

1 Law Offices of Richard D Granvold, P.S.
2 Richard D. Granvold Attorney at Law
3 31620 23rd Ave S Ste 205
4 Federal Way, WA 98003-5049
5 (253) 945-6062
6 rdgranvold@msn.com

7 UNITED STATES BANKRUPTCY COURT FOR
8 THE WESTERN DISTRICT OF WASHINGTON

9 In Re:

10 CHRISTIANA SULLIVAN) CASE NO. 12-44784-PBS
11 Debtor,) Chapter 7

12 CHRISTIANA SULLIVAN) Adversary No.
13 Plaintiff,) COMPLAINT TO DETERMINE
14 v.) DISCHARGEABILITY OF A
15) DEBT (STUDENT LOANS)

16 UNITED STATES DOING BUSINESS)
17 AS U.S. DEPARTMENT OF EDUCATION;))
18 WASHINGTON STATE UNIVERSITY;))
19 SALLIE MAE INC.;)
20 Defendant(s),)

21 I. PARTIES

22 1.1 CHRISTIANA SULLIVAN is the debtor herein, and filed for relief under Chapter 7
23 of the Bankruptcy Code (11 USC) on 7-10-2012. Debtor received a discharge on 10-11-12.

24 1.2 UNITED STATES DOING BUSINESS AS U.S. DEPARTMENT OF
25 EDUCATION, WASHINGTON STATE UNIVERSITY, and SALLIE MAE INC. are the
26 defendants herein.

27 1.3 Jurisdiction in these proceedings is vested in the above entitled court pursuant to 28
28 U.S.C. Sections 157, 1334, and 11 U.S.C. 523(c)(1).

1.4 Venue is in the United States Bankruptcy Court Western District of Washington as
Seattle Washington pursuant to 28 U.S.C. 1409(a).

Complaint

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1 1.5 This proceeding is a core proceeding pursuant to 28 U.S.C. 157(b)(2)(I).

2 II. FACTS

3
4 2.1. The debtor incurred obligations presently owing to the defendant totaling
5 approximately as follows: United States of America doing business as US Department of
6 Education is owed \$37,743.39 as of 5-2-12, Sallie Mae Inc. Is owed \$35,073.65 as of 5-13-2012,
7 Washington State University is owed \$5,524.58 as of 8-1-2012. On 1-24-2012, the debtor was
8 advised by the William D. Ford program that her pay plan change request was denied because the
9 loan with US Department of Education is NOT able to be repaid through the ICR or IBR plan of
10 the William D Ford program as a result of the loans being a Direct Plus loan.
11

12 2.2 Said loan is believed to be for an educational benefit overpayment or loan made,
13 insured or guaranteed by a governmental unit, or made under any program funded in whole or in
14 part by a governmental unit, or for an obligation to repay funds received as an educational
15 benefit, scholarship or stipend, as described in 11 U.S.C. 523(a)(8).
16

17 2.3 On 7-20-13, the debtor filed for relief under Chapter 7 of the U.S. Bankruptcy Code.
18 The Defendant's claims were listed as creditors in Schedule F filed herein and the mailing matrix
19 as filed or as amended and thus all defendants or their servicers and known guarantors or
20 collection companies all received notice of the bankruptcy filing.
21

22 2.4 That the debtor is aged 31, single with no dependant children. Debtor' adjusted gross
23 income for 2011 is \$26,203. Debtor's net income as of the filing date was approximately
24 \$1901.06 monthly.

25 2.5 That to not discharge these student loans would impose an undue hardship on this
26

27 Complaint

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1 defendant.

2 III. THEORIES OF LIABILITY, DISCHARGE

3 3.1 That the plaintiff is and shall be discharged from a debt evidenced by the loans in
4 paragraph 2.1 herein pursuant to 11 U.S.C. 523(a)(8) as in effect at the time of the petition
5 herein; Section 523(a)(8)
6

7 3.2 That upon discharge by the above captioned bankruptcy court the plaintiff is entitled
8 to that relief set forth in 11 U.S.C. 524(a).
9

10 3.3 That in the event the defendant willfully violates the provisions of 11 U.S.C. 362, the
11 plaintiff if injured, shall be entitled to a judgment against defendant for actual damages,
12 including costs and attorney's fees, and punitive damages.

13 IV. PRAYER

14 WHEREFORE, the debtor, prays for the following relief:

- 15 1. An order determining the debt owed to the defendants herein be determined to be
16 dischargeable and thereby discharged pursuant to 11 U.S.C. § 523(a)(8) ;
17
18 2. For such other and further relief as the Court may deem just.
19
20 3. For an order providing that no payments are due on said loans and thus not late as of
21 the petition date here so that post petition payments falling due are not reported as late on credit
22 reports for months and years post - petition.

23 DATED THIS 7TH DAY OF NOVEMBER, 2012.

24 /S/ Richard D. Granvold
25 RICHARD D. GRANVOLD
26 ATTORNEY FOR PLAINTIFF WSBA #16903

27 Complaint

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