

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	Case No.: BK02-40792
)	Adv. No.:
PATRICIA A. WIGGINS,)	
)	
Debtor.)	
)	
PATRICIA A. WIGGINS,)	COMPLAINT TO DETERMINE
)	DISCHARGEABILITY OF
Plaintiff,)	STUDENT LOAN UNDER
)	<u>11 U.S.C. § 523 (A)(8)</u>
v.)	
)	
US DEPARTMENT OF EDUCATION,)	
)	
Defendant.)	

COMES NOW the Plaintiff, Patricia A. Wiggins, and for her Complaint against the Defendant, states and alleges as follows:

1. That the Debtor filed this case under Chapter 7 of the Bankruptcy Code on March 26, 2002. This Court has jurisdiction over this action pursuant to 28 U.S.C § 157 and Rule 76.1(a) of the Local Rules of the United States District Court for the District of Nebraska. This matter is a core proceeding brought in conjunction with the above-referenced Bankruptcy case.

2. That one (1) of the unsecured debts owed by the Plaintiff at the time she filed the above-referenced Bankruptcy case are student loans disbursed in 1983, 1984, 1985 and 1986 owed by the Debtor/Plaintiff, Patricia A. Wiggins, to Defendant, US Department of Education.

3. That the Plaintiff is a widow, retired, and her sole support.

4. That the Plaintiff is unable to pay for necessities of life for her household, as well as pay her student loan obligation.

5. That the Debtor has no current or anticipated disposable income or resources with which to pay the aforementioned loan and any payments on the student loan would cause an undue hardship to the Debtor.

WHEREFORE, the Plaintiff prays that this Court enter an ORDER declaring that the student loan debt owed to the Defendant be discharged pursuant to the provisions of 11 U.S.C. § 523(a)(8) and for such other and further relief as deemed appropriate by the Court.

PATRICIA A. WIGGINS, Debtor/Plaintiff

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