

AP 12-1042

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

FILED

In re:

Robert A. Koenig Case 12-11404-JMD
Debtor

Bk. No. _____ - 2012 APR 30 P 1:17
Chapter _____

Adversary Proceeding COMPLAINT

Plaintiff

Robert A. Koenig
P.O. Box 41
Manchester, NH 03105

Defendants

USA Funds, Inc
P.O. Box 6028
Indianapolis, IN 46206

CLERK OF THE
BANKRUPTCY COURT
DISTRICT OF NH

&

Sallie Mae Servicing
P.O. Box 9500
Indianapolis, IN 18773

1. Robert A. Koenig filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code on April 27, 2012. This complaint seeks to Determine the dischargeability of a student loan as it presents an undue hardship for the Debtor.
2. Among the unsecured debts owing by the Debtor are student loans owing to USA Funds, Inc and its servicer, Sallie Mae.
3. These loans were incurred to pay expenses at Nova Southeastern University, where the debt was assumed and a degree earned.
4. Based on the Debtor's current income and expenses, the Debtor cannot maintain a minimal standard of living and at the same time repay the loans. My current income is below the poverty line. I have filed for bankruptcy with a monthly average take home pay of six hundred dollars. I'm unable to pay my mortgage and have agreed to surrender my residence. I have no future place to live and cannot pay my other debts. I cannot maintain a minimal standard of living if I repay the student loans and, this limitation is likely to continue. Excepting the student loans from discharge would impose an undue hardship on me. There is no way I can payments of over three to six hundred dollars a month. Even those will not substantially reduce my student loan debt. Continuing this debt does not give me the "clean slate" intended by bankruptcy. Circumstances exist indicating that my employment status is likely to persist for a significant portion of the repayment period of the student loan. My employment future is dismal for several reasons. I have not worked full time sine June 2008, so I have no current references. I have applied for educational jobs as low as paraprofessional with no offer of employment. I've applied to over 200 openings. I have little hope for the indefinite future as to any possibility of repayment. (Exhibits)
 - In the past my impulsive personal issues have been discussed in .Portsmouth Family Court hearings in 2003, 2007 and 2008, with accusations of sexual addiction and alcoholic abuse. Employers have noted this, and discussed this. I'm sure it comes up when prospective employers call for reference checks. This personal history makes it

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unlikely that I can be gainfully employed and earn enough income to make payments on student loans

- I'm sixty years old. I sense age discrimination
- I drive a 2000 Ford and in the near future will have new vehicle expenses.
- I have health issues related to Bells Palsy and my insulin dependency.
- With the Bells Palsy the muscle control of my face had not returned
- Bells and the Diabetes both make me tired, and I'm exhausted after one day of substituting.
- I cannot get a clean bill of health for new employers.
- I have not worked full time sine June 2008, so I have no current references.

I believe my doctorate degree works against me.

- Employers with starter level positions do not contact me for interviews.
- Educational organizations have told me outright that I won't be hired because I'm on the higher, graduate pay scale.

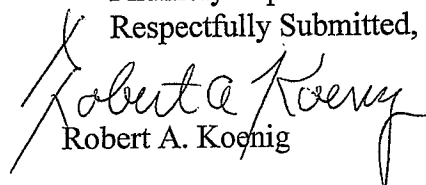
I've indicated good faith in trying to repay the loans although my expected career has not materialized. Before I stopped making payments, I applied for and received deferments or forbearances on the loans. I appeared in several times Court to obtain the loan repayments promised by my ex-wife. Before filing for this bankruptcy, I have not been in default. I have sent multiple emails, letters and phone calls to Sallie Mae and USE Fund representatives.

The loan statements are difficult to understand and I have probably over stated them on Schedule F. I believe the original loans totaled about \$89,000. Now Sallie Mae claims a base of \$96,500, and a total just under \$120,000. I ask the Court to include this amount in the discharge.

I declared bankruptcy for reasons other than just to discharge these loans. I have substantial unsecured debts, and an inability to pay my mortgage of over \$250,000.

I humbly request the Court's consideration.

Respectfully Submitted,


Robert A. Koenig

Date: 4/30/12