

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

In re:)	
)	Bankruptcy No. 14-51161
DAPHONNIE ROCHELLE BUCHANAN,)	
)	Chapter 13
Debtor.)	
)	
_____)	

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

NOW COMES the United States of America, by and through the United States Attorney for the Middle District of North Carolina, on behalf of the Department of Education (hereinafter “DOE”) , and Objects to Confirmation of the Chapter 13 Plan. In support of its objection, the United States shows the following:

1. That the Debtor filed her petition for relief under Chapter 13 of the Bankruptcy Code on or about October 21, 2014.
2. That Kathryn L. Bringle is the duly appointed Chapter 13 Trustee.
3. That on December 18, 2014, Navient Solutions, Inc. filed a Proof of Claim (Claim 13) on behalf of the DOE consisting of a non-dischargeable, unsecured general claim in the amount of \$210,936.19.
4. That the Debtor has proposed a Plan, filed November 26, 2014, that includes a Special Provision in Section F that states that the DOE waives any default by the Debtor and authorizes DOE to review the Debtor’s student loans for enrollment in an

Income Contingent Repayment plan during the pendency of her Chapter 13 bankruptcy case. (Docket Entry 14, ¶ F.)

5. DOE objects to a blanket waiver of any defaults by the Debtor. To the extent, if any, that Section F, Special Provisions, is deemed to **require** the DOE to review the Debtor's student loans for enrollment in an Income Contingent Repayment (ICR) plan during the pendency of the Chapter 13 case, the DOE objects.

WHEREFORE, the United States respectfully prays unto the Court:

1. To deny confirmation of the Debtor's Chapter 13 Plan as proposed;
2. To remove the language regarding DOE waiving any default by the Debtor and authorizing Debtor's enrollment in an Income Based Repayment plan;
3. To include language that declares that all of the Debtor's student loans are non-dischargeable pursuant to 11 U.S.C. §523(a) (8).
4. To provide such other and further relief as the Court deems just and proper;

This the 23rd day of December, 2014.

Respectfully submitted,

RIPLEY RAND
United States Attorney

s/ Cheryl T. Sloan
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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2014, the foregoing was electronically filed with the Bankruptcy Clerk of the Court using the CM/ECF system and I hereby certify that the document was served via that system on the following CM/ECF participants:

John T. Orcutt on behalf of the Debtor; Kathryn L. Bringle, Chapter 13 Trustee; Ramesh Singh on behalf of Capital Recovery V, LLC

and I certify that the document was mailed to the following participants:

Daphonnie Rochelle Buchanan
140 Scotland Ridge Drive
Winston-Salem, NC 27107

Respectfully submitted,

RIPLEY RAND
United States Attorney

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