

United States Bankruptcy Court
Eastern District of Michigan
Southern Division - Flint

In the matter of:
Jonathan & Renee Goings,
Debtors.

Case No.: 12-33658
Chapter 7
Hon. Daniel S. Opperman

Jonathan & Renee Goings,
Plaintiffs,
vs.
AES, Chase and Sallie Mae,
Defendants.

Adversary No.:

Complaint to Determine Dischargeability of Student Loan(s)

Plaintiffs, Jonathan & Renee Goings, by and through counsel, Mark J. Van Epps, states as follows:

1. Jurisdiction of this matter is conferred on the court by 28 USC 1334(b).
2. This is a core proceeding pursuant to 28 USC 157(b)(2)(I).
3. Venue is proper pursuant to 28 USC 1409.
4. Plaintiffs are the debtors in the above-entitled case under Chapter 7 of the Bankruptcy Code filed in this court on September 6, 2012.
5. Upon information and belief, Defendants AES, PO 69184, Harrisburg, PA 17069 holds a claim against Plaintiff, Jonathan Goings, in the following amount, to wit: \$31,629.00; Chase, PO 7013, Indianapolis, IN 46207 holds a claim against Plaintiff, Jonathan Goings, in the following amount, to wit: \$26,900.00; and Sallie Mae, 1002 Arthur Dr., Lynn Haven, FL 32444 holds a claim against Plaintiff, Renee Goings, in the following amount, to wit: \$47,985.00 (the student loans).
6. 11 USC 523 provides as follows:
 - (a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title [11 USC 727, 1141, 1228(a), 1228(b), or 1328(b)] does not discharge an individual debtor from any debt.
 - (8) unless excepting such a debt from discharge under this paragraph

would impose an undue hardship on the debtor and the debtor's dependants, for

(A)

(i) An educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

(ii) an obligation to repay funds received as educational benefit, scholarship, or stipend; or

(B) any other education loan that is qualified educational loan, as defined in section 221(d)(1) of the Internal Revenue Code of 1986 [26 USC 221(d)(1)]. incurred by a debtor who in an individual;

7. The Student Loans are owed as (described from USC 523(a)(8)(A) or (B) above).

8. Plaintiffs will suffer undue hardship unless the Student Loans are discharged for the following reasons:

A. Plaintiffs cannot maintain, based on current income and expenses as set forth in Plaintiffs Schedule I and J, a "minimal" standard of living if forced to repay the Student Loans;

B. Circumstances exist indicating that this state of affairs is likely to persist for a significant portion of the repayment period of the Student Loans for the reason that

C. Plaintiffs have made good faith efforts to repay the Student Loans

Plaintiffs requests this Court to determine that the Student Loans are dischargeable in bankruptcy pursuant to 11 USC 523(a)(8).

Dated: October 26, 2012

/s/Mark J. Van Epps

Mark J. Van Epps P33068

Attorney for Debtors

318 N. Water St., Owosso, MI 48867

(989) 723-6777

mvanepps@vanepplaw.com