

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:

Rebecca M. White,
Debtor(s).

Chapter 13
Case # 18-10503

MOTION IN SUPPORT OF DEBTOR'S PLAN TO PAY STUDENT LOANS DIRECTLY

With Order Approving Separate Classification of Student Loan Creditors' General Unsecured Claims

COMES NOW, Rebecca White, Debtor, seeking the Court's confirmation of a provision of the Findings and Order Confirming Chapter 13 Plan (hereinafter the "Plan") concerning her payment of student loan debt as set forth in Part 5 of the proposed Plan directly to her student loan servicers, instead of through the Chapter 13 Trustee. In support of this motion, Ms. White attaches her Affidavit.

1. Ms. White plans to continue paying Navient and Great Lakes voluntarily while the case is in active bankruptcy in accordance with the Plan. The Plan fully funds a 100% payment to Navient, Great Lakes and the other general unsecured claims.
2. Ms. White seeks the Court's approval of this arrangement within the Plan.
3. In the alternative, if the Court does not approve of this provision, then Ms. White agrees to pay Navient and Great Lakes in the amounts set forth in Part 5 of the Plan through the Chapter 13 Trustee.

WHEREFORE, the Movant respectfully requests this Court enter an order approving the Plan.

Dated: March 5, 2019

By: Rebecca M. White
Rebecca M. White, Debtor Pro Se

ORDER

AFTER DUE CONSIDERATION of the foregoing Motion, and the attached documents, THE COURT FINDS (1) the Debtor has demonstrated student loan creditors Navient and Great Lakes (together, the "SL Creditors") received notice of both the Debtor's chapter 13 bankruptcy filing and her proposed treatment of their claims, via direct payments, and neither SL Creditor filed an objection to the plan or proposed treatment; (2) the proposed treatment of the SL Creditors' unsecured claims is a permissible separate classification and does not constitute unfair discrimination, under 11 U.S.C. § 1322(b)(1); and (3) it appears to be in the best interest of all creditors that the Debtor treat the SL Creditors this way.

Colleen A. Brown
Colleen A. Brown, U.S. Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**Rebecca M. White,
Debtor(s).**

**Chapter 13
Case # 18-10503**

AFFIDAVIT IN SUPPORT OF DEBTOR'S PLAN TO PAY STUDENT LOANS DIRECTLY

COMES NOW, Rebecca White, being first duly sworn, under oath, states the following information within her knowledge and belief:

1. Ms. White notified Great Lakes and Navient Solutions, LLC in letters sent via the US mail on January 16, 2019 to propose that payments be made directly to Great Lakes and Navient by Ms. White instead of through the Chapter 13 Trustee. The letters had a signature line for the authorized representatives of Great Lakes and Navient to sign to indicate their agreement. See letter to Navient from Rebecca White, dated January 16, 2019, marked as Exhibit 1. See letter to Great Lakes from Rebecca White, dated January 16, 2019, marked as Exhibit 2.
2. The letters were not returned as undeliverable by the US postal service to Ms. White.
3. Ms. White did not receive a written answer from Navient. In a follow up telephone call to Navient one week after the letter was sent, a customer service employee indicated that the account was in forbearance and that Navient would accept voluntary payments on the account while the case was in bankruptcy.
4. Ms. White did receive a written answer from Great Lakes on February 1, 2019. Great Lakes indicated that the account was placed on a forbearance hold, but that any payments made would be voluntary. See letter to Rebecca White from Great Lakes, dated February 1, 2019, marked as Exhibit 3.

AFFIRMATION: I hereby affirm of my own knowledge that the facts and information I have stated are true and correct as of the date of this Affirmation. I understand that any false information may constitute perjury by me.

Subscribed and sworn to before me this 5 day of March, 2019.

My Commission Expires: 1/31/21

Notary Public



ROBYN DIXON
Notary Public, State of Vermont
My Commission Expires Jan. 31, 2021

Dated: 3/5/19

By: Rebecca M White
Rebecca M. White, Debtor Pro Se
PO Box 1316
Montpelier, Vermont 05601
802-793-5347

Rebecca Moffat White
PO Box 1316
Montpelier VT 05601
rebeccamoffatw@gmail.com
802-793-5347

January 16, 2019

Navient Solutions, LLC
PO Box 9640
Wilkes-Barre PA 18773-9640
Account number: 0924
Loan: 6991

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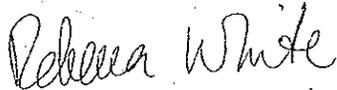
Dear Sir or Madam,

Please be advised that I have filed for Chapter 13 bankruptcy. Navient received notice of this filing previously.

I would like to voluntarily pay the loan in the previously agreed amount of \$85.28 per month until the loan is paid in full. The total amount due is \$6,821.50. These payments will be made directly to Navient through an automatic debit from my bank account and not through the Chapter 13 trustee. Please indicate your consent to this agreement by signing this document below and returning to me. I will immediately resume payments and will file this document indicating your consent with the bankruptcy court prior to the next hearing date of February 15, 2019.

Let me know if you have any questions. Thank you.

Sincerely,



Rebecca White

Agreed to by authorized representative of Navient Solutions LLC:

Signature: _____

Printed Name and Title: _____

Date: _____

Exhibit 1

Rebecca Moffat White
PO Box 1316
Montpelier VT 05601
rebeccamoffatw@gmail.com
802-793-5347

January 16, 2019

Great Lakes
PO Box 7860
Madison, WI 53707-7860

Loans: 9581, 6581, 8581

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Dear Sir or Madam,

Please be advised that I have filed for Chapter 13 bankruptcy. Great Lakes received notice of this filing previously.

I would like to voluntarily pay the loans in the monthly installments until the loans are paid in full. These payments will be made directly to Great Lakes through an automatic debit from my bank account and not through the Chapter 13 trustee. Please indicate your consent to this agreement by signing this document below and returning to me. I will immediately resume payments and will file this document indicating your consent with the bankruptcy court prior to the next hearing date of February 15, 2019.

Let me know if you have any questions. Thank you.

Sincerely,



Rebecca White

Agreed to by authorized representative of Great Lakes:

Signature: _____

Printed Name and Title: _____

Date: _____

Exhibit 2



February 1, 2019

Great Lakes ID: 5425

#BWNKPXF
#6651554250000002# BS
REBECCA M. WHITE
PO BOX 1316
MONTPELIER VT 05601

Hi Rebecca,

I am writing to you in response to your 01/16/2019 letter regarding the status of your student loan account.

We received notification on 12/07/2018 that you have an open bankruptcy case. During bankruptcy proceedings, student loan accounts are placed on a hold, also known as a forbearance, which temporarily suspends any collection attempts and payment requirements. Unless you move the court to lift the automatic stay as to Great Lakes, the bankruptcy forbearance will remain on your account until the conclusion of your bankruptcy. Great Lakes will confirm that your bankruptcy proceedings have ended before removing the forbearance.

While you are not required to make any payments on your student loans during the forbearance, you may continue to make payments on your student loans if you choose. If you would like to make payments during the forbearance, you may do so without penalty. Please keep in mind interest will continue to accrue while your bankruptcy is pending, and any unpaid accrued interest will capitalize when the forbearance ends.

While you are in forbearance, your account is not considered to be in repayment. This means that any payments you do choose to make would not count toward any forgiveness program you may wish to pursue. Unless the court does lift the stay as to Great Lakes, we are not able to place your account into repayment or process a repayment plan request.

Please take into consideration that once the forbearance is removed and your account is placed back into repayment, you will receive regular billing statements and other communications that you would not normally receive while your bankruptcy is pending.

This is not an attempt to enforce or collect on a debt. It is sent in response to your request, and is for informational purposes only.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Stovey", written in a cursive style.

Jennifer Stovey
Borrower Services Department Supervisor
Great Lakes Educational Loan Services, Inc.

Exhibit 3