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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CYNTHIA ULICK,

Defendant.

Civ. No. 10-6098-AA
OPINION AND ORDER

Aiken, Chief Judge:

Plaintiff United States of America (the government) filed suit to recover a debt owed by defendant. On July 30, 2010, the government moved for summary judgment against defendant on its claim for debt. The court provided defendant with notice regarding summary judgment standards under Federal Rule of Procedure 56 and allowed defendant additional time in which to respond to the government's motion. The motion is now granted.

According to the government, on or about September 29, 1989 and October 11, 1990, defendant executed promissory notes to secure guaranteed student loans in the amounts of \$5,187.00 and \$6,529.00 respectively, each with a variable interest rate (to be established annually by the Department of Education), from First Interstate Bank. The loan obligations were then guaranteed by Oregon State Scholarship Commission, and reinsured by the United States Department of Education,

under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965.

On January 5, 1996, defendant defaulted on the obligation, and the holder filed a claim on the loan guarantee. Due to the default, the guaranty agency paid a claim in the amount of \$10,910.81 to the holder. The guarantor was unable to collect the amount due, and on August 9, 2000, assigned its right and title to the loan to the Department of Education.

Since assignment of the loan, the Department of Education has been unable to collect on the debt, which consists of principal in the amount of \$10,910.81 and interest in the amount of \$9,752.66 through October 20, 2009, accruing at the rate of 3.43%.

On February 2, 2010, the loan defaults were referred by the agency to the United States Attorney's Office, and on April 16, 2010 the government filed this action.

In support of its motion, the government provides copies of the certificate of indebtedness prepared by the Department of Education, along with copies of the promissory notes. In response, defendant offers no evidence or argument to rebut the facts and evidence presented by the government. Instead, defendant complains that she was not afforded a hearing by the government, and that she has not been provided government assistance since she completed her college education. Defendant also asserts that her student loans were guaranteed by a property lien, and that the government has taken no action on the lien.

However, defendant offers no evidence that she provided real property as security for her student loans, and as the government points out, the debt has not been reduced to judgment to support creation of a lien. Defendant's other arguments have no bearing on the government's claims and do not rebut the facts that she borrowed funds, she defaulted on her repayment obligations, and the Department of Education was required to reimburse the guaranty agency as a result.

Accordingly, I find that defendant fails to establish a genuine issue of material fact to preclude summary judgment, and the government's Motion for Summary Judgment (doc. 6) is GRANTED.

IT IS SO ORDERED.

DATED this 9 day of March, 2011.



Ann Aiken
United States District Judge