

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI

U.S. BANKRUPTCY COURT  
SOUTHERN DISTRICT OF MISSISSIPPI

JUL 15 1994

CHARLENE J. PENNINGTON, CLERK  
BY: \_\_\_\_\_ DEPUTY

IN RE:

MARTHA R. LOVETT

CASE NO. 91-03898 JC

MARTHA R. LOVETT

PLAINTIFF

VS.

ADVERSARY NO. 92-0085 JC

GREAT LAKES HIGHER EDUCATION  
CORPORATION (SUCCESSOR IN INTEREST  
TO GOLDDOME STAFFORD LOAN)

DEFENDANT

Sharon L. Shayeb  
P. O. Box 12061  
Jackson, MS 39236

Attorney for Plaintiff

Lloyd J. Blaney  
330 South Whitney Way  
Suite 202  
Madison, WI 53705

Attorney for Defendant

Edward Ellington, Bankruptcy Judge

MEMORANDUM OPINION

Before the Court is the Complaint filed by the debtor requesting a hardship discharge pursuant to 11 U.S.C. §523(a)(8). Having reviewed the pleadings and Stipulation of Facts, the Court concludes that, under appropriate conditions, the payment of the debtor's educational loan would not impose an undue hardship upon the debtor and accordingly, the debt should not be discharged.

The Court adopts the Stipulation of Facts filed on January 28, 1993, as the applicable facts in this case. The

Plaintiff is indebted to the Defendant in the amount of \$1,250.00 as of October 17, 1991.

11 U.S.C. §523(a)(8)(B) provides the following:

(a) A discharge under section 727 . . . does not discharge an individual from any debt --

(8) for an educational benefit overpayment or loan made, insured or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution, or for an obligation to repay funds received as an educational benefit, scholarship or stipend, unless --

. . .

(B) excepting such debt from discharge under this paragraph will impose an undue hardship on the debtor and the debtor's dependents;

11 U.S.C. § 523(a)(8)(B).

Based on the Stipulation of Facts and the Brief submitted to the Court, the Court concludes that payment by the debtor of \$50.00 per month for 25 months will not impose an undue hardship upon the debtor.

An order will be entered consistent with these findings and conclusions pursuant to Federal Rules of Bankruptcy Procedure 9021 and Federal Rule of Civil Procedure 58. This opinion shall constitute findings and conclusions pursuant to Federal Rule of Bankruptcy Procedure 7052 and Federal Rule of Civil Procedure 52.

SO ORDERED this the 15 day of July, 1994.

  
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI

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ADVERSARY NO. 92-0085 JC

GREAT LAKES HIGHER EDUCATION  
CORPORATION (SUCCESSOR IN INTEREST  
TO GOLDOME STAFFORD LOAN)

DEFENDANT

JUDGMENT

There came on for consideration the Complaint filed by the debtor requesting a hardship discharge of a student loan pursuant to 11 U.S.C. §523(a)(8) against Great Lakes Higher Education Corporation, successor in interest to Goldome Stafford Loan. Based on the Court's findings of fact and conclusions of law rendered in its opinion on this date, the Court finds that the relief sought in the complaint should be denied in part and the student loan found nondischargeable in part.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the student loan indebtedness of Martha R. Lovett to Great Lakes Higher Education Corporation is nondischargeable in the amount of \$1,250.00. Any amounts owing in excess of \$1,250.00 are discharged.

IT IS FURTHER ORDERED AND ADJUDGED that the debtor may satisfy the nondischarged amount of \$1,250.00 by paying \$50.00 per month beginning on the 1st day of September, 1994, and continuing

on the first day of each month thereafter until the amount of \$1,250.00 is paid.

IT IS FURTHER ORDERED AND ADJUDGED that as long as the debtor pays \$50.00 on the first day of each month as ordered then execution may not issue on this judgment. In the event the debtor has a total delinquency in her payments of at least \$100.00, then execution may issue on this judgment without further order of this Court.

SO ORDERED AND ADJUDGED this the 15 day of July, 1994.

  
UNITED STATES BANKRUPTCY JUDGE