

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

BRUCE E. DeLAWYER, a/k/a
Bruce DeLawyer and B. E.
DeLawyer and Unique Kitchen
Design, and CAROL DeLAWYER,
a/k/a Carol L. DeLawyer

Debtors

BRUCE and CAROL DeLAWYER

Plaintiffs

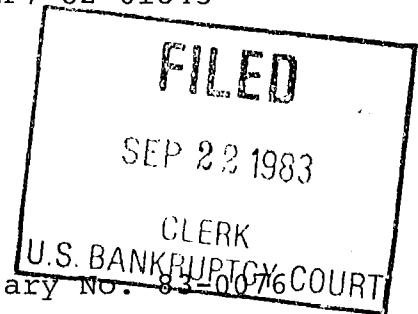
vs.

HIGHER EDUCATION ASSISTANCE
FOUNDATION, a/k/a S.C.S.C.

Defendant.

Bankruptcy No.

EF7-82-01843



Adversary No. 83-0076

ORDER DISCHARGING DEBT

The debtors, Bruce DeLawyer and Carol DeLawyer, having filed a complaint to determine that the payment of \$1,013.46 to the defendant would be a hardship and that said debt should be discharged under 11 U.S.C. 523(a)(8); and the defendant having filed an answer denying said complaint and alleging a counter-claim for the sum of \$1,041.23 plus interest at the rate of 7% from January 21, 1983, plus reasonable attorney's fees and costs, and claiming that said judgment would be nondischargeable; and the parties having stipulated as to the facts and having submitted the same to the court for consideration with their respective arguments; and the court having considered all of the

record, the stipulated facts, the arguments of counsel, and being fully advised in the premises, FINDS:

1. That defendants filed their petition for relief on the 18th day of October, 1982.

2. That the defendant, Bruce E. DeLawyer, is in out-sales for Lampert Yards, Inc. at Barron, Wisconsin, and that the defendant, Carol DeLawyer, is a store manager for a small grocery.

3. That the note alleged in the counterclaim of the defendants was signed only by Bruce E. DeLawyer.

4. That the monthly take home pay of Bruce E. DeLawyer is \$793.30 and that of his wife, Carol DeLawyer, is \$350.91, for a total sum of \$1,144.21.

5. That the stipulated expenses of the family are as follows:

House payment	\$ 365.00 per month
First National Bank, Reaffirmation, second mortgage on house	99.19 per month
Insurance	39.11
Car payment	88.00
Telephone	21.00
Baby sitter	96.00
Electricity (includes heat) annual average	150.00
V.A. loan co-signed by relative, reaffirmed	55.00
Grocery bill (average)	250.00 per month
Gasoline bill (average)	80.00 per month
Dental bills (total \$810.95)	67.60 per month
Other expenses including auto repair, medical expenses, gifts, toilet articles, etc.	
	<hr/> \$1,310.90

6. That, as stipulated, since the bankruptcy matter has been heard the debtor, Carol DeLawyer, has contracted multiple sclerosis and that the average monthly medical cost of her illness is in excess of \$40.00, and that the accumulated medical bills for her are \$287.44.

7. That the total amount owed the Higher Education Assistance Foundation is \$1,013.46 plus interest on the first loan, and \$813.57 on the second loan, for a total of \$1,827.03 plus interest.

8. That the total monthly income of the debtors is less than their total monthly expenses.

9. That medical expenses will be increasing due to the illness of the said Carol DeLawyer, and that her ability to have future earnings will decrease rather than increase.

10. That to require the payment of said loans in the sum of \$1,827.03 plus interest would be a distinct hardship on the family.

11. That the debtors are unable to make payments on said loan because of the aforesaid expenses and the illness of the said Carol DeLawyer.

CONCLUSIONS OF LAW

That an order be entered determining the payment to Higher Education Assistance Foundation of \$1,827.03 plus interest

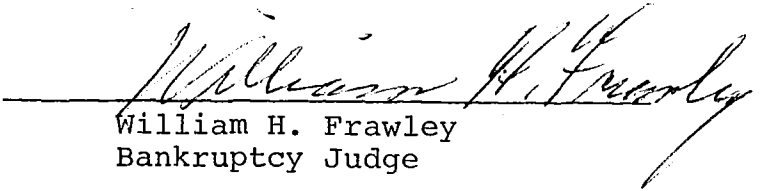
to be a hardship, and that said debt is dischargeable herein.

O R D E R

NOW, THEREFORE, IT IS ORDERED: That the debt of \$1,827.03 due to the Higher Education Assistance Foundation be and the same is discharged herein.

Dated: September 22, 1983.

BY THE COURT:



William H. Frawley
Bankruptcy Judge