

12-6038

United States Bankruptcy Court
Eastern District of Kentucky

EASTERN DISTRICT OF KENTUCKY

FILED

NOV 08 2012

AT LEXINGTON
JERRY D. TRUITT, CLERK
U.S. BANKRUPTCY COURT

Billy Joe Duncan

Debtor/Plaintiff

CASE NO. 10-61622

6059 S. Hwy 1651
Pine Knot, Ky 42635

V.

Sallie Mae

Creditor/Defendant

EASTERN DISTRICT OF KENTUCKY

FILED

NOV 14 2012

AT LEXINGTON
JERRY D. TRUITT, CLERK
U.S. BANKRUPTCY COURT

P.O. box 9500
Wilkes Barre, PA 18773

The Debtor is requesting this Adversary Proceeding to be heard in the Eastern Kentucky district of the United States Bankruptcy Court.

1. The demand of repayment for the Private Student loans with Sallie Mae is making an economical hardship upon the debtor and his family. The debtor has made every attempt to work with Sallie Mae by asking them to lower the required payments to an amount he can pay, the debtor has also made several \$100.00 payments which defer litigation and are non-refundable nor does this amount go toward the principal or interest making this a temporary fix. The debtor has given information to Sallie Mae that supports his 100% disability, has spoken with them about a repayment plan the debtor can meet but this company continues to pursue a payment in the amount of \$568.06 monthly that in no-way the debtor can meet.

2. Billy Joe Duncan is requesting a total discharge of his Private Student loans with Sallie Mae due to the economical hardship being upon him & family. The debtor used the "Brunner Test" and meets all their requirements within that case. (1) That the debtor cannot maintain, based on current income and expenses, a minimal standard of living for the debtor and dependents if forced to pay off student loans; (2) that additional circumstances exist indicating that this state of affairs is likely to persist for a significant portion of the repayment period of the student loans; and (3) that the debtor has made good faith efforts to repay the loans. The debtor regrets as to having to request this type of relief, but finds himself in a situation that is not expected to better itself, nor does he see any other way to find a solution for these loans. The debtor is asking the court to discharge the Private Student loans with Sallie Mae based upon the information provided in this Caption. The debtor will provide any and all information that the court may request that will assist them in this decision. The account No's are 9938905800-1 and 9438040551-1. Both #'s listed are accounts for the debtor.

Billy Joe Duncan 11/13/12