

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

In Re:	)	Case No.
	)	
	)	Chapter 13
Debtors.	)	
	)	Judge Lawrence S. Walter
	)	

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**AGREED ORDER MODIFYING CHAPTER 13 PLAN (DOC. #2) SPECIAL PLAN  
PROVISION AS TO DEPARTMENT OF EDUCATION/NAVIENT STUDENT LOANS**

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Upon agreement of Debtors and Creditor the United States Department of Education (“USDOE”), the Special Plan Provision at paragraph 19 of the Chapter 13 Plan (Doc. #2) is modified as follows:

1. Debtor \_\_\_\_\_ (“Debtor”) has student loans with the USDOE in the current amount due of \$21,708.82, which includes \$20,832.00 in principal and \$876.82 in interest, as of July 29, 2015. He is currently in an Income Based Repayment (IBR) Plan with the USDOE through Navient Loan Servicing (“Navient”).

2. The IBR plan currently requires Debtor to make monthly payments of \$0.00 beginning on 8/11/15 and ending on 7/11/16.
3. Debtor is current in his IBR payments.
4. Debtor is scheduling the debt the USDOE/Navient to be paid as a Class One Creditor in the amount \$0.00 per month.
5. Debtor is seeking to continue with his participation in the IBR plan.
6. Debtor will provide the information necessary for the USDOE/Navient to adjust the required monthly payment under the IBR plan based on his most recent income information.
7. Within 30 days of notification from the USDOE/Navient of any adjustment to the required monthly repayment amount, Debtor will then file any necessary Chapter 13 Plan modification to reflect any changes in the IBR plan.
8. Debtor will file a status report at least once per year with the court if no modification of the monthly repayment amount is required.
9. Debtor will allow the USDOE/Navient to send any necessary notices or paperwork as to his re-enrollment in the IBR plan or other servicing activity normally sent to borrowers in repayment on a student loan.
10. Debtor will allow the USDOE/Navient to send any communications regarding payments and loan servicing, including delinquency and default communications, by email, telephone, including to a cellular number if provided to the loan servicer, regular mail, etc. that are regularly sent regarding student loans, including, without limitations, notice of late payments, delinquency, or default.
11. The communications between the USDOE/Navient and Debtor will not be construed as a violation of the automatic stay, 11 U.S.C. § 362.

12. The student loans with the USDOE/Navient will not be discharged and Debtor is not seeking to discharge the student loans under 11 U.S.C. § 523 (a)(8), nor does the Chapter 13 Plan provide for any discharge of the student loan obligations to the USDOE/Navient.

13. Debtor understands there will still be a balance owed to the USDOE/Navient after completion of the Chapter 13 Plan and Debtor will then have to continue to re-enroll to participate in the Income Based Repayment Plan upon completion of the Chapter 13 Plan.

14. Nothing in this Order is intended to change the fact that Debtor must be otherwise eligible for enrollment in any repayment plan for student loans. The USDOE/Navient is not required to enroll Debtor in any repayment plan for which he is not otherwise eligible.

15. Nothing in this Order is intended to change the fact that Debtor may request to change to any other repayment plan to which he is otherwise eligible.

**IT IS SO ORDERED.**

/s/

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/s/

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