

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

IN RE)	
CURTIS ALLEN WHEELER,)	Case No. 99-11843
)	Chapter 13
Debtor.)	
_____)	
)	
CURTIS ALLEN WHEELER,)	
)	
Plaintiff,)	
)	
v.)	Adversary No. 99-5299
)	
UNITED STATES OF AMERICA)	
DEPARTMENT OF HEALTH &)	
HUMAN SERVICES, and SALLIE MAE))	
SERVICING CORP., and TEXAS))	
GUARANTEED STUDENT LOAN))	
PROGRAM,)	
)	
Defendants.)	
_____)	

JUDGMENT ON DECISION

This proceeding was before the Court for decision following submission on the matter on stipulations and briefs. Debtor Curtis Allen Wheeler (“Debtor”) sought to discharge the post-petition accruing interest, penalties, and/or collections charges on a student loan. The debtor appeared by counsel W. Thomas Gilman and Mary Patricia Hesse of Redmond & Nazar, L.L.P. Defendants, United States of America Department of Health & Human Services and United States of America Department of Education (“HHS) appeared by Connie Calvert, Assistant United States Attorney. Defendant Texas Guaranteed Student Loan Corporation (“TGSLP”) appeared by Bruce A. Swenson. There were no other appearances. The Court reviewed the stipulations and relevant

materials, and has issued its Memorandum Opinion of even date resolving this dispute.

For the reasons stated in that Memorandum, judgment is hereby entered as follows:

1. On debtor's objections to the claims of Texas Guaranteed Student Loan Corporation and Department of Health & Human Services, the Court allows Claim Number 2 of HHS claim in the amount of \$59,447.13. The Court allows Claim Number 5 of TGSLP in the amount of \$26,110.09. Debtor's objections to the allowance of any post-petition or unmatured interest on claims number 2 and 5 are sustained.

2. On the Adversary Proceeding, the Court declares that the Debtor's obligation to the Defendants on post-petition accruing interest, penalties, and collection charges, is excepted from any discharge which this debtor may obtain pursuant to the provisions of 11 U.S.C. § 1328 (a)(2) and 11 U.S.C. § 523(a)(8).

3. On the Loan Creditors' objections to confirmation of Debtor's First Amended Plan, the Court sustains the objection of the TGSLP and HHS and debtor is granted ten (10) days for the date of the entry of this Order in which to file an amended plan which omits reference to the purported discharge of student loan interest; to convert this case to proceedings under Chapter 7; or to dismiss the case.

IT IS SO ORDERED.

Dated at Wichita, Kansas, this 10th day of July, 2000.

ROBERT E. NUGENT
UNITED STATES BANKRUPTCY JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that copies of the **JUDGMENT ON DECISION** was deposited in the United States mail, postage prepaid on this 10th day of July, 2000, to the following:

W. Thomas Gilman
Mary Patricia Hesse
REDMOND & NAZAR, L.L.P.
Ninth Floor
Olive Garvey Building
200 West Douglas
Wichita, Kansas 67202-3089

Connie Calvert
U.S. ATTORNEY'S OFFICE
1200 Epic Center
301 North Main Street
Wichita, Kansas 67202

Bruce A. Swenson
1033 North Buckner
Suite 204
P.O. Box 922
Derby, Kansas 67037

Janet Swonger
Judicial Assistant

