

U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

SEP 08 1997 RA

DOROTHY A. EVANS, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF OKLAHOMA

IN RE:

JOSEPH EDWARD HARDIN )  
SSN: 489 46 4189 )  
Debtor(s). )

Case No: 96-05025-M  
Chapter 7

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JOSEPH EDWARD HARDIN, )  
Plaintiff, )  
v. )  
United States Of America, ex rel )  
U.S. Department of Education, )  
State of Oklahoma, ex rel Oklahoma Regents for )  
Higher Education, and G. C. Services, )  
Defendants. )

ADV NO: 97-0118-M

**AGREED ORDER AND JUDGMENT DISCHARGING DEBT TO DEFENDANT**  
**U.S. OF AMERICA EX REL U.S. DEPARTMENT OF EDUCATION**

Comes now Plaintiff Joseph Edward Hardin in the above styled adversary by and through his attorney Michelle A. Matthews and creditor Defendant United States of America ex rel Department of Education, by and through its attorney Loretta F. Radford, and, based on the pleadings, answer, records filed in this case, and the stipulations recited below the Court finds:

1. This Court has jurisdiction of the subject matter by virtue of 28 U.S.C. §157 and §1471 and the Bankruptcy Code, 11 U.S.C. 101 et. seq. enacted by Public Law 95-598 on November 6, 1978, the Bankruptcy Amendments and Federal Judgeship Act of 1984, P.L. 89-353, and as further amended. This is a core proceeding under the U.S. Bankruptcy Code.

2. Plaintiff filed for relief under Chapter 7 of the United States Bankruptcy Code on **December 9 1996**, in the above entitled bankruptcy case, and is seeking to discharge all claims and obligations against Plaintiff personally by the Defendants referenced in the above entitled adversary proceeding, including a student loan meeting the definition of a guaranteed student loan in Title 11 U.S.C. 523(a)(8).

3. The United States of America ex rel U.S. Department of Education is the proper defending party in interest and the named Defendant herein.

4. Defendant United States of America ex rel U.S. Department of Education stipulates the following:

(a). Plaintiff has two separate student loan debts.

(b). Plaintiff's first debt, a Stafford Guaranteed Student Loan, current amount due on 9-05-97 \$4,356.76, number G199305018440901, is not dischargeable under 11 USC §727, and its discharge is prevented by 11 USC §523(a)(8) in the above styled bankruptcy action because the said debt

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Northern District of Oklahoma

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has NOT been due more than seven years (excluding any valid period of suspension of repayment) prior to the filing of the above styled bankruptcy action.

(c). The second student loan debt, a Supplemental Loan for Students/Guaranteed Student Loan, current amount due on 9-05-97 \$4,665.48, number G199305048426301, is dischargeable under 11 USC §727, and its discharge is not prevented by 11 USC §523(a)(8) in the above styled bankruptcy action because the said debt has been due more than seven years (excluding any valid period of suspension of repayment) prior to the filing of the above styled bankruptcy action.

3. Defendant United States of America ex rel U.S. Department of Education and Plaintiff stipulate that the Court may enter an order and judgment discharging the Supplemental Loan for Students/Guaranteed Student Loan, number G199305048426301 of plaintiff owing to Defendant United States of America ex rel U.S. Department of Education and making permanent the automatic stay of all collection action of United States of America ex rel U.S. Department of Education of any nature against plaintiff and plaintiff's property.

4. Defendant United States of America ex rel U.S. Department of Education and said plaintiff stipulate that each party shall pay for its own attorney fees and costs.

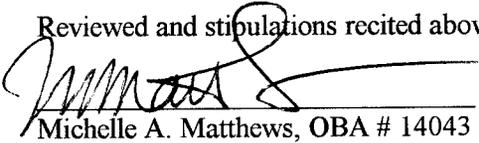
WHEREFORE, the Court hereby ORDERS and renders JUDGMENT that the Stafford Guaranteed Student Loan, number G199305018440901 debt of Plaintiff Joseph Edward Hardin owing to Defendant United States of America ex rel U.S. Department of Education is hereby non-dischargeable under the above styled bankruptcy action. Further, this Court hereby ORDERS and renders JUDGMENT that the Plaintiff's Supplemental Loan for Students/Guaranteed Student Loan, number G199305048426301 is hereby DISCHARGEABLE under the aboved styled bankruptcy action, and Defendant United States of America ex rel U.S. Department of Education is permanently stayed from any collection action of any nature against the Plaintiff and Plaintiff's property, in accordance with the findings and stipulations recited above. Each party to pay its own attorney fees and costs. Court clerk to make the appropriate docket of judgment.

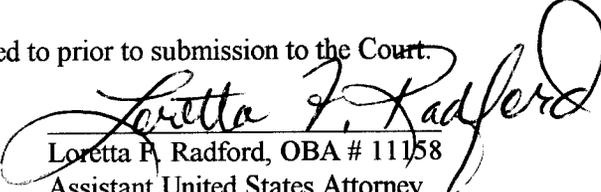
SO ORDERED.

Dated: September 8, 1997

  
JUDGE OF THE U.S. BANKRUPTCY COURT

Reviewed and stipulations recited above agreed to prior to submission to the Court.

  
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