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7 UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
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9 In Re:

10 RAQUEL BEDON,
11 Debtor(s).

NO. 12-11807-TWD

12 RAQUEL BEDON, an individual
13 Plaintiff,

14 v.

15 U.S. DEPARTMENT OF EDUCATION
16 Defendant.

Adversary Procedure No.:

COMPLAINT TO DETERMINE
DISCHARGEABILITY OF STUDENT
LOAN UNDER 11 U.S.C. §523(a)(8)(B)

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19 RAQUEL BEDON, by and through her legal counsel, Tuella O. Sykes, for his complaint
20 against the above-named defendant, alleges as follows:

21 JURISDICTION/VENUE

22 1. This Court has jurisdiction for this proceeding is pursuant to 28 U.S.C. §157 and under 28 U.S.C.
23 §1334. Venue for the cause(s) of action is proper under 28 U.S.C. §1409. This is a core matter under 28
24 U.S.C. §157(b)(2)(A), (I) and (J).

25 PARTIES

26
27 2. Raquel Bedon is a single individual who resides in the state of Washington.

28 COMPLAINT TO DETERMINE DISCHARGABILITY OF
DEBT- Page 1 of 4

LAW OFFICES OF TUELLA O. SYKES
600 FIRST AVE, SUITE 307
SEATTLE, WA 98104

1 3. To the best of my knowledge and belief U.S. Department of Education (“ED”) is a nonprofit
2 student loan guaranty, governed by the Higher Education Act of 20 U.S.C. section 1061 and is the type of
3 entity specified in section 523(a)(8) of the Bankruptcy Code.

4 4. The Defendant is a creditor of Raquel Bedon, the Debtor.

5 FACTS

6 5. Raquel Bedon (“Bedon” or “Debtor”), a single individual, is the debtor in the above captioned
7 bankruptcy case. The Debtor filed for relief under the provisions of Chapter 7 of the Bankruptcy Code,
8 Title 11 U.S.C. on February 24, 2012.

9 6. The Debtor is a 69 year old female. The Debtor is the primary income source for the household.

10 7. The Debtor currently makes (\$9.75) nine dollars and seventy-five cents an hour at her current
11 employment. The Debtor works forty hours a week on average. The Debtor’s monthly gross average
12 income is (\$1,491.92) one thousand four hundred and ninety one dollars and ninety-two cents. And has a
13 roommate who pays approximately \$350 per month.
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15 8. The Debtor’s average monthly expenses are (\$1,824.25) one thousand eight hundred and twenty
16 four dollars and twenty-five cents.

17 9. The Debtor’s gross income for 2012 up to the date of petition was \$2,926. The Debtor’s gross
18 annual income for 2011 was \$25,082, and 2010 was \$26,887 which is close to the maximum that she
19 could be expected to earn for her current profession.
20

21 10. The Debtor currently works as a baker for Cucina Fresca Inc. and does not have any other
22 professional skills.

23 11. The Debtor does not anticipate any increase in her wages or standard of living. Debtor anticipates
24 a decrease in her current income because she will be unable to continue working full time within the next
25 year due to her current age and health condition.

26 12. The Debtor is unable to maintain a minimal standard of living with her current monthly income.
27

1 13. The Debtor's student loans with ED are approximately (\$15,079) fifteen thousand and seventy-
2 nine dollars.

3 14. The Debtor has attempted to make good faith efforts to repay the student loans to ED.

4 15. The Debtor is unable to make any payments to ED towards her student loan.

5 16. The Debtor's student loans with ED should be discharged as an undue hardship under 11 U.S.C.
6 §523(a)(8).

7 17. The Debtor tried to attend ESL classes in Los Angeles, California in 1989.

8 18. The Debtor applied and received student loans to assist with her ESL courses and education.

9 19. Before the Debtor could complete her education the school closed, without notice or explanation.

10 20. The Debtor is unable to make any present or future payments on the student loan debt due to her
11 current financial condition and lack of skills to work in any other profession.
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13 ACTION TO DETERMINE DISCHARGEABILITY OF STUDENT LOAN UNDER 11 U.S.C. §523(a)(8)

14 21. The Debtor's student loans with ED should be discharged as an undue hardship under 11 U.S.C.
15 §523(a)(8).

16 22. Pursuant to 11 U.S.C. §523(a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b)
17 of this title does not discharge an individual debtor from any debt (8) unless excepting such debt from
18 discharge under this paragraph would impose an undue hardship on the debtor and the debtor's
19 dependents, for— (A) (i) an educational benefit overpayment or loan made, insured, or guaranteed by a
20 governmental unit, or made under any program funded in whole or in part by a governmental unit or
21 nonprofit institution; or (ii) an obligation to repay funds received as an educational benefit, scholarship, or
22 stipend; or (B) any other educational loan that is a qualified education loan, as defined in section
23 221(d)(1) of the Internal Revenue Code of 1986, incurred by a debtor who is an individual;
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25 23. The Debtor cannot maintain, based on current income and expenses, a minimal standard of living
26 for herself if forced to repay the loans.
27

1 24. The state of the Debtor's affairs will most likely persists, due to her age and health conditions, for
2 a significant portion of the repayment period of the student loans.

3 25. The Debtor has made good faith efforts to repay the loan even though she was unable to complete
4 her schooling due to the school closing.

5 26. The repayment of any further amount to ED by the Debtor would cause an undue hardship due to
6 the Debtor's current financial condition and declining health.

7 WHEREFORE PLAINTIFF PRAYS:

8 A. An order and judgment finding the U.S. Department of Education student loans dischargeable
9 under 11 U.S.C. 523(a)(8)(B).

10 B. For the fees and costs incurred in bringing this action.

11 C. For such other and further relief entitled.
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15 Dated: May 25, 2012
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17 /s/ Tuella O. Sykes
18 Tuella O. Sykes, WSBA# 36179
19 Attorney for Debtor/Plaintiff,
20 Raquel Bedon
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