

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

|                          |   |                      |
|--------------------------|---|----------------------|
| In re:                   | ) |                      |
|                          | ) |                      |
| [DEBTOR],                | ) | Case No. _____       |
|                          | ) | Chapter [7]          |
| Debtors.                 | ) |                      |
|                          | ) |                      |
| _____                    | ) |                      |
|                          | ) |                      |
| [DEBTOR],                | ) |                      |
|                          | ) |                      |
| Plaintiff,               | ) | Adversary Pro. _____ |
|                          | ) |                      |
| v.                       | ) |                      |
|                          | ) |                      |
| UNITED STATES DEPARTMENT | ) |                      |
| OF EDUCATION, [et al.],  | ) |                      |
|                          | ) |                      |
| Defendant[s].            | ) |                      |
| _____                    | ) |                      |

ATTESTATION OF [NAME] IN SUPPORT  
OF REQUEST FOR STIPULATION CONCEDING  
DISCHARGEABILITY OF STUDENT LOANS

I, [NAME], make this Attestation in support of my claim that excepting the student loans described herein from discharge would cause an “undue hardship” to myself and my dependents within the meaning of 11 U.S.C. §523(a)(8). In support of this Attestation, I state the following under penalty of perjury:

I. PERSONAL INFORMATION

1. I am over the age of eighteen and am competent to make this Attestation.
2. I reside at \_\_\_\_\_ [address], in \_\_\_\_\_ County, [State].
3. My household includes the following persons (including myself):  
\_\_\_\_\_ [full name] \_\_\_\_\_ [age] \_\_\_\_\_ [self]

[Updated November 2022]

\_\_\_\_\_ [full name] \_\_\_\_\_ [age] \_\_\_\_\_ [relationship]

\_\_\_\_\_ [full name] \_\_\_\_\_ [age] \_\_\_\_\_ [relationship]

***Questions four through nine request information related to your outstanding student loan debt and your educational history. The Department of Education will furnish this information to the Assistant United States Attorney (“AUSA”) handling your case, and it should be provided to you. If you agree that the information provided to you regarding your student loan debt and educational history is accurate, you may simply confirm that you agree, and these questions do not need to be completed. If you have not received the information from Education or the AUSA at the time you are completing this form, or if the information is not accurate, you may answer these questions based upon your own knowledge. If you have more than one student loan which you are seeking to discharge in this adversary proceeding, please confirm that the AUSA has complete and accurate information for each loan, or provide that information for each loan.***

4. I confirm that the student loan information and educational history provided to me and attached to this Attestation is correct: YES / NO [If you answered “NO,” you must answer questions five through nine].

5. The outstanding balance of the student loan[s] I am seeking to discharge in this adversary proceeding is \$ \_\_\_\_\_.

6. The current monthly payment on such loan[s] is \_\_\_\_\_. The loan[s] are scheduled to be repaid in \_\_\_\_\_ [month and year] [OR] \_\_\_\_\_. My student loan[s] went into default in \_\_\_\_\_ [month and year].

7. I incurred the student loan[s] I am seeking to discharge while attending \_\_\_\_\_, where I was pursuing a \_\_\_\_\_ degree with a specialization in \_\_\_\_\_.

8. In \_\_\_\_\_ [month and year], I completed my course of study and received a \_\_\_\_\_ degree [OR] In \_\_\_\_\_ [month and year], I left my course of study and did not receive a degree.

9. I am currently employed as a \_\_\_\_\_. My employer's name and address is \_\_\_\_\_ [OR] \_\_\_\_\_ I am not currently employed.

II. CURRENT INCOME AND EXPENSES

10. I do not have the ability to make payments on my student loans while maintaining a minimal standard of living for myself and my household. I submit the following information to demonstrate this:

A. **Household Gross Income**

11. My current monthly household **gross** income from all sources is \$ \_\_\_\_\_.<sup>1</sup>

This amount includes the following monthly amounts:

- \_\_\_\_\_ my **gross** income from employment (if any)
- \_\_\_\_\_ my unemployment benefits
- \_\_\_\_\_ my Social Security Benefits
- \_\_\_\_\_ my \_\_\_\_\_
- \_\_\_\_\_ my \_\_\_\_\_
- \_\_\_\_\_ my \_\_\_\_\_
- \_\_\_\_\_ **gross** income from employment of other members of household
- \_\_\_\_\_ unemployment benefits received by other members of household
- \_\_\_\_\_ Social Security benefits received by other members of household
- \_\_\_\_\_ other income from any source received by other members of household

12. The current monthly household gross income stated above (select which applies):

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<sup>1</sup> "Gross income" means your income before any payroll deductions (for taxes, Social Security, health insurance, etc.) or deductions from other sources of income. You may have included information about your gross income on documents previously filed in your bankruptcy case, including Form B 106I, Schedule I - Your Income (Schedule I). If you filed your Schedule I within the past 18 months and the income information on those documents has not changed, you may refer to that document for the income information provided here. If you filed Schedule I more than 18 months prior to this Attestation, or your income has changed, you should provide your new income information.

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41<sup>st</sup> Annual Jay L. Westbrook Bankruptcy Conference session  
"Student Loans"