

GEF/dlc
02/08/2012

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO

_____)	
In Re:)	
MICHELE BLOCK)	Case No. 11-19470
Debtors)	Chapter 7
_____)	JUDGE PRICE SMITH
MICHELE BLOCK)	
Plaintiff)	Adv. Proc. No. _____
Vs.)	
SALLIE MAE)	
P. O. Box 9500)	
Wilkes Barre, PA 18773)	
Creditors/Defendants)	

COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT

Now comes the Plaintiff, Michele Block, and for her complaint states and alleges as follows:

PARTIES AND JURISDICTION

1. Jurisdiction of this adversary proceeding is conferred on this Court by 28 U.S.C. §§157 and 1334.
2. This is a Core Proceeding pursuant to 28 U.S.C. § 157(b)(2)(l). This Complaint is brought pursuant to 11 U.S.C. §523(a)(8), 42 U.S.C. § 292f(g) and Federal Rule of Bankruptcy Procedure 7001.
3. The Plaintiff is an individual and the Debtor in the above-entitled case under Chapter 7 of the Bankruptcy Code filed in this Court on November 6, 2011.
4. The Plaintiff resides in Cuyahoga County Ohio.

5. Defendant, Sallie Mae, is a student loan lender and is located at the address hereinabove.

FACTUAL ALLEGATIONS SUPPORTING CLAIM FOR RELIEF

6. Sallie Mae holds a claim against the Plaintiff in the amount of \$69,898.16.

7. The student loan herein is a debt incurred for an educational benefit rendered to her daughter, Meredith Ginsberg, or an overpayment or loan made, insured or guaranteed by a governmental unit or nonprofit institution, or for an obligation to repay funds received as an educational benefit, scholarship or stipend, and excepting such debt from discharge under §523(a)(8)(B) will impose an undue hardship on Plaintiff.

8. Despite Plaintiff's anticipated discharge, the monthly loan payments required on the student loans above described are excessive and impose an undue hardship upon the Plaintiff and the Plaintiff's dependents.

9. Plaintiff has made good faith efforts to achieve the financial security which would allow her to repay the loans, and in fact, has reached the top of her profession and is unable to earn additional money. Plaintiff has made a good faith effort to pay on the loans at issue herein; in fact, all payments made on the loan have been made by Plaintiff and none by her daughter, Meredith Ginsberg.

10. Additionally, Plaintiff is approaching retirement age and for that additional reason repayment of such loan will result in an undue hardship on Plaintiff.

CLAIM FOR RELIEF
DISCHARGE OR PARTIAL DISCHARGE

11. Requiring Plaintiff to pay the student loan debts above described will impose an undue hardship upon the Plaintiff and the Plaintiff's dependents.

WHEREFORE, Plaintiff prays that the court find the above-described debts, or a portion thereof, dischargeable pursuant to 11 U.S.C. §523(a)(8).

Respectfully submitted:

/s/Glenn E. Forbes
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