

1 trustee. This complaint seeks to determine the dischargeability of a student loan as
2 it presents an undue hardship for the Debtor (*and his/her dependents*).

3 2. One of the unsecured debts owing by the Debtor and listed on
4 Schedule F—Creditors Holding Unsecured Nonpriority Claims— is a student loan
5 owing to (*most likely United States Department of Education*).

6 3. This loan was incurred to pay expenses at (*list colleges where debt*
7 *was assumed and indicate if degree was obtained*).

8

9

JURISDICTION

10 4. Defendant (*most likely United States Department of Education*)
11 maintains its (*address – most likely Direct Loan Servicing Center in Utica, New*
12 *York*) (*verify this address*).

13 5. Jurisdiction exists under 28 U.S.C. §1334. Venue is proper under 28
14 U.S.C. §1409(a). The District Court has generally referred these matters to the
15 Bankruptcy Court for hearing pursuant to 28 U.S.C. §157(a). This is a core
16 proceeding within the meaning of 28 U.S.C. §157(b)(2)(I). This adversary
17 complaint is brought pursuant to 11 U.S.C. §523(a)(8).

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FIRST CAUSE OF ACTION [11 U.S.C. §523(a)(8)]

20 6. Plaintiff is indebted to the Defendant in the approximate sum of
21 \$(*amount*) for education loans made by Defendant to Plaintiff.

22 7. Requiring Plaintiff to repay these debts will impose undue hardship on
23 the Debtor and the Debtor's dependents as contemplated under 11 U.S.C.
24 §523(a)(8).

25 8. Based upon Plaintiff's current income and expenses, Plaintiff cannot
26 maintain a minimum standard of living if forced to repay the loan. Plaintiff
27 believes that (*his/her*) economic state of affairs is likely to persist for a significant
28

PLAINTIFF'S COMPLAINT TO DETERMINE
DISCHARGEABILITY OF DEBT

YOUR NAME
ADDRESS
CITY, STATE, ZIP
TELEPHONE