

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
(BROOKLYN DIVISION)**

In re:)	Bankruptcy Case No: 1-10-46546-cec
MARC HOLDEN)	
Debtor.)	Chapter 7
_____)	
)	
MARC HOLDEN)	
Plaintiff,)	
)	Adversary Proceeding No:
vs.)	
)	
SALLIE MAE, INC.)	
Defendant.)	
_____)	

**COMPLAINT TO DETERMINE DISCHARGEABILITY
OF PRIVATE STUDENT LOAN DEBT**

Plaintiff, Marc Holden, for his complaint, states and alleges as follows:

PARTIES AND JURISDICTION

1. The Plaintiff is an individual and the Debtor in the above-entitled case under Chapter 7 of the Bankruptcy Code. Plaintiff's case was filed on July 12, 2010. John S. Pereira is the duly appointed trustee who presided over plaintiff's Meeting of Creditors on August 18, 2010.

2. Plaintiff resides in Queens County, in the State of New York. His address is 34-16 41st Street, Long Island City, New York 11101.

3. The defendant, Sallie Mae, Inc., maintains its corporate headquarters in Reston, VA.

4. Jurisdiction exists under 28 U.S.C. § 1334. Venue is proper under 28 U.S.C.

97 E D 81 102 007
2010 OCT 18 P 3:46
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

§ 1409(a). The District Court has generally referred these matters to the Bankruptcy Court for hearing pursuant to 28 U.S.C. § 157(a). This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(I). This adversary complaint is brought pursuant to 11 U.S.C. § 523(a)(8).

PLAINTIFF'S LOAN INFORMATION

5. While attending Hunter College, Plaintiff obtained four private student loans from Defendant Sallie Mae. All were made under Sallie Mae's "Tuition Answer Loan" program.

6. The following chart provides detailed information of the Plaintiff's four loans:

<u>Academic Period</u>	<u>Loan Date</u>	<u>Amount Received</u>	<u>Loan Amount</u>	<u>Interest Rate</u>
2005-2006	07/28/2005	\$12,000	\$13,186.81	Prime + 6.0%
2005-2006	05/18/2006	\$6,000	\$6,666.67	Prime + 6.0%
2006-2007	08/14/2006	\$10,000	\$10,650.00	Prime + 6.5%
2006-2007	07/24/2007	\$5,000	\$5,250.00	Prime + 5.0%
TOTAL		\$33,000	\$35,753.48	

7. Plaintiff made the following payments to Defendant:

<u>Payment Date</u>	<u>Amount</u>	<u>Purpose of Payment</u>
08/15/2005	\$17.33	To reduce loan interest (loan not yet in repayment)
08/31/2005	\$123.84	To reduce loan interest (loan not yet in repayment)
10/03/2005	\$139.62	To reduce loan interest (loan not yet in repayment)
11/09/2005	\$179.35	To reduce loan interest (loan not yet in repayment)
12/09/2005	\$143.33	To reduce loan interest (loan not yet in repayment)
01/11/2006	\$150.92	To reduce loan interest (loan not yet in repayment)
02/03/2006	\$114.81	To reduce loan interest (loan not yet in repayment)
03/07/2006	\$143.79	To reduce loan interest (loan not yet in repayment)
04/04/2006	\$136.47	To reduce loan interest (loan not yet in repayment)
03/06/2008	\$150.00	Fee for 6-month forbearance (02/29/2008 – 08/28/2008)
10/08/2008	\$150.00	Fee for 3-month forbearance (08/29/2008 – 11/28/2008)
07/30/2009	\$150.00	Fee for 8-month forbearance (11/29/2008 – 07/30/2009)
TOTAL	\$1,599.46	

8. Defendant Sallie Mae placed Plaintiff's loans in default status on March 31, 2010 and assigned them to a collection agency.

9. Plaintiff is currently indebted to the Defendant in the sum of at least \$67,231.01. This amount is listed on Schedule F – Creditors Holding Unsecured Nonpriority Claims.

SOME EDUCATION LOANS ARE DISCHARGEABLE WITHOUT HAVING TO ARGUE UNDUE HARDSHIP

10. 11 U.S.C. § 523(a)(8), the relevant law governing the dischargeability of student loans, states as follows:

Section 523. Exceptions to discharge

(a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt--

...

(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents, for--

(A) (i) 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

(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

(B) any other educational loan that is a qualified education loan, as defined in section 221(d)(1) of the Internal Revenue Code of debtor who is an individual;

11. If neither (A)(i), nor (A)(ii), nor (B) of 11 U.S.C. § 523(a)(8) describes the type of student loans held by a debtor, the debtor would not have to mount an undue hardship defense.

12. Furthermore, as none of the exceptions to discharge would apply to the particular education loans in question, the education loans would be fully dischargeable like any other unsecured debt.

DOES (A)(i), (A)(ii), OR (B) OF 11 U.S.C. SECTION 523(a)(8) APPLY TO ANY OF THE PLAINTIFF'S PRIVATE EDUCATION LOANS HELD BY THE DEFENDANT?

13. In regards to the first clause of 11 U.S.C. § 523(a)(8)(A)(i), none of the Plaintiff's four loans were "made, insured, or guaranteed by a governmental unit." According to Defendant Sallie Mae, the company had completely terminated its ties to the federal government by the end of 2004. (See Sallie Mae: About us, **Exhibit "A"** attached hereto) Since Sallie Mae had been completely privatized before July 28, 2005, the date on which the Plaintiff obtained his first loan, Plaintiff's loans do not fall under the first clause of 11 U.S.C. § 523(a)(8)(A)(i).

14. In regards to the second clause of 11 U.S.C. § 523(a)(8)(A)(i), none of the Plaintiff's four loans were "made under any program funded in whole or in part by a governmental unit or nonprofit institution." The lender of the Plaintiff's first and second loans is the First National Bank in Sioux Falls, Sioux Falls, South Dakota. This bank is a private, for-profit institution. (See Sallie Mae: Manage Your Loans, **Exhibit "B"** attached hereto)

15. The lender of the Plaintiff's third and fourth loans is Sallie Mae Bank, Murray, Utah. Sallie Mae is not a governmental unit. Nor is Sallie Mae a nonprofit institution. One of the defining characteristic of non-profits is that they may not distribute earnings or pay dividends to shareholders. Sallie Mae pays dividends and makes this information readily available on its website.

16. Since all four of the Plaintiff's loans are funded by either the First National Bank in Sioux Falls (not a governmental unit nor a nonprofit institution) or Sallie Mae Bank (not a governmental unit nor a nonprofit institution), the Plaintiff's loans do not fall under the second clause of 11 U.S.C. § 523(a)(8)(A)(i).

17. 11 U.S.C. § 523(a)(8)(A)(ii) only applies to educational benefits, scholarships, or stipends – not loans. Thus, the Plaintiff's loans cannot fall under this particular exception to discharge.

18. 11 U.S.C. § 523(a)(8)(B) is relatively new legislation that went into effect on October 17, 2005 due to the passage of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). It states that “qualified education loans” must also be included within the scope of the exception to discharge for education loans.

19. It is important to note that the term “qualified education loan” is not synonymous with “private student loan.” The assertion that all private student loans have now become nondischargeable due to this change in legislation is incorrect and illogical. There is not a single reference to “private student loans” or “private education loans” anywhere in the statute. Any argument claiming that private student loans are no longer dischargeable in bankruptcy is a flawed argument, as it would not be grounded in the actual law.

20. 11 U.S.C. § 523(a)(8)(B) defines the term “qualified education loan,” by cross-reference to 26 U.S.C. § 221(d)(1), as “any indebtedness incurred by the taxpayer solely to pay qualified higher education expenses.” 26 U.S.C. § 221(d)(2) subsequently defines the term “qualified higher education expenses” as “cost of attendance.” (See 26 USC 221(d) legislative citation, **Exhibit “C”** attached hereto) Since the terms “qualified

higher education expenses” and “cost of attendance” are synonymous, they can be interchanged without altering any meaning. Thus, 26 U.S.C. § 221(d)(1) can be restated as follows: The term “qualified education loan” means any indebtedness incurred by the taxpayer solely to pay cost of attendance. In other words, any education loan not used to pay cost of attendance is not a qualified education loan and must not be excepted from discharge.

21. Plaintiff paid for Hunter College’s entire cost of attendance by utilizing scholarships, state grants, federal grants, and federal loans. (See Financial Information for Hunter College, **Exhibit “D”** attached hereto) No portion of Plaintiff’s four private student loans was used to pay cost of attendance. All four loans were incurred to pay expenses that exceeded his school’s cost of attendance. They, therefore, cannot be “qualified education loans” and cannot be exempted from discharge under 11 U.S.C. § 523(a)(8)(B).

22. Plaintiff’s cost of attendance was \$16,843 for academic year 2005 – 2006 and \$17,372 for academic year 2006 – 2007. Observe how these two figures fall, logically, between Hunter College’s published cost for attendance of \$16,234 (for academic year 2004 – 2005) and \$17,657 (for academic year 2007-2008).

23. Further note on **Exhibit “D”** the maximum borrowing limits for Plaintiff’s Direct Loans. They are \$5,500 for subsidized loans and \$5,000 for unsubsidized loans. Plaintiff requested the maximum amount of \$10,500 for 2005 – 2006 and \$10,500 again for 2006 – 2007. (See Federal Direct Loan applications, **Exhibit “E”** attached hereto) Although Plaintiff received the full \$5,500 for his subsidized loans, his unsubsidized loan amount for both academic periods was lower than the amount he had requested. This

proves that the Plaintiff had reached his cost of attendance before any of his private student loans were incurred. Had he not reached his cost of attendance, Plaintiff would have been able to receive an additional \$4,132 (\$5,000 - \$868) for 2005 – 2006 and \$893 (\$5,000 - \$4,107) for 2006 – 2007 in unsubsidized loans from the federal government.

24. All of Plaintiff's federal loans were certified by his school. None of Plaintiff's Sallie Mae loans were certified by his school. Loans that are not school certified are known as direct-to-consumer loans. Financial aid expert Mark Kantrowitz, publisher of FinAid.org, writes about the issue of school certification in *Limitations on Exception to Discharge of Private Student Loans*. According to Kantrowitz, "school certified loans generally satisfy the requirements of a 'qualified education loan' because the colleges enforce limits on the amount of debt that are consistent with the restrictions imposed by 26 USC 221(d)(1)." Conversely, he states that "private student loans which are not school certified generally do not satisfy the requirements to be considered a qualified education loan." Kantrowitz warns that "private student loans that are not school certified often deliberately circumvent these requirements in order to lend money to students beyond the limits permitted by 26 USC 221(d)(1) or for purposes not allowed by 26 USC 221(d)(1)."

NO FRAUD BY PLAINTIFF / UNETHICAL CONDUCT BY SALLIE MAE

25. Plaintiff obtained these four private loans from Sallie Mae due to an unexpected and significant increase in housing-related expenses. In order to remain enrolled in school, Plaintiff decided to obtain more loans. Unfortunately, Hunter College refused to increase Plaintiff's cost of attendance, which would have enabled him to take out additional low-cost federal loans, and offered no solution to his plight.

26. Plaintiff contacted Defendant Sallie Mae to inquire about private student loans and they directed and steered Plaintiff towards their “Tuition Answer Loan” program. Sallie Mae phone representatives told Plaintiff, on more than one occasion, that this loan program allowed students to borrow more than the cost of attendance.

27. Sallie Mae was very eager to provide the loans to the Plaintiff and told him he could disregard various requirements of the loan application. For example, the application states that the student should be employed, must have an annual income greater than \$15,000, and must submit documentation as proof of current income. Plaintiff’s application states that he is unemployed and has an annual income of only \$8,000. Sallie Mae was not concerned about having Plaintiff show proof of his \$8,000 income. Sallie Mae cannot produce the income verification document that, according to their own terms, was mandatory. No such document was ever submitted by Plaintiff. (See 1st Tuition Answer Loan application, **Exhibit “F”** attached hereto)

28. Sallie Mae aggressively marketed these loans to Plaintiff. On one of the frequent mailings received by the Plaintiff, Sallie Mae “urges” him to apply for his next Tuition Answer Loan, tells him to “log on now” to setup more funding, and states he can “have up to \$40,000 a year,” Amazingly, this is more than double the Plaintiff’s cost of attendance. Furthermore, this particular notice states that since the money comes directly to the student and not the school, the Plaintiff could use his own discretion as to how the money should be spent. (See Why are these people smiling?, **Exhibit “G”** attached hereto)

CLAIM FOR RELIEF

WHEREFORE, the Plaintiff, MARC HOLDEN, petitions this Court to grant relief of Defendant, SALLIE MAE, INC., by declaring Plaintiff's four private student loans to be dischargeable on the following grounds:

1. None of the exceptions to discharge stated in 11 U.S.C. § 523(a)(8) apply to Plaintiff's private student loans. His loans, therefore, are "normal" unsecured debt and must be dischargeable like "normal" unsecured debt.
2. Plaintiff's loans were not made, insured, or guaranteed by a governmental unit.
3. Plaintiff's loans were not made under any program funded in whole or in part by a governmental unit or nonprofit institution.
4. Plaintiff's loans are not qualified education loans since they were not incurred to pay cost of attendance.
5. Plaintiff committed no fraud in incurring these loans.
6. Defendant Sallie Mae has been unscrupulous in creating a loan product which is essentially a "personal loan in the guise of a student loan."

DATE: October, 18, 2010

Respectfully submitted,

By: Marc Holden
Marc Holden
Plaintiff IN PRO PER

EXHIBIT A



About us

Sallie Mae (NYSE: SLM), commonly known as Sallie Mae, is the nation's leading saving, planning and paying for education company. Since its founding almost four decades ago, the company's saving programs, planning resources and financing options have helped more than 31 million people make the investment in higher education.

The company helps families save for college through 529 college savings plans, through its high-yield savings accounts and CDs, and through its Upromise savings program. The company offers innovative private student loans that help customers save money and offer shorter repayment terms. In addition, Sallie Mae offers planning tools and resources to assist students, parents, and guidance professionals with the financial aid process.

Through its subsidiaries, the company manages \$182 billion in education loans and serves 10 million student and parent customers. In addition, the company's Upromise program has enabled 12 million members to earn more than \$525 million in rewards to help pay for college. Its Upromise affiliates also manage more than \$26 billion in 529 college-savings plans. Sallie Mae offers services to a range of institutional clients, including colleges and universities, student loan guarantors and state and federal agencies.

Sallie Mae is listed on the Fortune 500 and is one of the Top Innovators in IT according to InformationWeek. The company also has been recognized as one of the 100 Best Corporate Citizens according to Business Ethics magazine and one of the top 30 companies for executive women by the National Association of Female Executives. [Read about these and other awards](#) received by Sallie Mae.

While Sallie Mae was originally created in 1972 as a government-sponsored entity, the company began privatizing its operations in 1997, a process it completed at the end of 2004 when the company terminated its ties to the federal government. Today, the company is a publicly held, private sector company, governed by a board elected by shareholders. SLM Corporation and its subsidiaries are not sponsored by or agencies of the United States of America.

11.72


▲ 0.50 (up 4.46%)

Sep 17 2010 4:00PM

[Home](#) | [About us](#) | [Contact us](#) | [Careers](#) | [Site map](#)

© 1995–2010 Sallie Mae, Inc. All rights reserved. [Our trademarks](#) | [Terms of use](#) | [Protecting your privacy](#) | [Avoid online fraud](#)
SLM Corporation and its subsidiaries are not sponsored by or agencies of the United States of America.

EXHIBIT B

FAQ | Customer support 

My contact information | Log out

SallieMae | Manage Your Loans SM[Account Summary](#)[Billing Summary](#)[Make a Payment](#)[Repayment Options](#)[Postpone Payments](#)[Billing summary](#) > Account loan summary[Search](#)**Account loan summary**

Listed below are loans currently associated with your account, including those not yet in repayment.

- To view additional loan information, choose the corresponding loan number.
- To view payments applied to individual loans, select the loan's payment history.

Loan #	Program/ <u>Lender</u>	Status	First disbursement date	Current principal balance	Interest rate	
1-01	Tuition Answer-UNSUB/ THE FIRST NATL BANK IN SIOUX FAL	Vol Forbearance	07/28/2005	\$16,691.10	11.0%	Payment history
1-02	Tuition Answer-UNSUB/ THE FIRST NATL BANK IN SIOUX FAL	Vol Forbearance	05/18/2006	\$8,320.35	11.0%	Payment history
1-03	Tuition Answer-UNSUB/ SALLIE MAE BANK	Vol Forbearance	08/14/2006	\$13,013.92	11.5%	Payment history
1-04	Tuition Answer-UNSUB/ SALLIE MAE BANK	Vol Forbearance	07/24/2007	\$5,649.30	10.0%	Payment history

Breakdown by loan program type**Private Loans**

Loan #	Program/ <u>Lender</u>	Status	First disbursement date	Current principal balance	Interest rate	
1-01	Tuition Answer-UNSUB/ THE FIRST NATL BANK IN SIOUX FAL	Vol Forbearance	07/28/2005	\$16,691.10	11.0%	Payment history
1-02	Tuition Answer-UNSUB/ THE FIRST NATL BANK IN SIOUX FAL	Vol Forbearance	05/18/2006	\$8,320.35	11.0%	Payment history
1-03	Tuition Answer-UNSUB/ SALLIE MAE BANK	Vol Forbearance	08/14/2006	\$13,013.92	11.5%	Payment history
1-04	Tuition Answer-UNSUB/ SALLIE MAE BANK	Vol Forbearance	07/24/2007	\$5,649.30	10.0%	Payment history

Account Information displayed above includes only those loans serviced or owned by Sallie Mae, Inc. To view information about loans you may have with other participating service providers, visit [Meteor](#). The Meteor web site consolidates loan data for multiple service providers into a single view.

[Privacy policy](#) | [Disclaimer](#) | [Terms of service](#)

© 1995 - 2008 Sallie Mae. All rights reserved.

About SSL
Certificates

SLM Corporation and its subsidiaries are not sponsored by or agencies of the United States of America.

EXHIBIT C

26 USC 221 (d) :

Definitions

For purposes of this section--

(1) **Qualified education loan**

The term "qualified education loan" means any indebtedness incurred by the taxpayer solely to pay qualified higher education expenses -

- (A) which are incurred on behalf of the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer as of the time the indebtedness was incurred,
- (B) which are paid or incurred within a reasonable period of time before or after the indebtedness is incurred, and
- (C) which are attributable to education furnished during a period during which the recipient was an eligible student.

Such term includes indebtedness used to refinance indebtedness which qualifies as a qualified education loan. The term "qualified education loan" shall not include any indebtedness owed to a person who is related (within the meaning of section 267 (b) or 707 (b) (1)) to the taxpayer or to any person by reason of a loan under any qualified employer plan (as defined in section 72 (p) (4)) or under any contract referred to in section 72 (p) (5).

(2) **Qualified higher education expenses**

The term "qualified higher education expenses" means the cost of attendance (as defined in section 472 of the Higher Education Act of 1965, 20 U.S.C. 108711, as in effect on the day before the date of the enactment of this Act) at an eligible educational institution, reduced by the sum of -

- (A) the amount excluded from gross income under section 127, 135, 529, or 530 by reason of such expenses, and
- (B) the amount of any scholarship, allowance, or payment described in section 25A (g) (2).

For purposes of the preceding sentence, the term "eligible educational institution" has the same meaning given such term by section 25A(f) (2), except that such term shall also include an institution conducting an internship or residency program leading to a degree or certificate awarded by an institution of higher education, a hospital, or a health care facility which offers postgraduate training.

(3) Eligible student

The term "eligible student" has the meaning given such term by section 25A(b) (3).

(4) Dependent

The term "dependent" has the meaning given such term by section 152 (determined without regard to subsections (b) (1), (b) (2), and (d) (1) (B) thereof).

EXHIBIT D

FINANCIAL INFORMATION FOR HUNTER COLLEGE**How Plaintiff Paid for Hunter College's Cost of Attendance (COA)**

	<u>2005 – 2006</u>	<u>2006 – 2007</u>
Hunter College Scholarships		
Scholarship and Welfare Fund	\$1,200	-----
Steinhaurer-Mullins Scholarship	-----	\$1,100
State Grants		
Tuition Assistance Program (TAP)	\$2,925	-----
CUNY Student Tuition Assistance (CUSTA)	\$100	\$100
Aid for Part-Time Study (APTS)	-----	\$315
Federal Grants		
Pell Grant	\$4,050	\$4,050
Federal Supplemental Educational Opportunity Grant (FSEOG)	\$400	\$400
Federal Loans		
Perkins Loan	\$1,800	\$1,800
Direct Loan – Subsidized (maximum borrowing limit = \$5,500)	\$5,500	\$5,500
Direct Loan – Unsubsidized (maximum borrowing limit = \$5,000)	\$868	\$4,107
TOTAL	\$16,843	\$17,372

Hunter College Cost of Attendance (COA) – For Students Living Away From Parents

	<u>2004-2005*</u>	<u>2007-2008**</u>
Tuition	\$4000	\$4000
Fees	\$329	\$329
Books & Supplies	\$798	\$938
Transportation	\$714	\$816
Housing	\$4,555	\$5,311
Food	\$2,416	\$2,647
Personal	\$3,422	\$3,616
TOTAL	\$16,234	\$17,657

* COA figures obtained from Hunter College's "2004 – 2007 Undergraduate Catalog"

** COA figures obtained from Hunter College's "2007 – 2010 Undergraduate Catalog"



**START HERE
GO FURTHER
FEDERAL STUDENT AID**

National Student Loan Data System (NSLDS) for Stu

NSLDS is a repository of information from many sources. Changes to the data are made by those sources. Collecting the data into one central location such as NSLDS gives you convenience and saves you time. If for any reason you disagree with the information reported to NSLDS, please contact one or more of the sources of your data listed on the detail pages on this site. The Department is also available as a resource at 1-800-4FEDAID if you need additional assistance. Your comments and corrections will help improve the services NSLDS provides.

Aid Summary for MARC M HOLDEN

Your enrollment status is **FULL TIME**, effective 08/30/2006.

Loans

	Type of Loan	Loan Amount	Loan Date	Disbursed Amount	Canceled Amount	Outstanding Principal	Outstanding Interest
1	DIRECT CONSOLIDATED UNSUBSIDIZED	\$19,393	12/14/2009	\$19,390	\$0	\$19,773	\$144
2	DIRECT CONSOLIDATED SUBSIDIZED	\$21,229	12/14/2009	\$21,226	\$0	\$21,646	\$157
3	DIRECT STAFFORD UNSUBSIDIZED	\$4,107	09/13/2006	\$4,107	\$0	\$0	\$0
4	DIRECT STAFFORD SUBSIDIZED	\$5,500	09/13/2006	\$5,500	\$0	\$0	\$0
5	DIRECT STAFFORD UNSUBSIDIZED	\$868	09/08/2005	\$868	\$0	\$0	\$0
6	DIRECT STAFFORD SUBSIDIZED	\$5,500	09/08/2005	\$5,500	\$0	\$0	\$0
7	DIRECT CONSOLIDATED SUBSIDIZED	\$8,750	08/18/2005	\$8,750	\$0	\$0	\$0
8	DIRECT CONSOLIDATED UNSUBSIDIZED	\$5,901	08/18/2005	\$5,900	\$0	\$0	\$0
9	FEDERAL PERKINS	\$6,100	11/17/2004	\$6,100	\$0	\$0	\$0
10	DIRECT STAFFORD UNSUBSIDIZED	\$1,864	09/01/2004	\$1,864	\$0	\$0	\$0
11	DIRECT STAFFORD SUBSIDIZED	\$3,500	09/01/2004	\$3,500	\$0	\$0	\$0
12	DIRECT STAFFORD UNSUBSIDIZED	\$4,000	12/22/2003	\$4,000	\$0	\$0	\$0
13	DIRECT STAFFORD SUBSIDIZED	\$2,625	09/11/2003	\$2,625	\$0	\$0	\$0
14	DIRECT STAFFORD SUBSIDIZED	\$2,625	02/05/2003	\$2,625	\$0	\$0	\$0
Total DIRECT CONSOLIDATED UNSUBSIDIZED						\$19,773	\$144
Total DIRECT CONSOLIDATED SUBSIDIZED						\$21,646	\$157
Total DIRECT STAFFORD UNSUBSIDIZED						\$0	\$0
Total DIRECT STAFFORD SUBSIDIZED						\$0	\$0
Total FEDERAL PERKINS						\$0	\$0
Total All Loans						\$41,419	\$301

Grants

	Award Year	Type Of Grant:	School	Scheduled Amount
1	2006 - 2007	FEDERAL PELL GRANT	CUNY HUNTER COLLEGE	\$4,050
2	2005 - 2006	FEDERAL PELL GRANT	CUNY HUNTER COLLEGE	\$4,050
3	2004 - 2005	FEDERAL PELL GRANT	CUNY HUNTER COLLEGE	\$4,050
4	2003 - 2004	FEDERAL PELL GRANT	CUNY HUNTER COLLEGE	\$3,900
5	2002 - 2003	FEDERAL PELL GRANT	CUNY HUNTER COLLEGE	\$3,750
Total All Grants				\$19,800

Information contained on these pages reflects the most current data in the NSLDS database. The data contained on this site is for general information purposes and should not be used to determine eligibility, loan payoffs, overpayment status, or tax reporting. Please consult the Financial Aid Officer at your school or the specific holder of your debts for further information.



Marc M. Holden
34-16 41st. Apt. 2C
Long Island City, NY 11101

July 29, 2010
SS# [REDACTED]-3455
Unit/User Initials: TRU/DW

Dear Student:

HESC records indicate the Tuition Assistance Program (TAP)/Scholarship awards have been approved and/or paid on your behalf as follows:

<u>Academic Year</u>	<u>Term</u>	<u>Roster #</u>	<u>Institution</u>	<u>Number of Points SCH/TAP</u>	<u>Award Amount</u>
2002-3	Spring 03	015	CUNY HUNTER COLLEGE	6.0	\$ 1,512.50
"	Fall 03	005	CUNY HUNTER COLLEGE	6.0	\$ 1,512.50
2003-4	Spring 04	015	CUNY HUNTER COLLEGE	6.0	\$ 1,512.50
"	Fall 04	004	CUNY HUNTER COLLEGE	6.0	\$ 1,512.50
2004	Spring 05	014	CUNY HUNTER COLLEGE	6.0	\$ 1,462.50
2005-6	Fall 05	005	CUNY HUNTER COLLEGE	6.0	\$ 1,462.50
"	Spring 06	015	CUNY HUNTER COLLEGE	6.0	\$ 1,462.50
2006	Spring 07 (APTS)	PTA	CUNY HUNTER COLLEGE	3.0	\$ 315.00
	NO FALL 06				
	NO SUMMER 07				

*Confirmed by HESC phone representative on 8/13 Total Points: 45.0
(518-473-1574 (2:01 PM - 6m, 21s)

Note: In general, undergraduate students enrolled in a 2-year undergraduate program are allowed a maximum of 36 points and a student enrolled in a 4-year undergraduate program are allowed a maximum of 48 points. A student can receive an additional 48 points as a graduate student.

Questions regarding any term listed should be directed to the TAP Certifying Officer at the educational institution.

EXHIBIT E

HUNTER COLLEGE of the City University of New York
Office of Financial Aid 695 Park Avenue New York, NY 10021
REQUEST FOR A FEDERAL DIRECT LOAN

05-06

Borrower Information To Be Completed By Student
(You must PRINT this information legibly)

1. Name: Holden Marc M
Last First Middle Initial
2. SSN: [REDACTED] -3455 3. EMAIL Address _____
(optional)

4. Permanent Address: _____
Street Apt # City State Zip

5. Local Address: _____
(if different) Street Apt # City State Zip

6. Loan Type: There are two types of Federal Direct Loans: the Subsidized Loan and the Unsubsidized Loan. You will automatically be considered for the Subsidized Loan. To be considered for an Unsubsidized Loan you must mark that box. Remember, interest is charged on the Direct Unsubsidized Loan from the day the funds are disbursed through the day the loan is repaid in full.

Direct Subsidized Loan Direct Unsubsidized Loan

7. Loan Amount Requested: \$ 10,500

8. Loan Period: Loan requests are processed for the Fall 2005 / Spring 2006 semesters except where enrollment is for one semester. Loan disbursements will be made in two equal payments for the loan period certified.

- Will you graduate at the end of the Summer 2005 term?.....Yes No
- Will you graduate at the end of the Fall 2005 semester?.....Yes No
- Will you graduate at the end of the Spring 2006 semester?.....Yes No
- Do you also want your loan request to be processed for Summer 2005?Yes No

(You should know that loans processed for Summer/Fall/Spring are generally the same amount if they are processed for Fall/Spring. The amount of the loan is generally not greater. The disbursement period is longer, with three payments instead of two payments.)

Applicant Certification: Your signature below certifies that you understand that this request form is not a promissory note. You must fill out, sign, and return the actual promissory note at a later date. Further, you understand that eligibility for Federal Direct Loans will be determined by the Office of Financial Aid based on Federal law. City University of New York policy requires students to maintain half-time enrollment (6 credits) in order to receive the disbursement of Federal Direct Loan funds.

Student's Signature _____

Date _____

No request for a Federal Direct Loan can be processed until the Office of Financial Aid has received an electronic record of your 2005-2006 FAFSA, collected any required documentation and determined your application information to be correct.



Direct Loan

From: <dirloan@hunter.cuny.edu>
To: <dirloan@hunter.cuny.edu>
Sent: Friday, June 10, 2005 3:53 PM
Subject: Loan Request Data Base has been UPDATED

AASUBJECT = dirloan0506
AMOUNT = 10500
FormsButton6 = submit
GRAD = undergrad
SUBL = request subloan
SoupermailConf = dconfig.conf
UNSUBL = request unsubloan
a LAST NAME = Holden
b FIRST NAME = Marc
c MI = M
dSSN = [REDACTED] 455
e DOB = 11011969
f EMAIL ADDRESS = [REDACTED]
g PERMANENT ADDRESS = 34-16 41st St. Apt. #2C
h PERMANENT CITY = Long Island City
i PERMANENT STATE = NY
j PERMANENT ZIP = 11101
k LOCAL ADDRESS = 34-16 41st St. Apt. #2C
l LOCAL CITY = Long Island City
m LOCAL STATE = NY
n LOCAL ZIP = 11101
t INCLUDE SUM05 = no Include sum05

Remote Host:
Remote IP: 146.95.95.198
User Agent: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; .NET CLR 1.1.4322)
Referer: <http://www.hunter.cuny.edu/finaid/DirectLoanReq/directloanreq0506.html>

10/12/2005

office of
FINANCIAL AID
HUNTER COLLEGE OF THE CITY UNIVERSITY OF NEW YORK

695 Park Avenue. New York, NY 10021 212.772.4820 212.650.3666 fax

WILLIAM D. FORD FEDERAL DIRECT LOAN APPLICATION
ACADEMIC YEAR 2006-2007

Name: Holden Marc M
Last First M.I.

SS#: [REDACTED]-3455 Email Address (optional): [REDACTED]

Telephone: 212-799-8916 Birth Date: 11 / 01 / 69

Permanent Address: 3416 41st St. #2C, Long Island City, NY
11101

P.O. Boxes or Dorm addresses are NOT ACCEPTABLE.

Mailing Address: Same as above

Loan Types: There are two types of Federal Direct Loans: You will automatically be considered for the Subsidized Loan. To be considered for the Unsubsidized Loan, you must check the box below. Remember, interest is charged on the Direct Unsubsidized Loan from the day the funds are disbursed through the day the loan is repaid in full.

Please check the appropriate box: Graduate Undergraduate

Direct Subsidized Loan Direct Unsubsidized Loan

Loan Amount Requested: \$ 10,500

- Will you be enrolled at Hunter for at least 6 credits in summer 2006?
Summer Session I _____ Summer Session II _____ Yes No
- Will you be enrolled at Hunter for at least 6 credits in fall 2006? Yes No
- Will you be enrolled at Hunter for at least 6 credits in spring 2007? Yes No
- Will you graduate at the end of Summer 06 semester? Yes No
- Will you graduate at the end of fall 06 semester? Yes No
- Will you graduate at the end of Spring 07 semester? Yes No

You should know that loans processed for summer/fall/spring are generally the same amount if they are processed for fall/spring. The amount of the loan is generally not greater. The disbursement period is longer, with three payments instead of two payments.

*Direct Loan processing time is approximately three weeks.

Borrower's Certification: Your signature below certifies that you understand that this request form is not a Master Promissory Note. First time borrowers must complete and sign a Master Promissory Note. Furthermore, you understand that the Office of Financial Aid will determine eligibility for the William D. Federal Direct Loans based on Federal Regulations. Students must have a valid FAFSA, complete an Entrance Exam and be registered for at least 6 credits. If you leave school or drop below 6 credits, you are required to complete an Exit Counseling exam.

Student's Signature: Marc M Holden Date: 5/31/06

EXHIBIT F

1st Tuition Answer Loan

2005-2006

Tuition AnswerSM Loan Application

Correction fluid may not be used on the application.

Borrower information

HOLDEN MARC M 3455
Last name First name MI Suffix (Jr., III) Social Security number
34-16 41ST STREET 2C
Permanent street address (PO boxes not accepted) Apt
LONG ISLAND CITY NY 11101 US
City State Zip Code Country Code
1 212 799-8916 11 01 1969 STUDENT
Country Prefix Area Code Telephone Number Extension Date of birth Relationship to student
Home telephone number

E-mail address
34-16 41ST STREET 2C
Current mailing address The loan check will be mailed to this address. Apt
LONG ISLAND CITY NY 11101 US 1 212 799-8916
City State Zip Code Country Code Country Prefix Area Code Telephone Number Extension
Mobile/cellular telephone number

UNEMPLOYED
Name of employer
UNEMPLOYED 00 00
Occupation Years Months at present employer Country Prefix Area Code Telephone Number Extension
Work telephone number

\$ 8,000
Gross annual salary (Documentation required, see page 2.)
Not > \$15,000

How often paid? [] weekly [] bi-weekly [] twice monthly [X] monthly \$ 0
Additional income Source of additional income Alimony, child support, or separate maintenance income need not be revealed if you do not wish to have it considered as a basis for repaying this loan.
Monthly payment amount \$ 1,000
Rent or Mortgage Name of mortgage holder

Borrower citizenship information

[X] YES, I am a U.S. citizen [] YES, I am an eligible permanent resident [] NO, I am NOT a U.S. citizen or permanent resident (See page 1, Who is eligible for a Tuition Answer Loan?)

Student borrower information

HOLDEN MARC M 3455
Last name First name MI Suffix (Jr., III) Social Security number
34-16 41ST STREET 2C
Permanent street address (PO boxes not accepted) Apt
LONG ISLAND CITY NY 11101 US
City State Zip Code Country Code
1 212 799-8916 11 01 1969
Country Prefix Area Code Telephone Number Extension Date of birth
Current telephone number

E-mail address
Student citizenship information
[X] YES, I am a U.S. citizen [] YES, I am an eligible permanent resident [] NO, I am NOT a U.S. citizen or permanent resident (See page 1, Who is eligible for a Tuition Answer Loan?)

College information

CUNY - HUNTER COLLEGE NEW YORK NY
College name College city State
For the academic period from 08 2005 to 05 2006 Anticipated graduation date 06 2007 Enrollment: [] Full time [] Half time [] Less than half time
Grade level Month Year Month Year Month Year
[] Freshman [] Sophomore [X] Junior [] Senior [] 5th Year and beyond Graduate: [] 1st Year [] 2nd Year [] 3rd Year [] Beyond 3rd Year

Loan request information

\$ 8,000.00 Amount may be from \$1,500 up to \$40,000. The lender will add the supplemental fee to your requested amount. If any borrower changes the loan amount, all borrowers must initial this field. 07 11 2005
Month Day Year
Loan disbursement date requested

Loan options

Repayment options check one [] Pay principal and interest while in school [X] Pay only interest while in school [] Defer principal and interest while in school
If you do not make a choice, you will pay only interest while in school.

SIDE ONE

Please turn page to complete application and sign ->>>

Mail to: Sallie Mae, Private Loan Processing, 50 Braintree Hill Park, Suite 300, Braintree, MA 02184

Tuition Answer Loan 2005-2006

What is the Tuition AnswerSM Loan?

The Sallie Mae Tuition AnswerSM Loan provides up to \$40,000 in annual education financing for:

- ✓ Parents or other creditworthy individuals borrowing on behalf of students at an eligible, accredited college or university.
- ✓ Adult students who are employed and attending an accredited college or university.

The Tuition Answer Loan is disbursed directly to the borrower to use for tuition or other discretionary educational costs such as books, fees, off-campus housing, and living expenses such as commuting to-and-from school. The loan offers flexible repayment options, convenient online account access and a competitive rate structure that rewards good credit.

Who is eligible for a Tuition Answer Loan?

The Sallie Mae Tuition Answer Loan is available to creditworthy sponsors borrowing on a student's behalf or to creditworthy adult students who are enrolled*, in a two- or four-year degree-granting college or university. Student borrowers may be requested to apply with a co-borrower.

Correspondence about loan payments will be sent to the person named in the "Borrower" section on the application. The borrower, student and co-borrower (cosigner), if applicable, must sign the application and all are liable for this loan.

All borrowers must:

- ✓ Have a U.S. Social Security number
- ✓ Be a U.S. citizen or permanent resident**
- ✓ Have an annual income greater than \$15,000 and monthly debt payments may not exceed 50% of gross monthly income**
- ✓ Have good credit
- ✓ Have achieved the age of majority in their state of residence

Student must:

- ✓ *Be enrolled at least half time in a degree- or certificate-granting program at an eligible, degree-granting institution.

**See page 2 for required, supplemental documentation.

About Sallie Mae®

For more than 30 years, Sallie Mae, the nation's No. 1 paying-for-college company, has helped millions of Americans achieve their dream of a higher education. We are the country's largest originator of federally insured student loans, issuing more than \$15 billion annually and managing loans for more than 7.5 million student and parent borrowers.

How to reach us

Phone 800-749-9100
 M-F, 8 am to 11 pm ET (July - Sept.)
 Sat. 9 am to 3 pm ET (July - Sept.)
 M-F, 8 am to 8 pm ET (Oct. - June)

E-mail tuitionanswer@salliemae.com

Web site: www.tuitionanswer.com

Mail: Sallie Mae
 Tuition Answer Loan Processing
 50 Braintree Hill Park, Suite 300
 Braintree, MA 02184-8753

What documents must be submitted?

Enrollment Verification

Please submit one of the following documents as proof of student enrollment:

- ✓ Copy of current tuition bill from the school for the academic period indicated on this application
- ✓ Copy of acceptance letter from the school verifying enrollment for the academic period indicated on this application
- ✓ Copy of current registration schedule from the school for the academic period indicated on this application

Note: Document must show student name and school name, and must reflect the same academic period as the term for which the loan is requested. Academic period must be the current or upcoming term.

Income Verification

All borrowers must submit one of the following documents as proof of current income:

- ✓ A copy of paycheck stub or letter from your employer, dated within the last 40 days, that identifies your name, company name and year-to-date earnings
- ✓ If self-employed, a copy of your federal income tax returns (with all schedules) for the last two years*, or a letter from your CPA with your most recent tax return stating length of self-employment in current profession and expected adjusted gross income for the current year
- ✓ If retired, a copy of either your current pension/retirement check or a bank statement of direct deposit and/or your most recent 1099 form

*If you need to obtain copies of your federal tax returns, call the IRS at 800-829-1040.

Eligible Permanent Residency

For any borrower applying as an eligible permanent resident, you must submit one of the following:

- ✓ A copy of both sides of a current and valid CIS Form I-551, Resident Alien Card
- ✓ A Temporary CIS I-551
- ✓ Form I-90, Application to Replace Alien Registration Card

What are the loan terms?

Refer to the Promissory Note for complete details on loan terms and conditions.

Loan Amount

You may request from \$1,500 up to \$40,000 per year.

Interest Rates and Fees

The interest rate is reset monthly and is based on the Prime Rate, not to exceed the highest U.S. Prime Rate as

published in *The Wall Street Journal*. The supplemental fee is a one-time fee assessed at disbursement of your loan. The interest rate margin and fee assigned to your loan will be based on the credit history of the borrower or co-borrower at the time of application, and the repayment option you select.

Rates and fees when interest or principal and interest payments are made while in school:

Credit History	Interest Rate	Supplemental Fee
Excellent	Prime + 1.5%	5%
Good	Prime + 2.5%	7%
Fair	Prime + 6.0%	9%

Rates and fees when principal and interest payments are deferred while in school:

Credit History	Interest Rate	Supplemental Fee
Excellent	Prime + 1.5%	6.5%
Good	Prime + 2.5%	8.5%
Fair	Prime + 6.0%	10%

You will borrow the Supplemental Fee in addition to the loan amount request. See page 3 for repayment examples.

How do I follow the status of my loan?

On Paper

After we receive the completed, signed application and all required documentation from all borrowers, we will notify the borrowers on the loan via U.S. mail of the final decision status and the interest rate and fee.

Sallie Mae will process the loan disbursement as close as possible to the date you requested on the loan application. The loan disbursement date cannot be more than 30 days prior to the start of the academic period. The borrower and co-borrower on the loan will be mailed a Loan Disbursement Notice on the date we process the loan disbursement. The loan check will be mailed under separate cover to the borrower's "current mailing address" listed on the loan application.

Online

Prior to disbursement, you can check the status of your Tuition Answer Loan at any time by logging in to the check status function at www.tuitionanswer.com. You will need your loan confirmation number to access your loan information.

Once you have received your loan check, you must enroll in Manage Your LoansSM (MYL) at www.salliemae.com to view your loan account information for the life of your loan. Using MYL, you can make online payments, verify that payments have been received and credited to your account, update your address, register to receive important life-of-loan account information via e-mail, and have 24/7 access to a variety of helpful forms and other online services.

EXHIBIT G

Why are these people smiling?



*****AUTO** 3-DIGIT 110

Marc Holden
Apt. 2C
3416 41st St.
Long Is City, NY 11101-1318



Setup your next
Tuition AnswerSM
funding now.

Dear Marc Holden:

Your personal code [REDACTED]

Because you're a valued customer, I urge you to apply today for your next **Tuition AnswerSM Loan** from Sallie Mae® and its lender partners.

Now you can have up to \$40,000 a year (or as little as \$1,500).

The **Tuition Answer** program offers you more help than ever with a higher loan option. And it's still the best answer for you because:

- **The money comes directly to you, not the school, so you decide how to use it** — for tuition, a new laptop, transportation, or books.
- **You don't have to fill out any federal forms.**
- **Rates are competitive, and you get all the advantages of borrowing with Sallie Mae.** We've helped millions of students achieve their dreams of higher education.

And you can **postpone payments until after graduation!** That way you don't have to deplete your savings and you'll be sure to have the cash you need.

When there's so much else to do, why wait? Log on now at www.TuitionAnswerLoan.com/23319108 to **setup more funding.** If you have questions, please call 1-800-749-9100.

Thank you again for choosing Sallie Mae!

Sincerely,

Nancy Deck
Vice President

P.S. **You can request as much as \$40,000 for this year at college.** And since you're already our customer, it's easier than ever — just go to www.TuitionAnswerLoan.com [REDACTED]

Please see reverse side for important information.



B#86-NPL-0005-001-SLMJF0306RENNON-DROP1-PK1-0038577