

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

MAY 11 1989

BARBARA A. EVERLY, CLERK

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:)	
)	
RICHARD ANTHONY HAYES and)	Bankruptcy No. L-88-01557D
LUCINDA M. HAYES,)	
)	
Debtor.)	
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RICHARD ANTHONY HAYES)	
)	
Plaintiff,)	Adversary No. L-88-0270D
)	
vs.)	
)	ORDER DISMISSING
HIGHER EDUCATION ASSISTANCE)	COMPLAINT and GRANTING
FOUNDATION,)	COUNTERCLAIM JUDGMENT
)	
Defendant.)	

This matter came on for trial on May 9, 1989. Appearing on behalf of Plaintiff Richard Anthony Hayes was attorney Francis William Henkels. Appearing on behalf of Defendant Higher Education Assistance Foundation (HEAF) was attorney Thomas P. Pepper. After hearing the evidence presented, the Court finds that excepting the Plaintiff's debt to Defendant HEAF from discharge under 11 U.S.C. §523(a)(8) will not impose an undue hardship on the Plaintiff.

IT IS THEREFORE ORDERED that Plaintiff's complaint be dismissed.

IT IS FURTHER ORDERED that Defendant Higher Education Assistance Foundation have judgment against Plaintiff Richard Anthony Hayes in the amount of \$6,345.90, plus interest from December 9, 1988 at a per diem rate of \$1.36 (9% simple interest

accrued daily), and for Defendant's attorney's fees and expenses in the amount of \$333.10.

ORDERED: May 11, 1989.



MICHAEL J. MELLOY
Bankruptcy Judge

Copy to:
Atty. for Plaintiff
Attys for Defendant
U. S. Trustee *JF*
MAY 12 1989 *JF*

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