homer Drake
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

IN THE MATTER OF:	:	CASE NUMBER
	:	
ERIC PIERS RUNDQUIST,	:	12-13151-WHD
	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 7 OF THE
Debtor.	:	BANKRUPTCY CODE

ORDER

Before the Court is the Debtor’s Request for a Waiver of the Requirement of Attending a Personal Financial Management Course (hereinafter the “Motion”). In the Motion, the Debtor asserts that he should be exempt from the requirement imposed by section 727(a)(11) of the Bankruptcy Code, pursuant to section 109(h)(4). The Court scheduled a hearing on the Motion for January 21, 2015, but no party appeared to prosecute the Motion.

The Court has no evidence before it that the Debtor is “unable” to complete the financial management course requirement “because of incapacity, disability, or active military duty in a military combat zone,” as required by section 109(h)(4). The Debtor suggests in the Motion that he is incapacitated (or perhaps disabled) because he attempted to commit suicide in the past and because his son has been handling his financial affairs. These facts alone, however, do not establish 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,” or that he is “so physically impaired as to be unable, after reasonable effort, to participate in an in person, telephone, or Internet briefing.” 11 U.S.C. § 109(h)(4). Accordingly, without additional evidence to establish that the Debtor is incapacitated or disabled within the meaning of the statute, the Motion must be, and, hereby is, **DENIED**.

The Clerk shall serve a copy of this Order on the Debtor, the Chapter 7 Trustee, and the United States Trustee.

END OF DOCUMENT