

FILED

SEP 21 2012

B104 (FORM 104) (08/07)

CLERK U.S. BANKRUPTCY,
ORLANDO DIVISION

12-9207

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS <i>Adrian Mejias</i>	DEFENDANTS <i>Sallie Mae</i>	
ATTORNEYS (Firm Name, Address, and Telephone No.)		ATTORNEYS (If Known)
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) <i>see a Hacked</i>		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input checked="" type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$ <i>66,000.00</i>
Other Relief Sought		

B104 (FORM 104) (08/07), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR <i>Adrian Mejias</i>		BANKRUPTCY CASE NO. <i>12-09207</i>
DISTRICT IN WHICH CASE IS PENDING <i>Middle District Orlando</i>		DIVISION OFFICE <i>FL</i> NAME OF JUDGE <i>Arthur B. Brickman</i>
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING		DIVISION OFFICE NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) <i>Adrian Mejias</i>		
DATE <i>9/21/2012</i>	PRINT NAME OF ATTORNEY (OR PLAINTIFF) <i>Adrian Mejias</i>	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

FILED

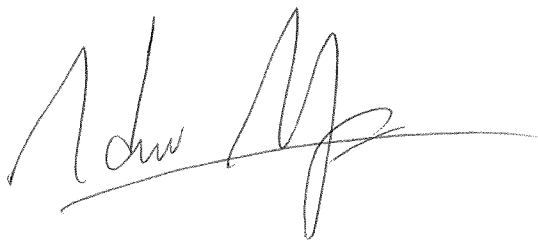
SEP 21 2012

COMPLAINT TO DETERMINE DISCHARGEABILITY OF STUDENT LOAN

CLERK U.S. BANKRUPTCY,
ORLANDO DIVISION

- 1- The Debtor (Adrian Mejias) filed this case under Chapter 7 of the US Bankruptcy Code on July 6, 2012. This Court thus has jurisdiction over this action under 28 U.S.C. § 1334.
- 2- One of the unsecured debts owing by the Debtor and listed on Schedule F is a student loan owing to Defendant Sallie Mae.
- 3- The Defendant is the Executive Director of Sallie Mae and is responsible for the overall operation of the student loan program.
- 4- This loan was used to pay expenses and tuition at Full Sail Real World Education (educational institution).
- 5- The Debtor incurred in around \$75,000.00 for an Associate Degree.
- 6- Once graduated, Debtor realized that the institution did not properly provide him with the tools and knowledge to be competitive in the workplace. He has not been able to find a meaningful position on which he could apply this acquired knowledge.
- 7- This educational institution also failed to comply with their promise to locate and place him into a position. He has not even interviewed once by a prospective employer.
- 8- In order for the Debtor to be somewhat competitive, he should go back and finish at least a Bachelor, thus resulting in an additional 50-70K.
- 9- Due to his inability to find a meaningful employment, Debtor has been working since graduation as an entry level employee barely making \$22,000.00 a year.
- 10- Debtor is married with 3 children and living in a rented house, unable to provide a quality lifestyle to his family and his salary barely suffices for the necessities of life.
- 11- Debtor has attempted to repay this student loan in several occasions, but his financial situation does not allow him to do so.
- 12- The Debtor has no resources or anticipated extra income with which to pay the aforementioned loan and any payments on that loan could only made a greater hardship on the Debtor and his children.

WHEREFORE, the Debtor prays that this Court enter an order declaring the student loan debt of the Debtor to be dischargeable in this Bankruptcy Case.



12-09207

CERTIFICATE OF SERVICE

I, Adrian Mejias (name), certify that service of this summons and a copy of the complaint was made 09/21/2012 (date) by:

Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

Sallie Mae
Mr John Rimondi, Pres.
PO Box 9500
Wilkes-Barre PA 18773-9500

Personal Service: By leaving the process with the defendant or with an officer or agent of defendant at:

Residence Service: By leaving the process with the following adult at:

Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

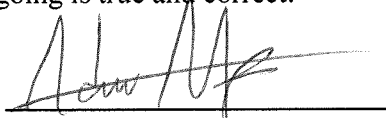
Publication: The defendant was served as follows: [Describe briefly]

State Law: The defendant was served pursuant to the laws of the State of _____, as follows: [Describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date 09/21/12

Signature 

Print Name :

Adrian Mejias

Business Address:

3325 Celena Circle
St Cloud FL 34769

From Article at GetOutOfDebt.org