

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

IN RE:)
)
JAMES A. LINDSEY) CASE NO. 12-40462
)
)
)
)
Debtor)
_____)

JAMES A. LINDSEY)
)
Plaintiff)

vs.) A. P. NO. 12- _____
)

SALLIE MAE)
Sallie Mae, Inc.)
PO Box 9500)
Wilkes-Barre PA 18773-9500)

SERVE:)
THOMAS I FITZPATRICK)
President)
12061 BLUEMONT WAY)
RESTON VA 20190)

SERVE: collection agent)
PIONEER CREDIT RECOVERY, INC.)
P.O. Box 99)
Arcade, NY 14009)

Defendants)
_____)

COMPLAINT UNDER SECTION 523(A)8

Comes the Plaintiff herein, by counsel, and for her complaint against the Defendant,

Sallie Mae, states as follows:

PARTIES

1. The Plaintiff, James A. Lindsey, is the Debtor in Case No. 12-40462 filed under Chapter 7 of the Bankruptcy Code (11 U.S.C. § 101, et seq.) on March 29, 2012.

2. The Defendant, Sallie Mae, is a creditor in the Debtor's Chapter 7 Bankruptcy Case No. 12-40462.

JURISDICTION

3. This is an adversary proceeding to determine the dischargeability of a debt pursuant to Fed. R. Civ. P. 7001(6). This Court has jurisdiction pursuant to 28 U.S.C. § 1334(b); 28 U.S.C. § 157(a) and 11 U.S.C. §523. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(I).

4. Plaintiff is the debtor in this Chapter 7 case. Defendant is a creditor of Plaintiff.

5. This is an adversary proceeding to determine the dischargeability of a debt.

6. Plaintiff is indebted to Defendant, Sallie Mae, in the sum of \$37,861.00 for loans made by Defendant, Sallie Mae. The creditor may identify these loans by the following numbers: 22008090103260020 and 22008090103259010. In the alternative, per a collection letter from Pioneer Credit Recovery, Inc. dated December 23, 2011, the loans may be identified by the following numbers: G000000005712604 and G000000005712621.

7. The debt is not an educational loan excepted from discharge under 11 USC §523(a)(8).

8. In the alternative, if the court should find that the debt is an educational loan

excepted from discharge under 11 USC §523(a)(8), excepting such debt from discharge under this paragraph will impose an undue hardship on the debtor.

WHEREFORE, Plaintiff prays that the Court determine that the debt owed to the Defendant is not an educational loan excepted from discharge under 11 USC §523(a)(8) or such portion of it as the Court determines is an educational loan not otherwise subject to discharge that the court find that repayment of the loan imposes an undue hardship on the Debtor and is dischargeable.

This 23rd day of April, 2012.

/s/ Steven D. Wilson

Steven D. Wilson

WILKEY & WILSON, P.S.C.

111 West Second Street

Owensboro KY 42303

Phone: (270) 685-6000

Fax: (270) 683-2229

Email: swilson@wilkeylaw.com