

1 UNITED STATES BANKRUPTCY COURT
2 EASTERN DISTRICT OF CALIFORNIA
3 FRESNO DIVISION

4 In re) Case No. 05-62683-B-7
5 Shirley Ann Marie Ingram and)
6 Barney F. Ingram,)
7 Debtors.)
8

9 **ORDER DENYING APPLICATION TO AUTHORIZE
10 REPRESENTATIVE FILING AND TO WAIVE ELIGIBILITY
11 REQUIREMENTS FOR BARNEY F. INGRAM**

12 This order is in response to a document filed ex parte in this case entitled
13 Declaration of Shirley Ingram regarding: 1. Authority to file on behalf of Barney F.
14 Ingram, Jr., and 2. Lack of payment advices (the "Ex Parte Application"). Ms. Ingram
15 requests that the court (1) waive the eligibility requirement under 11 U.S.C. § 109(h)(1)
16 for Barney Ingram because he is allegedly "incompetent." The Ex Parte Application will
17 be denied for the following reasons: (1) This court has the authority under 11 U.S.C. §
18 109(h)(4) to waive the eligibility requirement in § 109(h)(1) based on, *inter alia*, the
19 debtor's incapacity or disability. However, there is no evidence before this court that
20 Barney Ingram has been adjudicated to be incompetent to manage his estate by a court of
21 proper jurisdiction, (2) Attached to the Ex Parte Application is a copy of Letters of
22 Conservatorship for Barney Ingram issued by the Tulare County Superior Court on
23 August 16, 2000. The Letters of Conservatorship give Shirley Ingram powers as
24 Conservator of the Person for Barney Ingram. Ms. Ingram has not been appointed as
25 Conservator of the Estate for Barney Ingram, As such, there is no evidence that Shirley
26 Ingram has authority to file this bankruptcy petition on behalf of Barney Ingram; and (3)
27 This bankruptcy petition was filed by Barney Ingram in his own name. It was not filed
28 by Shirley Ingram in any representative capacity for Barney Ingram. The bankruptcy
petition itself makes no mention of that Shirley Ingram is filing for Barney Ingram in a
representative capacity.

Based on the foregoing, the Ex Parte Application to Authorize Shirley Ingram to file this bankruptcy petition for Barney Ingram, and to waive the eligibility requirement for Barney Ingram under 11 U.S.C. § 109(h)(1) is DENIED.

Dated: November _____, 2005

/s/ W. Richard Lee
W. Richard Lee
United States Bankruptcy Judge