

United States Bankruptcy Court
() District of New York

In re:

(Debtor's name),
Debtor

Chapter 7
Case no.

(Debtor's name)
(Debtor's address),
Plaintiff

Adv. Proc. no.

vs.

(Student loan agency/company)*
(Student loan's address).
Defendant

*Remember to name the actual agency/company,
which may be different from the servicer of the
loan.

**COMPLAINT TO DETERMINE DISCHARGEABILITY
OF STUDENT LOANS**

_____, the above named Debtor and the Plaintiff herein,
complaining of the Defendant, alleges:

(1) This is an adversary proceeding to determine the dischargeability
of debts pursuant to Bankruptcy Rules 4007 and 7001(6).

(2) _____, a voluntary petition for relief under Chapter 7
of title 11, United States Code, was filed by the Plaintiff.

(3) The Plaintiff is disabled and currently has no income./ The Plaintiff is unable to hold
down a full-time job due to his medical issues. / (Up to the Plaintiff whether he wants to list
his medical conditions in the Complaint, which may be viewed by the public.)

(3) The Defendant, _____, is a creditor of the
Plaintiff's in the sum of \$_____ as set forth in the Plaintiff's Schedule F.

This debt is for student loans.

(4) The Plaintiff's disability/medical issues began in _____

(5) The Plaintiff made several attempts at employment, but could not hold on to his jobs.

(6) Since _____, the most the Plaintiff earned in any year has been \$600.00 to \$800.00 in 2006.

(7) 11 U.S.C. §523(a)(8) provides that student loans are excepted from discharge "unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents."

(8) Excepting the Plaintiff's student loans from discharge would impose an undue hardship on the Plaintiff.

(9) The Plaintiff cannot maintain a minimal standard of living for himself if forced to repay the loans. The Plaintiff cannot support himself at all.

(10) This state of affairs is likely to persist for a significant or the entire portion of the repayment period of the student loans. The Plaintiff's condition is chronic.

(11) The Plaintiff has made good faith efforts to repay the loans. The Plaintiff made attempts at employment, without success. His applications for forbearance of his loans have been approved by the Defendant, who has been fully apprised of the Plaintiff's condition and circumstances.

(12) Pursuant to Bankruptcy Rule 7008, the Plaintiff states that this proceeding is core.

WHEREFORE, Plaintiff respectfully prays for judgment determining the said debt to be dischargeable; that this court make such orders as are necessary to protect or

effectuate such determination; and that Plaintiff have such other and further relief as is just.

Dated: _____

(Debtor's name), *pro se*
(Debtor's address)
(Debtor's phone)

Whatever the reason for asking for discharge of the student loans has to be set forth in the Complaint. It may be something other than disability or a medical problem.