

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:04-bk-08109-ABB
Chapter 7

BENJAMIN KANE ATKINSON,

Debtor.

BENJAMIN KANE ATKINSON,

Plaintiff,

vs.

Adv. Pro. No 6:04-ap-00238-ABB

KEY BANK USA, N.A.

Defendant.

**** AMENDED ****
ORDER

**THIS ORDER IS AMENDED TO
REFLECT APRIL 15, 2005 AS THE CORRECT
SIGNATURE AND ENTRY DATE.**

This matter came on Plaintiff's, Benjamin Kane Atkinson, Motion for Default (Doc.8) against Defendant, Key Bank USA N.A., for failure to submit a motion or answer the Complaint filed on October 28, 2004 (Doc.1) and served on the Defendant on November 1, 2004 (Doc.3). The following Findings of Fact and Conclusions of Law are made after reviewing the evidence.

FINDINGS OF FACT

Plaintiff filed a Chapter 7 petition on July 15, 2004. Plaintiff entered into two loans in October 1999 with P.L.A.T.O. Educational Loan ("PLATO"), with the first loan for \$18,751 and the second loan for

\$6,249. A line of credit for \$5,500 was also obtained by Plaintiff in September 1999 from MBNA. The line of credit was not a student loan pursuant to 11 U.S.C. § 523(a)(8).

Plaintiff consolidated the line of credit and the loans from PLATO into one loan with Key Bank USA, N.A. ("Defendant") for \$28,562. The proceeds from the consolidated loan were used to satisfy the loans with MBNA and PLATO. Defendant paid MBNA \$5,439 and PLATO \$23,123. The proceeds from Defendant's consolidated loan were not used for an educational purpose.

) Plaintiff has filed this adversary proceeding against Key Bank USA, N.A. to determine the dischargeability of the consolidated loan pursuant to 11 U.S.C. § 523(a)(8). Defendant, Key Bank USA, N.A., failed to submit a motion or answer the Complaint filed on October 28, 2004 and served on Defendant on November 1, 2004. Therefore, it is

**ORDERED, ADJUDGED and
DECREED** that Plaintiff's, Benjamin Kane Atkinson, Motion for Default (Doc.8) against Defendant, Key Bank USA N.A. is **GRANTED**; it is further

**ORDERED, ADJUDGED and
DECREED** that **JUDGMENT** is entered in favor of the Plaintiff, Benjamin Kane Atkinson, and against the Defendant, Key Bank USA, N.A.; it is further

**ORDERED, ADJUDGED and
DECREED** that Debtor's, Benjamin Kane Atkinson, indebtedness to Defendant, Key Bank USA, N.A., in the amount of the debt is **DISCHARGED**.

Dated this 15th day of April, 2005.

/s/ Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Court