


Below is an Order of the Court.



PETER C. MCKITTRICK
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re
Stacy Stanfill,
Debtor.

Stacy Stanfill,
Plaintiff,
v.
**United States Department of
Education et al.,**
Defendants.

Case No. 11-40714-pcm7

Adv. Proc. No. 16-03143-pcm

**JUDGMENT AGAINST
WELLS FARGO BANK N.A.**

Based on the evidence in plaintiff's motion for default judgment filed January 23, 2017 that defendant Wells Fargo Bank N.A. has been served summons and complaint and has failed to timely respond or appear in this action, and the Court having determined there is no just reason for delay,

IT IS ORDERED AND ADJUDGED that Stacy Stanfill's student loan debts to defendant **Wells Fargo Bank N.A.** are dischargeable under 11 U.S.C. § 523(a)(8).

IT IS ORDERED AND ADJUDGED that Stacy Stanfill is awarded a money judgment for costs of \$8.72 against defendant **Wells Fargo Bank N.A.**

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Presented by:

/s/ Michael Fuller

Michael Fuller, OSB No. 09357

Olsen Daines PC

Pro Bono Attorney for Plaintiff

US Bancorp Tower

111 SW 5th Ave., Suite 3150

Portland, Oregon 97204

michael@underdoglawyer.com

Direct 503-201-4570

CERTIFICATION

I certify that this proposed judgment complies with LBR 9021-1(a)(2) because Wells Fargo Bank N.A. did not respond in this action.

/s/ Michael Fuller

Michael Fuller, OSB No. 09357

Olsen Daines PC

Wells Fargo Bank N.A. is not an ECF participant, and its address is: Wells Fargo Bank N.A., c/o CEO Timothy J. Sloan, 101 N Phillips Ave., Sioux Falls, SD 57104.

Michael Fuller, OSB No. 09357
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**MOTION FOR DEFAULT
JUDGMENT**

MOTION FOR DEFAULT JUDGMENT

Under FRCP 55(b) as applicable by FRBP 7055, Stacy Stanfill moves for a default judgment against Wells Fargo Bank N.A. because Wells Fargo Bank N.A. has been served summons and complaint in this action and failed to timely defend itself, and is not a minor nor an incompetent person, nor is Wells Fargo Bank N.A. in military service. Fuller decl. ¶ 2.

28 U.S.C. § 1920(2) entitles Stacy Stanfill to an award of her costs against Wells Fargo Bank N.A. See *Alflex Corp. v. Underwriters Labs, Inc.*, 914 F.2d 175, 177 (9th Cir. 1990) (service costs are properly taxed under section 1920).

January 23, 2017

RESPECTFULLY FILED,

/s/ Michael Fuller
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UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

In re	Case No. 11-40714-pcm7
Stacy Stanfill,	Adv. Proc. No. 16-03143-pcm
Debtor.	DECLARATION OF MICHAEL FULLER
Stacy Stanfill,	IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT
Plaintiff,	
v.	
United States Department of Education et al.,	
Defendants.	

DECLARATION

I, Michael Fuller, declare the following under penalty of perjury to be used as evidence in court:

1. I know the facts I am testifying about based on my personal knowledge.
2. On November 30, 2016, under FRBP 7004, plaintiff served a true and correct copy of the summons and complaint in this action on defendant Wells Fargo Bank N.A. by regular and certified mail,

return receipt requested, addressed to the attention of its CEO. See AP Doc. #3. The signed certified mail receipt states that Wells Fargo Bank N.A. received actual delivery of the summons and complaint on December 6, 2016. See Tracking Number 7015 0640 0007 1108 8567. As of the date of this declaration, Wells Fargo Bank N.A. has failed to timely respond or defend itself in this action. Wells Fargo Bank N.A. is a national association bank and thus not a minor nor an incompetent person, nor can Wells Fargo Bank N.A. be in military service. Plaintiff incurred taxable costs of \$8.72 in this action to serve Wells Fargo Bank N.A. by regular and certified mail. Under ORPC 1.8(e)(2), the law firm of Olsen Daines PC paid this cost on behalf of plaintiff because she could not afford to pay it herself.

3. Plaintiff can't maintain a minimal standard of living if required to repay her student loans to Wells Fargo Bank N.A. Additional circumstances prove plaintiff's state of affairs is likely to persist in the future. Plaintiff has made good faith efforts to repay her student debt to Wells Fargo Bank N.A. but hasn't had any disposable income. Under these circumstances, excepting plaintiff's student loan debt to Wells Fargo Bank N.A. from discharge would impose an undue hardship on her.

4. Under 28 U.S.C. § 1746, I declare under penalty of perjury that
the foregoing is true and correct.

January 23, 2017

/s/ Michael Fuller
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