

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 7  
: :  
AMANDA MARIE OPP, : BANKRUTPCY NO.09-17315-ELF  
: :  
Debtor : :

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Amanda Marie Opp, :  
: :  
Plaintiff : Adversary No.:  
: :  
vs. : :  
: :  
American Education Services :  
: :  
and : :  
: :  
Sallie Mae, Inc. aka Sallie Mae :  
: :  
and : :  
: :  
US Department of Education, :  
Defendants :

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**DEBTOR'S COMPLAINT TO DETERMINE  
DISCHARGEABILITY OF STUDENT LOAN**

1. This is an adversary proceeding brought under the Bankruptcy Code, 11 U.S.C. § 523 (a)(8), to determine the dischargeability of educational loans.

**Jurisdiction**

2. Jurisdiction of the bankruptcy court in this matter is provided by 28 U.S.C. §§ 1334 and 157 and the Order of the United States District Court for this district dated July 25, 1984.

3. This is a core proceeding.

**Parties**

4. Plaintiff/Debtor Amanda Opp is an adult individual who resides at 854 Aubrey Ave, 2<sup>nd</sup> Floor, Ardmore, PA 19003. She is the debtor in the above-captioned bankruptcy case.

5. Defendant Department of Education (“DOE”) is a federal agency giving student loans to qualified borrowers and doing business at 400 Maryland Avenue, SW, Washington, D.C. 20202.

6. Defendant Sallie Mae Inc aka Sallie Mae (“Sallie Mae”), provides and services federal and private student loans and has a principal place of located at 12061 Bluemont Way, Reston, Virginia, 20190.

7. Defendant American Education Services (“AES”), provides and services federal and private student loans and has a principal place of located 1200 N. 7<sup>th</sup> Street, Harrisburg, PA 17102.

#### **Factual Allegations**

8. Plaintiff/Debtor attended The Art Institutes in Philadelphia from 2001 to 2003 and subsequently transferred to the University of the Arts (“U of A”) from 2004 to 2007 where she received a degree in Bachelor of Fine Arts in Graphic Design.

9. Since graduating from the U of A, she has worked a variety of low paying jobs ranging from \$10.00 an hour to \$18.00 an hour.

10. Plaintiff/Debtor currently is employed as a Graphics Arts Associate earning approximately \$41,000.00 and will most likely earn this approximate amount for the significant portion of her career.

11. Plaintiff/Debtor’s present indebtedness on all of her student loans with the Defendants is approximately \$185,000.00.

12. It is unlikely that Plaintiff/Debtor will be in a position to repay these loans during the duration of the repayment period. Although her financial position has improved in the few years

since she incurred the loan obligations and based on the earning potential in her career field, it seems highly unlikely that her financial situation will improve to a level where she could afford to repay her loan obligation.

**Claim**

13. Plaintiff/Debtor's current and expected future income is and will be barely adequate for her to afford the basic necessities of life. She lacks the financial resources to repay the student loans and make any payments.

14. Plaintiff/Debtor has no current or anticipated available income or resources with which to pay the aforementioned loan and any payments on that loan could be made only at great hardship to the Plaintiff/Debtor. Excepting the loans from discharge would impose an undue hardship.

15. The above-described student loan debts are dischargeable under 11 U.S.C. § 523(a)(8).

WHEREFORE, Plaintiff/Debtor requests this Court declare the subject student loans dischargeable under 11 U.S.C. § 523(a)(8).

Respectfully Submitted

Dated: January 18, 2012

/s/ Clair M. Stewart  
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