

**FILED**

UNITED STATES BANKRUPTCY COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

APR 11 2000

TIMOTHY R. WALBRIDGE, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF OKLAHOMA

In Re: )  
MICHAEL D. HAVICE, )  
Debtor, )  
\_\_\_\_\_)  
Michael D. Havice, )  
Plaintiff, )  
v. )  
United States ex rel. Department )  
of Education. )  
Defendant. )

Case No. 99-01972-M  
Chapter 7

Adversary Proceeding  
No. 99-0245-M

JUDGMENT AND ORDERS

A court trial was held in the above style bankruptcy adversary case on April 6, 2000 before the Honorable United States Bankruptcy Judge Terrence L. Michael. The Plaintiff Michael D. Havice was present and represented by counsel. The Defendant United States ex rel. Department of Education was represented by the United States Attorney's Office. The court has received evidence in the form of witness testimony and exhibits. The court has also reviewed the court file including the "Pre-Trial Stipulations." Upon review of the evidence, witnesses, exhibits and court file the court entered its Findings of Fact and Conclusions of Law into the record and the same are incorporated by reference into this Judgment and Order, including the following:

FINDINGS

1. The Plaintiff is indebted to the United States in the total amount of \$3,241.92 on Student Loan 1; and,

4/11/00  
Clerk, U.S. Bankruptcy Court  
Northern District of Oklahoma

2. The Plaintiff is indebted to the United States in the total amount of \$4,159.74 on Student Loan 2;

ORDERS

Upon the findings of facts described above and based upon review of the evidence at trial and the court file, the court makes the following orders:

IT IS THEREFORE ORDERED, ADJUDGE AND DECREED that this is a core proceeding, the court has jurisdiction over the parties and subject matter of this bankruptcy adversary proceeding and that venue is proper;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED Student Loan 1 in the amount of \$3,241.92 is non-dischargeable in bankruptcy;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States is hereby granted JUDGMENT against the Plaintiff Michael Havice in the amount of \$3,241.92. This Judgment amount shall not bear or accrue interest;

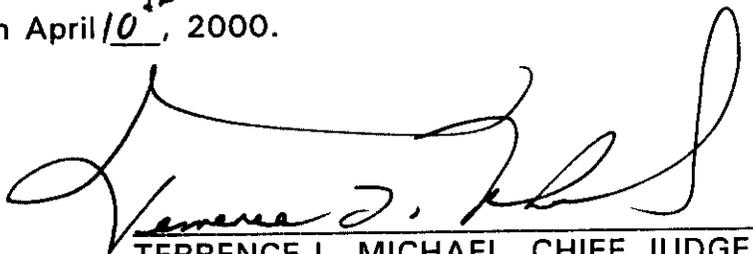
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the only means by which the United States may collect its judgment on Student Loan 1 is and will be through the use of income tax offsets by the United States Treasury or Internal Revenue Service, including any offsets available for the 1999 tax year and the automatic stay imposed by 11 U.S.C. 362 is hereby modified to permit such offset for the tax year 1999;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Student Loan 2 in the amount of \$4,159.74 is hereby discharged in bankruptcy on the basis of undue hardship;

IT IS FURTHER ORDERED that the Parties will pay their own attorneys fees costs and expenses associated with this matter; and,

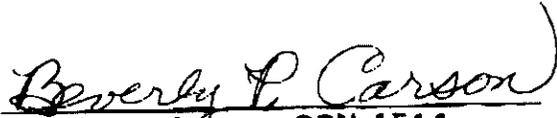
IT IS FURTHER ORDERED that this adversary proceeding is concluded.

IT IS SO ORDERED on April 10<sup>th</sup>, 2000.

A handwritten signature in black ink, appearing to read "Terrence L. Michael", written over a horizontal line.

TERRENCE L. MICHAEL, CHIEF JUDGE  
UNITED STATES BANKRUPTCY COURT

**HAVICE V. UNITED STATES,**  
Adversary No. 99-0245-M  
Judgment and Orders Signature Page  
Approved as to Form and Content:



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Havice order.wpd

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