

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)	
)	
Terrence Jean Proctor,)	CASE NO. 14-08056-JMC-7
)	
Debtor.)	
_____)	
)	
Terrence Jean Proctor,)	ADV. PROC. NO.
Plaintiff,)	_____
)	
VS.)	
)	
Navient Solutions, Inc.,)	
Defendant.)	

COMPLAINT TO DETERMINE DISCHARGEABILITY OF STUDENT LOANS

Count I

Introduction

1. This is an adversary proceeding brought under the Bankruptcy Code, 11 U.S.C. §523(a)(8)(A)(i) and (B) to determine the dischargeability of qualified education loans (“student loans”), as defined in 23 USC §221(d)(1).

Parties

2. The Debtor filed this case under Chapter 7 of the Bankruptcy Code on August 27, 2014. This Court thus has jurisdiction over this action under 28 U.S.C. §1334. This proceeding is a core proceeding.

3. The Defendant, Navient Solutions, Inc. (hereinafter “Defendant”) is believed to be a corporation with its principal place of business located at P.O. Box 9655, Wilkes-Barr, PA 18773.

Factual Allegations

4. Ten of the unsecured debts owing by Plaintiff are listed in Schedule F are student loans owing to Defendant, Navient Solutions, Inc. which were incurred by Plaintiff as a co-signor for David Kearby's education.

5. Plaintiff's present indebtedness on these co-signed private student loans to Navient is approximately \$171,775.00.

6. The loans due to Navient when Debtor was a co-signor were not for his education or that of a relative or dependent and thus do not meet the requirements for a qualified student loan under 11 U.S.C. § 523(a)(8)(B).

7. Additionally, one of the loans due to Navient is a private student loan debt owed to the Defendant is also dischargeable under 11 U.S.C. §523(a)(8)(B), because it is not a "qualified student loan" used solely for Plaintiff's Cost of Attendance at his school. The balance is approximately \$15,462.00.

WHEREFORE, the Plaintiff respectfully prays the Court declare the subject student loans dischargeable under 11 U.S.C. §523(a)(8), and further relief as the Court may deem just and proper.

Respectfully submitted,

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