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Tempe AZ 85283  
Phone: 480-567-6262

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CLERK  
U.S. BANKRUPTCY  
DISTRICT OF ARIZONA

UNITED STATES BANKRUPTCY COURT

DISTRICT OF ARIZONA

In Re: )  
)  
Janet Rose Roth )  
Debtor )  
vs )

Chapter 7 Amendment

Case No. 02:09 BK-00317-RJH

*Adv. 10-764*

Adversary Complaint to Determine  
Dischargeability of all Student Loans

Department of Education

The undersigned hereby affirms that because of debtor's limited income on social security that all student loans be discharged. The debtor filed this case under Chapter 7 and all listed debts were discharged except for the student loans.

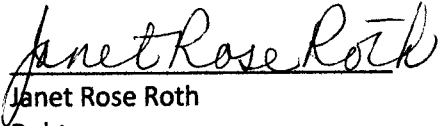
All of the secured debts listed on Schedule D – Creditors Holding Secured Claims, list all the student loans assigned to the debtor and the amount owing. These loans were incurred to pay expenses at Arizona State University, Tempe, AZ and Maricopa Community Colleges, Arizona from 1989 through 1979.

Debtor is unemployed and receiving a modest amount of social security. Debtor's social security has been garnished for 15% of the monthly social security creating a financial hardship pushing debtor into a poverty level as identified by the Internal Revenue Service as well as the 2009 Federal Poverty Guidelines attached for your reference. The debtor's social security check after garnishment leaves her a total \$774.35 for monthly living expenses which barely suffices for the necessities of life.

The debtor has no current or anticipated available income or resources with which to pay the aforementioned student loans and any payments on those loans would be made only at a great hardship.

WHEREFORE, the debtor prays that this Court enter an Order declaring undue hardship and that all student loan debts of the debtor be dischargeable this bankruptcy case.

Date: 27Apr2010

  
Janet Rose Roth  
Debtor

Attachment: IRS Collection Financial Standards, March 1, 2009  
2009 Federal Poverty Guidelines  
Social Security Check garnishment amount, April 2010  
Copies of student loan debt, Sallie Mae, U.S. Department of Education, FAFSA,  
Progressive Financial Services, VanRue Collections, OSI Educational Services

Copy of Adversary Compliant and Summons  
Mailed this \_\_\_\_\_ day of April 2010 to:

Civil Process Clerk  
US Attorney, District of Arizona  
40 N Central Avenue  
Phoenix AZ 85004

Progressive Financial Svcs  
Dept of Education  
PO Box 24098  
Tempe AZ 85285

Attorney General of the United States  
Dept of Justice, Room B-103  
950 Pennsylvania Ave NW  
Washington DC 20530

Van Rue Services  
Dept of Education  
4416 S. Wendler Drive  
Tempe AZ 85282-6410

Department of Education  
FAFSA Student Loans  
400 Maryland Avenue SW  
Washington DC 20202

Department of Education  
USA Funds dba Sallie Mae  
PO Box 9460  
Wilkes-Barre PA 18773

U.S. Department of Education  
AWG Hearings Unit  
PO Box 5227  
Greenville TX 75403

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is the creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim Without Deducting Value of Collateral" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion, if Any" on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER <i>(See Instructions Above.)</i>	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO. 9133488658 USA Funds dba Sallie Mae Dept of Education PO Box 9460 Wilkes-Barre PA 18773			1979-89 garnish social security wages/fed/state refunds VALUE \$ 93,000.00	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$93,000.00	\$0.00
ACCOUNT NO. 590533764883 Progressive Finance Svcs Dept of Education PO Box 24098 Tempe AZ 85285			1979/89 garnish social security wages/fed/state refunds VALUE \$ 22,000.00	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$22,000.00	\$0.00
ACCOUNT NO. 291405755 FAFSA Student Loans Dept of Education 400 Maryland Ave SW Washington DC 20202			1979/89 garnish social security wages/fed/state refunds VALUE \$ 17,085.00	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$17,085.00	\$0.00
Subtotal ► (Total of this page)							\$ 132,085.00	\$ 0.00
Total ► (Use only on last page)							\$	\$

continuation sheets attached

(Report also on Summary of Schedules.)

(If applicable, report also on Statistical Summary of Certain Liabilities and Related Data.)

In re JANET ROSE ROTH  
Debtor

Case No. 2:09 BK-00317 RJH Amend  
(if known)

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER <i>(See Instructions Above.)</i>	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO. VanRue Finances Svc Dept of Education 4415 S. Wendler Dr. Tempe AZ 85282	<input type="checkbox"/>		1979/89 garnish social security wages/fed/state refunds VALUE \$ <u>21,353.00</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$ <u>21,353.00</u>	\$0.00
ACCOUNT NO. 291405755 OSI Education Svce Dept of Education 5626 Frantz Road Dublin OH 43017	<input type="checkbox"/>		1979/89 garnish social security wages/fed/state refunds VALUE \$ 35,860.00	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$ 35,860.00	\$0.00
ACCOUNT NO.   VALUE \$	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$	
ACCOUNT NO.   VALUE \$	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$	
ACCOUNT NO.   VALUE \$	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$	
Subtotal (s) ▶ (Total(s) of this page)							\$ <u>57,213</u>	\$
Total(s) ▶ (Use only on last page)							\$ <u>189,298</u>	\$0.00

Sheet no 2 of 2 continuation sheets attached to Schedule of Creditors Holding Secured Claims

(Report also on Summary of Schedules.)

(If applicable, report also on Statistical Summary of Certain Liabilities and Related Data.)

**SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)**

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S):	AGE(S):
<b>Employment:</b>	DEBTOR	SPOUSE
Occupation	CAKE DECORATOR	
Name of Employer	WALMART	
How long employed	3 YEARS	
Address of Employer	UNEMPLOYED MARCH2010	

INCOME: (Estimate of average or projected monthly income at time case filed)	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)	\$ 0	\$
2. Estimate monthly overtime	\$ 0	\$
3. SUBTOTAL	\$ 0	\$
4. LESS PAYROLL DEDUCTIONS	\$ 0	\$
a. Payroll taxes and social security	\$ 0	\$
b. Insurance	\$ 0	\$
c. Union dues	\$ 0	\$
d. Other (Specify):	\$ 0	\$
5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$ 0	\$
6. TOTAL NET MONTHLY TAKE HOME PAY	\$ 0	\$
7. Regular income from operation of business or profession or farm (Attach detailed statement)	\$ 0	\$
8. Income from real property	\$ 0	\$
9. Interest and dividends	\$ 0	\$
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	\$ 0	\$
11. Social security or government assistance (Specify): <u>SOCIAL SECURITY</u>	\$ 774.99	\$
12. Pension or retirement income	\$ 0	\$
13. Other monthly income (Specify):	\$ 0	\$
14. SUBTOTAL OF LINES 7 THROUGH 13	\$ 774.99	\$
15. AVERAGE MONTHLY INCOME (Add amounts on lines 6 and 14)	\$ 774.99	\$
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)	\$ 774.99	

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:  
NOTHING

**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$ 0
a. Are real estate taxes included?      Yes _____ No _____	
b. Is property insurance included?      Yes _____ No _____	
2. Utilities:    a. Electricity and heating fuel	\$ 0
b. Water and sewer	\$ _____
c. Telephone	\$ 50.00
d. Other <u>RENT A ROOM</u>	\$ 500.00
3. Home maintenance (repairs and upkeep)	\$ _____
4. Food	\$ 285.00
5. Clothing	\$ 86.00
6. Laundry and dry cleaning	\$ 25.00
7. Medical and dental expenses	\$ 45.00
8. Transportation (not including car payments)	\$ 30.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$ 0
10. Charitable contributions	\$ 0
11. Insurance (not deducted from wages or included in home mortgage payments)	\$ 0
a. Homeowner's or renter's	\$ 0
b. Life	\$ 0
c. Health	\$ 0
d. Auto	\$ 0
e. Other <u>OUT OF POCKET &amp; MISCELLANEOUS EXPENSE</u>	\$ 147.00
12. Taxes (not deducted from wages or included in home mortgage payments) (Specify) _____	\$ 0
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)	\$ 0
a. Auto	\$ 0
b. Other _____	\$ 0
c. Other _____	\$ 0
14. Alimony, maintenance, and support paid to others	\$ 0
15. Payments for support of additional dependents not living at your home	\$ 0
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$ 0
17. Other _____	\$ 0
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$ 1168.00
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document: <u>NOTHING</u>	
20. STATEMENT OF MONTHLY NET INCOME	
a. Average monthly income from Line 15 of Schedule I	\$ 774.99
b. Average monthly expenses from Line 18 above	\$ (1168.00)
c. Monthly net income (a. minus b.)	\$ (394.00)

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (Court Use Only)
<b>PLAINTIFF(S)</b> Janet Rose Roth		<b>DEFENDANT(S)</b> <i>Department of Education</i>
<b>ATTORNEY(S)</b> (Firm Name, Address, and Telephone No.)		<b>ATTORNEY(S)</b> (If Known)
<b>PARTY</b> (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Trustee <input type="checkbox"/> Other		<b>PARTY</b> (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Trustee <input type="checkbox"/> Other
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Dischargeability of all student loans of creditor because of hardship and financial difficulty from Department of Education and various collection agencies hired by Department of Education to collect student loans.		
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with the lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.) <i>Note: Only a complaint including an objection to discharge under 11 U.S.C. § 727 will defer the clerk's entry of the debtor's discharge in bankruptcy. A complaint to determine the dischargeability of a debt under 11 U.S.C. § 523 does not affect the entry of a discharge with respect to other debts.</i>		
<b>FRBP 7001(1) – Recovery of Money/Property</b> <input type="checkbox"/> 11 - Recovery of money/property - § 542 turnover of property <input type="checkbox"/> 12 - Recovery of money/property - § 547 preference <input type="checkbox"/> 13 - Recovery of money/property - § 548 fraudulent transfer <input type="checkbox"/> 14 - Recovery of money/property - other <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21 - Validity, priority or extent of lien or other interest in property <b>FRBP 7001(3) – Approval of Sale of Property</b> <input type="checkbox"/> 31 - Approval of sale of property of estate and of a co-owner - § 363(h) <b>FRBP 7001(4) – Objection/Revocation of Discharge</b> <input type="checkbox"/> 41 - Objection/revocation of discharge - § 727(c), (d), (e) <b>FRBP 7001(5) – Revocation of Confirmation</b> <input type="checkbox"/> 51 - Revocation of confirmation <b>FRBP 7001(6) – Dischargeability</b> <input type="checkbox"/> 66 - Dischargeability - § 523(a)(1), (14), (14A) priority tax claims <input type="checkbox"/> 62 - Dischargeability - § 523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67 - Dischargeability - § 523(a)(4), fraud as fiduciary, embezzlement, larceny continued next column	<b>FRBP 7001(6) – Dischargeability (continued)</b> <input type="checkbox"/> 61 - Dischargeability - § 523(a)(5), domestic support <input type="checkbox"/> 68 - Dischargeability - § 523(a)(6), willful and malicious injury <input checked="" type="checkbox"/> 63 - Dischargeability - § 523(a)(8), student loan <input type="checkbox"/> 64 - Dischargeability - § 523(a)(15), divorce/sep property settlement/deedee <input type="checkbox"/> 65 - Dischargeability - other <b>FRBP 7001(7) – Injunctive Relief</b> <input type="checkbox"/> 71 - Injunctive relief - reinstatement of stay <input type="checkbox"/> 72 - Injunctive relief - other <b>FRBP 7001(8) – Subordination of Claim or Interest</b> <input type="checkbox"/> 81 - Subordination of claim or interest <b>FRBP 7001(9) – Declaratory Judgment</b> <input type="checkbox"/> 91 - Declaratory judgment <b>FRBP 7001(10) – Determination of Removed Action</b> <input type="checkbox"/> 01 - Determination of removed claim or cause <b>Other</b> <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§ 78aaa et seq. <input type="checkbox"/> 02 - Other (e.g., other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$	
Other Relief Sought		