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U.S. BANKRUPTCY COURT
MINNEAPOLIS, MN

**THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

In re:

Christee L. Lesch,
DEBTOR

CASE NO. 99-42312

Chapter 13

Adv. Proceeding No. *04-4189NCD*

Christee L. Lesch,
PLAINTIFF

vs.

ILLINOIS STUDENT ASSISTANCE
COMM., United States Department
of Education, University of
Minnesota, and SALLIE MAE
Servicing

COMPLAINT TO DETERMINE
DISCHARGIBILITY OF DEBT
[Sec. 523(a)(8)]

DEFENDANTS

CHRISTEE L. LESCH, Plaintiff herein, for her complaint against the defendant,
alleges as follows:

JURISDICTION

1. Plaintiff is the Debtor herein. The bankruptcy court has jurisdiction to hear these proceedings pursuant to 28 U.S.C. Sec. 1334.

2. This matter is a core proceeding pursuant to 28 U.S.C. Sec. 157(b)(2)(I) and the parties have consented to the entry of a final order in this matter by the bankruptcy court.

3. This is an adversary proceeding to determine the dischargeability of a debt.

4. Defendants are governmental units in the state of Minnesota, Illinois and the United States of America and are creditors of the Plaintiff.

ALLEGATIONS

1. The plaintiff alleges that she is unable to earn sufficient income to maintain herself and to repay the educational debts outstanding after discharge of her Chapter 13

proceeding.

2. The plaintiff alleges that a disabling injury on June 1, 2003 has further limited her ability to earn sufficient income and maintain herself and to repay the educational debts outstanding.
3. The plaintiff alleges that the rate and amount of (the debtor's) future resources when estimated reasonably in terms of ability to obtain, retain, and continue employment and the rate of pay that can be expected, will not support repayment of the educational debts.
4. The plaintiff further alleges that any unearned income or other wealth which the debtor can be expected to receive should even when taken into account., will not support repayment of the educational debts.
5. The plaintiff further alleges that the total amount of income, its reliability, and the periodicity of its receipt will not be adequate to maintain the debtor at a minimal standard of living within her management capability, as well as to pay the educational debt.
6. The plaintiff further alleges that based on the facts and circumstances surrounding this case, the bankruptcy court can determine there would be nothing left from the debtor's estimated future income to enable the debtor to make some payment on her student loan without reducing what the debtor needs to maintain a minimal standard of living.
7. The plaintiff further alleges (1) the debtor has no accumulated wealth nor any reasonable prospects of acquiring any, (2) little chance of obtaining and retaining steady employment and, as a result, little income can be expected, (3) the debtor needs to maintain a minimal standard of living, and (4) if there would be anything left from the estimated income to allow some payments on the loan without reducing what is needed to live on, she would do so.
8. The plaintiff further alleges, repaying the educational debt with the debtor's present employment and the lack of any accumulated wealth or reasonable prospects for

acquiring any wealth or other income constitute "undue hardship".

9. The plaintiff further alleges that the debtor's reasonable living expenses do not permit her to repay her loan at the rate of \$ 200.00 per month out of the balance of her estimated income less reasonable living expenses.
10. The plaintiff further alleges that she suffers from a variety of serious medical problems that constitute an additional factor in the determination of undue hardship. Because of her medical conditions and attendant expenses, her monthly income exceeds her expenses by less than \$15,
11. The plaintiff further alleges that as a result of a serious injury expensive treatment and medication are and will be required into the future for an unknown period of time and do and will continue to affect her ability to work and employment prospects,
12. The plaintiff further alleges that the Debtor has been unable to avail herself of any administrative relief that may be available to a debtor who has been denied an undue hardship discharge. See 45 C.F.R. s 177.508 (deferment), .512 (forbearance), .514 (cancellation) (1980).

WHEREFORE, plaintiff prays that the court determine that the debt of +/- \$94,000.00 (exact total determined by remaining balance) is dischargeable; because the repayment of those debts would constitute an undue hardship on the plaintiff.

Date: 7-5-04

Respectfully submitted,



Christee L. Leisch
1319 Main Street
Adel, Iowa 50003
515-993-4701
Plaintiff *in pro per*

June 29, 2004

Clerk of U.S. Bankruptcy Court
District of Minnesota
301 U.S. Courthouse
300 South 4th Street
Minneapolis, MN 55415

Dear Clerk of Court,

Enclosed please find six (6) copies of summons for an Adversary Proceeding and four (4) copies of Complaint to Determine Discharge of Debt.

Please assign the proceeding and return the Summons in the enclosed addressed and stamped envelope. The summons will be served on the following parties:

- | | |
|---|--|
| 1) Illinois Student Assistance Commission
1755 Lake Cook Rd.
Deerfield, IL 60015 | 4) University of Minnesota
140 Williamson Hall
231 Pillsbury Dr.
Minneapolis, MN 55455 |
| 2) U.S Attorney
600 U.S. Courthouse
300 S. 4th Street
Minneapolis, MN 55415 | 5) Sallie Mae Servicing
P.O. Box 1000
Lawrence, KS 66044-8000 |
| 3) United States Trustee
1015 U.S. Courthouse
300 S. 4th St.
Minneapolis, MN 55415 | 6) U.S. Department of Education
Office of General Counsel
400 Maryland Avenue, SW
Washington, D.C. 20202-2111 |

Thank you for your prompt attention to this matter.

Sincerely;



Christee Lesch
1319 Main Street
Adel IA 50003