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UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Stacy Stanfill,

Debtor.

Stacy Stanfill,

Plaintiff,

v.

**United States Department of
Education, Pennsylvania
Higher Education
Assistance Agency aka
FedLoan Servicing aka
American Education
Services, Wells Fargo Bank
N.A., National Collegiate
Student Loan Trust 2007-3,
and Navient Solutions, Inc.,**

Defendants.

Case No. 11-40714-rld7

Adv. Proc. No.

COMPLAINT

11 U.S.C. § 523(a)(8)

1.

JURISDICTION AND THE PARTIES

This Court has jurisdiction under 28 U.S.C. § 1334 because Stanfill's dischargeability complaint arises under Title 11.

2.

Plaintiff Stacy Stanfill (Stanfill) is an individual living in Gresham, Oregon who filed Chapter 7 bankruptcy on December 21, 2011 in case number 11-40714-rld7. Stanfill's educational debts to defendants are collectively referred to as her "student loans" in this complaint. Stanfill cannot afford an attorney and was referred to her current pro bono attorney through legal aid's pro bono bankruptcy clinic.

3.

Defendant United States Department of Education (DOE) is an agency of the United States.

4.

Defendant Pennsylvania Higher Education Assistance Agency aka FedLoan Servicing aka American Education Services (PHEAA) is a corporate entity established by the State of Pennsylvania.

5.

Defendant Wells Fargo Bank N.A. (Wells Fargo) is a national association bank.

6.

Defendant National Collegiate Student Loan Trust 2007-3 (NCT) is a Delaware statutory trust.

7.

Defendant Navient Solutions, Inc. (Navient) is a Delaware corporation.

8.

Venue is proper because Stanfill resides here and filed bankruptcy here.

9.

NATURE OF CLAIM

Stanfill's dischargeability complaint is a core proceeding under 28 U.S.C. § 157(b)(2) and Stanfill consents to entry of final orders and judgment by the bankruptcy judge in this adversary proceeding.

10.

This complaint's allegations are based on personal knowledge as to Stanfill's own conduct, and are made on information and belief as to the acts of others.

11.

FACTUAL ALLEGATIONS COMMON TO ALL DEFENDANTS

Prior to the commencement of Stanfill's bankruptcy case, she owed student loans to defendants.

12.

Stanfill can't maintain a minimal standard of living if required to repay her student loans to defendants. Stanfill works full time as a cab company dispatcher, earns \$15.70 per hour, and has no disposable income left over each month to repay her student loans. Stanfill estimates her student loans total over \$185,000. Stanfill's job doesn't allow her to work more than 40 hours per and she will never be able to fully amortize her student loans with defendants.

13.

Stanfill is not aware that she qualifies for any job training programs. Stanfill lives with her parents and can't take on roommates for additional income. Stanfill is willing to relocate to find a higher paying job. But Stanfill has searched other areas for higher paying jobs and found no positions that would result in higher disposable income when cost of living increases were factored in.

14.

It would be unconscionable for this Court to require Stanfill to reduce her expenses further than she has already reduced them. Stanfill can't decrease her monthly expense budget in any way. Stanfill's expense budget does not include gyms, expensive clothes, hairdressers, cable TV, or any other frivolous expenses. Stanfill hasn't paid for any vacations after ending her education. Stanfill has a modest, reliable 2011

Toyota Avalon with a warranty, that she is currently making payments on. Stanfill requires a reliable vehicle to get to work and back. Stanfill contributes nothing to retirement even though she has no savings. Stanfill can't afford a mobile phone plan and so uses her parents' phone plan. Stanfill does not spend money on gambling, alcohol, or drugs.

15.

Additional circumstances prove Stanfill's state of affairs above is likely to persist in the future. Stanfill suffers from chronic migraines two to four times a month that limit her ability to work full time without using paid leave. Stanfill studied math in college but obtained no degree. Math is not relevant to career paths currently available to her and she doesn't qualify for additional student loans to complete a degree. Stanfill has no special usable or marketable job skills and her income is not expected to grow exponentially or to exceed the rising costs of living. At all times relevant after leaving college, Stanfill has maximized her income potential and no more favorable jobs are available to her. Stanfill is not expecting any inheritance or gifts in the future that might allow her to repay her student loans. Stanfill has no assets she could sell to repay her student loans. Stanfill's monthly expenses continue to increase and her wages don't keep up with the costs of living.

16.

Stanfill has made good faith efforts to repay her student loans to defendants but hasn't had any disposable income. At all times relevant after leaving college, Stanfill worked to maximize her income and minimize her expenses as alleged above. Stanfill is not aware that she qualifies for income-based repayment plan options lower than her current monthly payment amounts, which she can't afford. Stanfill has not repaid other debts instead of her student loans.

17.

CAUSE OF ACTION

CLAIM ONE

(Determination of Dischargeability – 11 U.S.C. § 523(a)(8))

Stanfill incorporates the above allegations by reference.

18.

Based on the allegations above, this Court should determine that excepting Stanfill's debts to defendants from discharge would impose an undue hardship on Stanfill.

19.

WHEREFORE, Stanfill requests:

- A. an order determining Stanfill's debts to defendants as alleged above are discharged under 11 U.S.C. § 523(a)(8), and an award of costs, and
- B. any other equitable relief this Court may determine is fair and just.

November 30, 2016

RESPECTFULLY FILED,

/s/ Michael Fuller

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