

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

IN RE:)	
)	
JEROME MANDALA,)	Case No. 02-15414
PATRICIA DEEN MANDALA,)	Chapter 13
)	
Debtors.)	
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)	
PATRICIA DEEN MANDALA,)	
)	
Plaintiff,)	
)	
v.)	Adversary No. 03-5116
)	
EDUCATIONAL CREDIT)	
MANAGEMENT CORPORATION,)	
)	
Defendant.)	
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JUDGMENT ON DECISION

Debtor Patricia Deen Mandala seeks an “undue hardship” discharge of her \$56,639.39 student loan debt under 11 U.S.C. § 523(a)(8).

The Court concludes that debtor has failed to satisfy her burden of proving undue hardship under the modified *Brunner* test set forth in *Educ. Credit Mgmt. Corp. v. Polleys (In re Polleys)*, 356 F.3d 1302 (10th Cir. 2004). The Court finds that with some adjustment to their monthly living expenses, debtors can maintain a minimal standard of living while repaying the student loan obligation. This standard of living will likely improve in 2006, when debtors complete their chapter 13 plan payments and obtain their discharge, and in later years, when debtors retire their home

mortgage. The Court concludes that when viewed with all the other circumstances, debtors simply have not shown that a monthly \$315 repayment of the student loan debt constitutes the undue hardship necessary for discharge.

Judgment is entered in favor of Educational Credit Management Corporation and against Patricia Mandala on her complaint. The student loan debt is excepted from discharge under § 523(a)(8) and § 1328(a)(2) to the extent of \$56,639.39, less whatever amounts are applied to the principal balance of the debt from payments through the Chapter 13 plan.

Dated this 25th day of May, 2004.

ROBERT E. NUGENT
CHIEF BANKRUPTCY JUDGE
UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the **Judgment on Decision** was deposited in the United States mail, postage prepaid on this 25th day of May, 2004, to the following:

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Janet Swonger,
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The Honorable Robert E. Nugent