

CLERK: NEVIN SHER
REF: HELMUT SCHUBERT
JUDGE: HON. F. CLERK
RELAYED CASE: 02-3000

SUBJECT: Beverly W. Gair & Kevin L. Gair
Petition for Adversary Proceeding

CASE NUMBER
09-1580-A-7

FILED - 3:30 PM
CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
FREDERICKSON

1 I. The Debtor(s) filed this case under Chapter 7 of the Bankruptcy Code in 2008. This court has
2 jurisdiction over this action under 28 U.S.C. sections 1334. This proceeding is a response of the case and
3 is an adversary proceeding.

4
5 2. One of the secured debts owed by the Debtor and listed in Schedule F is a student loan owing to
6 Michel. No representatives from Michel were present at the discharge hearing. After the loan(s)
7 was discharged Michel abandoned collection efforts for three years then resumed the case over in New York
8 State Higher Education Services Corporation (NYSHESC) who began collection efforts in early 2011.
9
10 3. The Defendant listed as New York State Higher Education Services Corporation was advised
11 the original lender (Michel Student Loans) after the discharge of the student loan(s). NYSHESC was
12 advised by Debtor of the discharge, but have refused to honor the court's ruling.
13
14 4. This loan was incurred by Debtor, Beverly Gair, to complete college and become a teacher.
15
16 5. Michel was employed at a Title I low-income school and requested "Public Service Forgiveness" of all
17 or parts of the loan. She was denied, however, because she had graduated from college one year before the
18 deadline set by Congress.
19
20 6. After the final bankruptcy hearing and discharge of debts, the Debtor got a divorce. She is now a
21 single mother with two children, living in a house with an upside down mortgage, unable to refinance,
22 owes back taxes to the IRS and FTB, and as a public school teacher, is extremely limited in her earnings.
23 Her ex-spouse is on disability and limited in the amount of monetary support he can give.
24 WHEREFORE, Debtor prays this Court enter an Order declaring the student loan debt of the Debtor to
25 be dischargeable in the bankruptcy case and Defendant advised to pay \$2650.00 for wages garnished.
26 Physical therapy/physical therapy collection paid on information submitted on previous case, and the
27 attached 1-6
28
29 This page may be searched by Judicial Council Search any other paper filed with the court.