

*Re: Student Loan
Trial to proceed
on undue hardship
2/22/79*

IN THE UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN

In the Matter of

IN BANKRUPTCY

DALE JAMES ACKERMAN

No. 78-00421 Vol.

Bankrupt

WISCONSIN HIGHER EDUCATIONAL
AIDS BOARD

Plaintiff

vs.

DALE JAMES ACKERMAN

Defendant.

ORDER RELATIVE TO DISCHARGEABILITY COMPLAINT

The plaintiff having filed its Complaint in the above entitled matter praying that the obligation of the defendant is non-dischargeable in these proceedings; and defendant having duly filed his Answer raising the question of jurisdiction, previous judgment and inapplicability of the Higher Education Act of 1965, Section 439A, and further claiming that any payment from future income or other wealth will impose an undue hardship on the defendant and his dependents; and the Court having noticed a pre-trial hearing which was held on the 19th day of October, 1978, at which time the respective counsel stated their relative positions on the defenses and matters at issue; and Briefs having been duly filed; and the Court being fully advised in the premises, FINDS:

1. That the jurisdictional objections raised at the pre-trial hearing and other defenses of law raised by said Answer and Briefs of the attorney for the defendant are not applicable.

2. That said action should be set for hearing as to the question of the undue hardship provision of defendant's Answer.

CONCLUSIONS OF LAW

That an Order be entered denying the jurisdictional objections and legal objections to said Complaint and directing that trial be had on the question of undue hardship.

O R D E R

NOW, THEREFORE, IT IS ORDERED AND ADJUDGED:

That the specific objections above stated by the defendant be and the same are hereby denied, and said matter is set for trial on the merits as to the question of undue hardship to the defendant and his dependents.

Dated: February 22, 1979.

BY THE COURT:

s/ William H. Frawley

Bankruptcy Judge