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IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re:

SCOTT JAMES BROWN AND VICKY
LYNN BROWN,

Debtors.

SCOTT JAMES BROWN AND VICKY
LYNN BROWN,

Plaintiffs,

v.

SLM FINANCIAL CORPORATION, a
SALLIE MAE COMPANY,

Defendant.

Case No. 11-38541-tmb13

Adversary Proceeding No.

**COMPLAINT TO DETERMINIE
DISCHARGABILITY OF SALLIE MAE
LOANS**

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1 Plaintiffs, by and through their attorney, and for their complaint against defendant,
2 alleges the following:

3 1.

4 This Adversary Proceeding arises out of debtor's Bankruptcy Case No. 11-38541-tmb13
5 filed under Chapter 13 of Title 11, now pending in this court. This Court has jurisdiction over
6 the adversary proceeding pursuant to 28 USC 157 and 28 USC 1334. This is a core
7 proceeding under 28 USC 157(b).
8

9 2.

10 Defendant is authorized to conduct business under the laws of the United States.

11 3.

12 Plaintiff/debtor filed this Chapter 13 bankruptcy case on 9/30/11.

13 4.

14 Plaintiff/debtor listed a disputed debt to defendant Sallie Mae on Schedule F with
15 account number 0103 in the amount of \$42,211. The lending agreement debtors signed with
16 Sallie Mae lists an account number of 5420020945801-01.
17

18 5.

19 The loans alleged in Paragraph 4 were to "WINGS/CASCADES-SPIRIT FLT", with
20 Sallie Mae School Code 6012170000. This flight school is not (and was not at the time of the
21 loan) an eligible education institution within the meaning of 26 USC 221(d)(1) and (2). The
22 fact that the student loan in question was not to an "eligible education institution" under 26
23 USC 221(d)(1) and (2) means that the debt is not "qualified education loan(s)" under 11 USC
24 523(a)(8)(B), and therefore is dischargeable.
25

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3 WHEREFORE: debtor prays for relief as follows:

- 4 1. That the Sallie Mae loan described in Paragraph 4 and listed on Schedule F is
5 dischargeable in this Chapter13 case, along with any interest or fees Sallie Mae
6 may seek to claim.
7
8 2. For such other and further relief a is just and proper.

9 Dated this 5 day of October, 2009.

10 JAMES FORBES, PC

11
12 /s/ James Forbes

13 James Forbes, OSB #78470

14 Attorney for Debtor/Plaintiff

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