

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

Chapter 7

Elizabeth A. Geddes

Case No. 1-11-11953-CLB

Debtor.

Elizabeth A. Geddes
60 Sundridge Drive
Amherst, NY 14228-1801
Soc. Sec. No. xxx-xx-7288

COMPLAINT TO DETERMINE
DISCHARGEABILITY OF
STUDENT LOANS

Plaintiff,

-vs-

The Student Loan Corporation
Citibank SD NA
PO Box 6052
Sioux Falls, SD 57117-6052

Sallie Mae Servicing Corporation
PO Box 9500
Wilkes-Barre, PA 18773-9500

Defendants.

Plaintiff, by her attorney, DANIEL E. WISNIEWSKI, ESQ., as her complaint against the defendants alleges as follows:

1. This action is commenced pursuant to Sec. 523(a)(8) of the United States Bankruptcy Code (11 U.S.C. Sec. 523 (a) (8)).
2. Plaintiff, ELIZABETH A. GEDDES, is an individual residing at 60 Sundridge Drive, Amherst, New York 14228-1801.
3. That upon information and belief, the Defendants, The Student Loan Corporation and Sallie Mae Servicing Corporation are agencies of the Federal Government that make, service, purchase and/or guarantee student loans to individuals.
4. Plaintiff co-signed these student loans for her children, Jamie E. Hutchins and Jeremy J. Hutchins.

5. At the time Plaintiff signed these loans she was not collecting Social Security disability benefits as her sole source of income.

6. Plaintiff is now disabled and her income consists solely of Social Security disability benefits in the monthly amount of \$2,178.

7. Plaintiff received notice she was eligible for Social Security disability benefits by Notice of Decision dated November 20, 2007, stating the onset of her disability was June 1, 2004.

8. As a result of her medical condition Plaintiff experienced financial problems and was forced to file Chapter 7 bankruptcy.

9. Debtor was forced to sell her house in 2011 as she could not afford it. At the time of the sale she was approximately one year in arrears on her mortgage.

Debtor has or is working on installment payment arrangements with the Internal Revenue Service and the New York State Department of Taxation and Finance for income tax arrears.

10. Plaintiff has no accumulated wealth or assets of any substantial value.

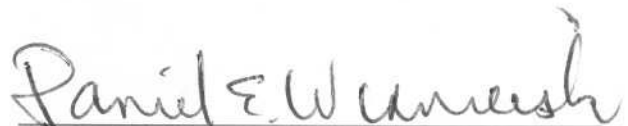
11. Debtor is permanently and fully disabled.

12. Debtor's future income will consist solely of Social Security disability benefits.

13. Debtor is incapable of making payments to Defendants on loans she co-signed. To require Plaintiff to make payments on these co-signed loans would cause undue hardship to Plaintiff.

WHEREFORE, Plaintiff prays that this Court determine that the debts owed to Defendants by the Plaintiff are dischargeable and that it grant such other and further relief as the Court may deem just and proper.

Dated: February 9, 2012



DANIEL E. WISNIEWSKI
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