

UNITED STATES BANKRUPTCY COURT  
FOR THE  
WESTERN DISTRICT OF KENTUCKY  
BOWLING GREEN DIVISION

IN RE: DELLA CHARLOTTE STAFFORD )  
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 )  
 ) DEBTOR ) CASE NO. 09-11628  
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DELLA CHARLOTTE STAFFORD

PLAINTIFF

VS. ADVERSARY NO. \_\_\_\_\_

AMERICAN EDUCATION SERVICES (a/k/a AES/Educaid),  
CITIBANK (SOUTH DAKOTA), N.A.,  
EXPRESS LOAN SERVICES (a/k/a Buckeye Credit Solutions, LLC),  
FIFTH THIRD STUDENT LOAN EXPRESS,  
JP MORGAN CHASE BANK, N.A.,  
NATIONAL EDUCATION LOAN NETWORK, INC. (a/k/a Nelnet Loans),  
PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY,  
SALLIE MAE,  
KENTUCKY HIGHER EDUCATION STUDENT LOAN CORPORATION  
(a/k/a STUDENT LOAN PEOPLE), and  
XLS/EFR

DEFENDANTS

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**COMPLAINT TO DETERMINE DISCHARGEABILITY OF CERTAIN DEBTS**

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Comes the plaintiff, Della Charlotte Stafford (“Stafford”), the debtor herein, by counsel, and for her complaint to determine the dischargeability of certain debts pursuant to 11 U.S.C. 523(a)(8), states as follows:

I

The debtor/plaintiff, Stafford, filed for relief under Chapter 7 of the U.S. Bankruptcy Code on or about September 15, 2009.

II

Jurisdiction of this matter is conferred on the Court by 28 U.S.C. §1334.

III

The defendant, American Education Services, is a Pennsylvania Corporation, with its principal place of business in Harrisburg, Pennsylvania.

IV

The defendant, CitiBank (South Dakota), N.A., is a South Dakota Corporation, with its principal place of business in Sioux Falls, South Dakota.

V

The defendant, Express Loan Services a/k/a Buckeye Credit Solutions, LLC, is an Ohio Corporation, with its principal place of business in Dublin, Ohio.

VI

The defendant, Fifth Third Bank, is an Ohio Corporation, with its principal place of business in Cincinnati, Ohio.

VII

The defendant, JP Morgan Chase Bank, N.A., is a Kentucky Corporation, with its principal place of business in Louisville, Kentucky.

VIII

The defendant, National Education Loan Network, Inc. a/k/a Nelnet Loans, is a Nebraska Corporation, with its principal place of business in Lincoln, Nebraska.

IX

The defendant, Pennsylvania Higher Education Assistance Agency, is a Pennsylvania Corporation, with its principal place of business in Harrisburg, Pennsylvania.

X

The defendant, Sallie Mae, Inc., is a Virginia Corporation, with its principal place of business in Reston, Virginia.

XI

The defendant, Kentucky Higher Education Student Loan Corporation a/k/a Student Loan People, is a company with its principal place of business in Louisville, Kentucky.

XII

The defendant, XLS/EFR, is an Ohio Corporation, with its principal place of business in Cleveland, Ohio.

XIII

The debtor/plaintiff, Stafford, was the cosigner for numerous student loan obligations of her daughter, Annetta Jo Smith, including debts owed to the defendants, American Education Services, CitiBank (South Dakota), N.A., Express Loan Services, Fifth Third Bank, JP Morgan Chase Bank, N.A., National Education Loan Network, Inc., Pennsylvania Higher Education Assistance Agency, Sallie Mae, Inc., Kentucky Higher Education Student Loan Corporation and XLS/EFR.

XIV

The debtor/plaintiff, Stafford, listed in Schedule F of her Chapter 7 Petition all student loan obligations owed to the defendants herein in an amount totaling \$238,439.00.

XV

All of the debtor/plaintiff's debts owed to the defendants herein were incurred for specialized education for her daughter, Annetta Jo Smith, at the Embry-Riddle Aeronautical University.

XVI

The debtor/plaintiff's daughter, Annetta Jo Smith, has been unable to obtain employment commensurate with her education, and has been unable to obtain other employment since completing her degree.

XVII

The debtor/plaintiff's student loan obligation is approximately \$238,500.00 and under any of the repayment plans available, the repayment of the loans would work an undue hardship on the debtor.

XVIII

After deducting the expenses reasonable and necessary for minimal standard of living, the debtor has no income with which to repay the cosigned student loan obligations to the defendants.

XIX

The debtor/plaintiff's obligations owed to the defendants herein in the amount of \$238,439.00 should be discharged pursuant to 11 U.S.C. 523(a)(8) since excepting such debt from discharge would impose an undue hardship on the debtor considering the debtor's reasonably reliable future financial resources and the amount of the student loan obligations.

WHEREFORE, the plaintiff, Della Charlotte Stafford, prays for judgment as follows:

1. That the debtor/plaintiff's student loan obligations owed to the defendants herein in the amount of \$238,439.00 be discharged pursuant to 11 U.S.C. 523(a)(8) as imposing an undue hardship on the debtor.
2. For costs herein expended;
3. For her attorney's fees herein incurred;
4. For any and all other relief to which the plaintiff may be entitled.

This 5<sup>th</sup> day of January, 2010.

HON. AMANDA L. BLAKEMAN  
BELL, ORR, AYERS AND MOORE  
1010 COLLEGE STREET, P. O. BOX 738  
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BY: / s / Amanda L. Blakeman  
Attorney for Plaintiff/ Debtor

This is to certify that a true and correct copy of the foregoing has this day been mailed to the following:

Attorney Mark Flener  
P. O. Box 8  
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Bowling Green, KY 42102-0008

Joseph Golden  
Office of the U.S. Trustee  
601 West Broadway, Suite 512  
Louisville, KY 40202

This 5<sup>th</sup> day of January, 2010.

/ s / Amanda L. Blakeman  
Of Counsel for Plaintiff