FORM B10 (Official Form 10) (4/01)

UNITED STATES BANKRUPTCY COURT Northern DISTRICT OF Illinois

PROOF OF CLAIM

Name of Debtor: Conseco, Inc., et al.

Case Number: 02-49675

NOTE This form should not be used to make a claim for an administrative expense arising after the commencement of the case A request for payment of an administrative expense may be filed pursuant to 11 U S C § 503

Name of Creditor (The person or other entity to whom the debtor owes money or property)

Kenney & Solomon, P.C.

Name and address where notices should be sent

Kenney & Solomon, P.C.
3675 Crestwood Parkway Suite 500
Duluth, GA 30096

Telephone number 770-564-1600

☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim Attach copy of statement giving particulars

☐ Check box if you have never received any notices from the bankruptcy court in this case

☐ Check box if the address differs from the address on the envelope sent to you by the court

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which creditor identifies debtor

Check here if this claim ☐ replaces ☐ amends a previously filed claim, dated _____

1 Basis for Claim

☐ Goods sold
☒ Services performed
☐ Money loaned
☐ Personal injury/wrongful death
☐ Taxes
☐ Other _____

☐ Retiree benefits as defined in 11 U S C § 1114(a)
☐ Wages, salaries, and compensation (fill out below)
Your SS # _____ _____ _____
Unpaid compensation for services performed
from _____ (date) to _____ (date)

2 Date debt was incurred 2001-2002

3 If court judgment, date obtained

4 Total Amount of Claim at Time Case Filed $ 400,058.28

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim Attach itemized statement of all interest or additional charges

5 Secured Claim

☐ Check this box if your claim is secured by collateral (including a right of setoff)

Brief Description of Collateral

☐ Real Estate ☐ Motor Vehicle
☐ Other_____

Value of Collateral $_____

Amount of arrearage and other charges at time case filed included in secured claim if any $_____

6 Unsecured Priority Claim

☐ Check this box if you have an unsecured priority claim

Amount entitled to priority $_____

Specify the priority of the claim

☐ Wages salaries or commissions (up to $4 650) * earned within 90 days before filing of the bankruptcy petition or cessation of the debtor s business whichever is earlier 11 U S C § 507(a)(3)
☐ Contributions to an employee benefit plan 11 U S C § 507(a)(4)
☐ Up to $2 100* of deposits toward purchase lease or rental of property or services for personal family or household use 11 U S C § 507(a)(6)
☐ Alimony maintenance or support owed to a spouse former spouse or child 11 U S C § 507(a)(7)
☐ Taxes or penalties owed to governmental units 11 U S C § 507(a)(8)
☐ Other Specify applicable paragraph of 11 U S C § 507(a)(____)

Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment

7 Credits The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim

8 Supporting Documents *Attach copies of supporting documents,* such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien DO NOT SEND ORIGINAL DOCUMENTS If the documents are not available, explain If the documents are voluminous, attach a summary

9 Date-Stamped Copy To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim

Date 2/27/03

Sign and print the name and title if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney if any)

Thomas S. Kenney, President

THIS SPACE IS FOR COURT USE ONLY

FILED

FEB 28 2003

BMC

Conseco Finance Corp Claim

49675000547

Penalty for presenting fraudulent claim Fine of up to $500 000 or imprisonment for up to 5 years or bot

Summary of Outstanding Invoices

Prefix/Office/Region	Total
720 /Kennesaw/Rapid City	$63,181 62
820 /Tempe	$3,041 50
1720 /Misc Region	$5,692 15
1740 /Madison	$2,104 27
2720 /Kennesaw/Rapid City	$83,013 36
2723 /Birmingham	$22,177 18
2750 /Duluth	$136,066 52
3720 /St Paul/Recovery	$8,611 88
3740 /St Paul/ Equipment	$7,626 80
4721 /Jacksonville	$20,871 96
5730 /Madison	$115 00
7720 /Birmingham	$2,979 00
9720 /St Paul/Home Improvement	$1,792 50
9721 /Columbia	$439 46
9730 /St Paul/Consumer Finance	$24,453 98
9760 /Tallahassee	$3,051 00
Real Estate/Kennesaw/Georgia Region	$14,840 10
Grand Total	$400,058 28

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FORM B10 (Official Form 10) (4/01)

COPY

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Account or other number by which creditor identifies debtor

Check here if this claim ☐ replaces ☐ amends a previously filed claim dated _____

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☐ Goods sold
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THIS SPACE IS FOR COURT USE ONLY

FILED

FEB 28 2003

BMC

Date 2/27/03

Sign and print the name and title if any of the creditor or other person authorized to file this claim (attach copy of power of attorney if any)

Thomas S. Kenney, President

Penalty for presenting fraudulent claim Fine of up to $500,000 or imprisonment for up to 5 years or both 18 U S C §§ 152 and 3571

Summary of Outstanding Invoices

Prefix/Office/Region	Total
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Real Estate/Kennesaw/Georgia Region	$14,840 10
Grand Total	$400,058 28

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Kenney & Solomon, P C
Attorneys at Law

Telephone (770) 564-1600
Telecopier (770) 717-0595
www kenneyandsolomon com

February 27, 2003

VIA UPS DELIVERY
Attn Conseco, Inc Claims Agent
Bankruptcy Management Corp
1330 E Franklin Avenue
El Segundo, CA 90245

RE Conseco, Inc et al
Chapter 11 Case No 02-49675

Dear Sir/Madam

Enclosed find an original and two (2) copies of a "Proof of Claim" for filing Please file the original and return a stamp filed copy to us in the enclosed envelope

Thank you

Sincerely,

KENNEY & SOLOMON, P C

Thomas S Kenney

TSK/sws
Enclosures
U \tkenney\consecopoc wpd

3675 Crestwood Parkway Suite 500 Duluth Georgia 30096
Alabama Office Lyric Square Building Anniston Alabama

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re· CONSECO FINANCE CORP ,
Case No. 02-49675

DOCUMENTS APPENDED TO CLAIM

On June 24, 2005, Document(s) appended to Claim Number 49675-000547 for the following reason

- ☒ Stipulation/Order
- ☐ New Supporting Documents
- ☐ Change of Address
- ☐ Withdrawal of Claim
- ☐ Other

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re	)	Case No 02-B49675
	)	
CONSECO FINANCE CORP ,	)	Chapter 11
	)	
Debtor	)	
	)	
	)	Hon Carol A Doyle
THE PLAN ADMINISTRATOR, on behalf of the POST-CONSUMMATION ESTATE OF THE FINANCE COMPANY DEBTORS,	)	
	)	
Plaintiff,	)	
	)	Adversary Proceeding
vs	)	No [redacted]
	)	
KENNEY & SOLOMON, P C	)	
	)	
Defendant	)	
	)	

STIPULATION AND AGREED ORDER CONCERNING MEDIATION

The Plan Administrator, on behalf of the Post-Consummation Estate of the Finance Company Debtors (the "**CFC Estate**"),[1] and Kenney, Solomon & Medina, P C (formerly known as Kenney & Solomon, P C , "**KSM**" and, collectively with the CFC Estate, the "**Parties**") hereby stipulate (the "**Stipulation**") and agree as follows

RECITALS

WHEREAS, KSM filed three proofs of claim against Conseco, Inc , et al , each asserting a general unsecured claim in the amount of $400,058 28, which claims are

[1] The post consummation estate for Conseco Finance Corp is the liquidating trust that holds in trust for distribution to creditors certain of the assets of the entities referred to as the "Finance Company Debtors" in the Finance Company Debtors' Sixth Amended Joint Liquidating Plan of Reorganization Pursuant to Chapter 11 of the United States Bankruptcy Code (the "**Plan**") Unless defined herein, capitalized terms shall have the meaning stated in the Plan, or the Omnibus Procedures Order (as defined below)

designated on the claims register as Claim Nos 49676-000003, 49676-000323 and 496765-00547 (collectively the "**Claims**"), and

WHEREAS, the CFC Estate filed the above-captioned adversary proceeding (the "**Preference Action**") against KSM, seeking avoidance and recovery of $386,701 63 of the Preference Transfers, and

WHEREAS, on November 15, 2004, the Court entered an Order Approving (I) Discovery Protocol, (II) Omnibus Hearing Dates, (III) Notice Procedures, (IV) Case Management Procedures and (V) Mediation Procedures for Preference Actions (the "**Omnibus Procedures Order**"), which attaches and incorporates Mediation Procedures for Certain Actions for Avoidance and Recovery of Preference Payments Pursuant to Sections 547 and 530 [*sic*] of the Bankruptcy Code (the "**Mediation Procedures**"), and

WHEREAS, the Omnibus Procedures Order (including its Mediation Procedures) does not apply to certain "Pending Preference Actions," including the above-captioned Preference Action, and

WHEREAS, the Parties wish to attempt to resolve disputes related to the Claims and the Preference Action through mediation

IT IS HEREBY STIPULATED AND AGREED, BY AND BETWEEN THE UNDERSIGNED PARTIES:

1 The Parties agree that this Preference Action shall be a "Mediation Adversary Proceeding" pursuant to the terms of, and shall be governed by, the Omnibus Procedures Order and that the parties are bound by the terms and procedures in the Mediation Procedures attached thereto, and procedures that may be issued by the Mediator (as defined below) in this Preference Action

2 The Mediator for this Preference Action shall be Albert Togut (the "**Mediator**") All of the provisions of the CFC Estate's February 15, 2005 Notice Designating Mediators for Preference Actions pertaining to Albert Togut shall apply to this Preference Action

3 Discovery in this Preference Action shall be suspended until ten (10) days following the Mediator's declaration that the mediation is concluded, provided that absent a declaration by the mediator that the mediation is concluded, discovery shall commence again on July 29, 2005, unless extended by mutual written agreement of the Parties Mediation of this Preference Action shall be deemed terminated upon the earlier of resolution of the disputes between the Parties or the recommencement of discovery in accordance herewith

4 The Parties agree to share equally and satisfy the fees and expenses that are incurred by the Mediator and his professionals in connection with the mediation of the Preference Action

5 The Parties agree that the mediation shall be conducted in person in New York City, and that each Party shall have in attendance at the mediation session a representative with authority to settle all matters in controversy between the Parties

[no additional text on this page]

Dated June 15, 2005 Chicago, Illinois	GREENBERG TRAURIG, LLP Nancy A Mitchell (ARDC No 6199397) Nancy A Peterman (ARDC No 6208120) Robert Lannan (ARDC 6243326) Greenberg Traurig, LLP 77 West Wacker Drive, Suite 2500 Chicago, Illinois 60601 Phone (312) 456-8400 Fax (312) 456-8435 Counsel for the CFC Estate
Dated June 15, 2005 Chicago, Illinois	GOLDBERG KOHN BELL BLACK ROSENBLOOM & MORITZ LTD Jeremy Downs (ARDC No 6272155) Goldberg Kohn Bell Black Rosenbloom & Moritz Ltd 55 East Monroe Street Suite 3700 Chicago, Illinois 60603 Counsel for Kenney, Solomon & Medina, P C
SO ORDERED Carol A. Doyle Carol A Doyle United States Bankruptcy Judge 6/15/05	

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re CONSECO FINANCE CORP ,
Case No 02-49675

DOCUMENTS APPENDED TO CLAIM

On October 5, 2005, Document(s) appended to Claim Number 49675-000547 for the following reason

- ☒ Stipulation/Order
- ☐ New Supporting Documents
- ☐ Change of Address
- ☐ Withdrawal of Claim
- ☐ Other

IN THE UNITED STA TES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re	)	Chapter 11
	)	
Conseco Finance Corp ,	)	Case No 02-49675
	)	
Debtor	)	The Honorable Carol A Doyle

STIPULATION AND AGREED ORDER RESOLVING THE CFC ESTATE'S FORTY-FIRST AND FIFTY-SECOND OMNIBUS OBJECTIONS TO KENNEY & SOLOMON, P C 'S CLAIM NO 49675-000547 AND CERTAIN RELATED MATTERS

The Plan Administrator, on behalf of the Post-Consummation Estate of the Finance Company Debtors (the "**CFC Estate**"),[1] and Kenney, Solomon & Medina, P C (f/k/a Kenney & Solomon, P C , "**KSM**"), hereby stipulate (the "**Stipulation**") and agree as follows

RECITALS

WHEREAS, on or about February 28, 2003, KSM filed a proof of claim against Conseco Finance Corp asserting a general unsecured claim in the amount of $400,058 28 and designated on the claim register as Claim No 49675-000547 (the "**Claim**"), and

WHEREAS, the Plan authorizes the Plan Administrator, on behalf of the CFC Estate, to avoid and recover preferential transfers pursuant to sections 547 and 550 of title 11 of the United States Code, 11 U S C §§ 101 et seq (2005) (the "**Bankruptcy Code**"), and

WHEREAS, the Plan Administrator, on behalf of the CFC Estate, has reviewed all transactions made within the 90-day period immediately preceding the Petition Date (the "**Preference Period**"), and the Plan Administrator concluded that KSM received the sum of

[1] The post consummation estate for Conseco Finance Corp is the liquidating trust that holds in trust for distribution to creditors certain of the assets of the entities referred to as the "Finance Company Debtors" in the Finance Company Debtors' Sixth Amended Joint Liquidating Plan of Reorganization Pursuant to Chapter 11 of the United States Bankruptcy Code (the "Plan")

$386,701 63 in potential preferential transfers (the "**Preference Period Transfers**") from Conseco Finance Servicing Corp ("**CFSC**") during the Preference Period, and

WHEREAS, the Plan Administrator filed the CFC Estate's Forty-First Omnibus Objection to Claims Pursuant to Section 502(d) of the Bankruptcy Code (the "**Forty-First Omnibus Objection**") requesting the disallowance of certain specified claims listed on the CFC Estate official claims register, including the Claim, on the basis that KSM received the Preference Period Transfers and had not repaid the Preference Period Transfers to the CFC Estate, and

WHEREAS, the Plan Administrator filed the CFC Estate's Fifty-Second Omnibus Objection to Claims Asserted Against the Finance Company Debtors (Substantive) and Request for Shortened Notice of Hearing on the Objection (the "**Fifty-Second Omnibus Objection**") requesting a reduction of certain specified claims listed on the CFC Estate official claims register, including the Claim; and

WHEREAS, the CFC Estate filed adversary proceeding, Case No 04-00306, against KSM based on the Preference Period Transfers (the "**Adversary Proceeding**"), and the Adversary Proceeding is being dismissed with prejudice contemporaneously herewith, and

WHEREAS, KSM timely filed responses to the Forty-First Omnibus Objection and the Fifty-Second Omnibus Objection, timely filed an answer in the Adversary Proceeding, and disputes the CFC Estate's objections to the Claim and its claims in the Adversary Proceeding, and

WHEREAS, the parties agree desire to resolve all of the disputes between them,

IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE UNDERSIGNED PARTIES, AND ORDERED BY THE COURT THAT

1 KSM's Claim is hereby allowed on a final basis in the amount of $62,500 00 ("**Reduced Allowed Claim**") Subject to Paragraph 2 below, the CFC Estate shall make an initial distribution to KSM equal to 28% of the Reduced Allowed Claim not later than 21 days after the date on which this order becomes final and non-appealable

2 KSM is responsible for payment of fifty percent (50%) of the mediation fees and expenses incurred in mediation of the Adversary Proceeding. In full and final satisfaction of such liability of KSM, the CFC Estate shall deduct $3,639 40 from the first distribution made in respect of KSM's Claim

3 This Stipulation resolves the Claim, and any other claims related in any way to any remaining amounts owed to KSM by the Finance Company Debtors or the CFC Estate KSM, on behalf of itself and its respective past, present and future affiliates, subsidiaries, officers, directors, partners, members, shareholders, employees, agents, representatives, professionals, attorneys, successors and assigns, shall be hereby deemed to have unconditionally fully released and forever discharged the Finance Company Debtors, the Estates, the CFC Estate and the Plan Administrator, and each of their respective past, present and future affiliates, subsidiaries, officers, directors, partners, members, shareholders, employees, agents, representatives, professionals, attorneys, successors and assigns (collectively, the "**CFC Released Parties**"), from any and all claims (including, as defined in section 101(5) of title 11 of the United States Code), demands, liens, agreements, contracts, covenants, actions, suits, causes of action, obligations, controversies, debts, costs, expenses, damages, judgments, orders and liabilities of whatever kind or nature, in law or equity, by statute or otherwise, whether now known or unknown, vested or contingent, liquidated or unliquidated, suspected or unsuspected, and whether or not concealed or hidden, which have existed or may have ever existed, or which

do or may exist, against the CFC Released Parties, to the extent arising in connection with events or occurrences that have transpired on or prior to the date hereof related to the Claim or the Preference Period Transfers

4 The CFC Released Parties, shall be hereby deemed to have unconditionally fully released and forever discharged KSM and its past, present and future affiliates, officers, directors, partners, members, shareholders, employees, agents, representatives, professionals, attorneys, successors and assigns from any and all claims (including, as defined in section 101(5) of title 11 of the United States Code), demands, liens, agreements, contracts, covenants, actions, suits, causes of action, obligations, controversies, debts, costs, expenses, damages, judgments, orders and liabilities of whatever kind or nature, in law or equity, by statute or otherwise, whether now known or unknown, vested or contingent, liquidated or unliquidated, suspected or unsuspected, and whether or not concealed or hidden, which have existed or may have ever existed, or which do or may exist, to the extent arising in connection with events or occurrences that have transpired on or prior to the date hereof (a) related to the Claim or the Preference Period Transfers, or (b) otherwise arising under chapter 5 of the Bankruptcy Code

5 Any and all pending objections, motions or other pleadings, if any, filed by or on behalf of any of the CFC Released Parties in respect of any claims or interests of KSM in this case shall hereby be deemed denied or dismissed (as applicable), with prejudice

6 This Stipulation may be executed in counterparts and by facsimile, and all such counterparts shall constitute one stipulation

7 The signatories to this Stipulation represent and warrant that they have been duly authorized to execute this Stipulation

8 This Stipulation and the agreed order dismissing the Adversary Proceeding constitute the entire agreement among KSM and the CFC Released Parties regarding the matters described herein No prior or contemporaneous agreement may be used to alter the terms of this Stipulation

Dated September __, 2005
Chicago, Illinois

GREENBERG TRAURIG, LLP

Keith J Shapiro (ARDC No 6184374)
Nancy A Peterman (ARDC No 6208120)
Robert Lannan (ARDC 6243326)
André L Zafrani (ARDC No 6256903)
Greenberg Traurig, LLP
77 West Wacker Drive, Suite 2500
Chicago, Illinois 60601
Phone (312) 456-8400
Fax (312) 456-8435

Counsel for the CFC Estate

Dated September 12, 2005
Chicago, Illinois

KENNEY, SOLOMON & MEDINA, P C

Jeremy M Downs (ARDC No 6272155)
Goldberg, Kohn, Bell, Black, Rosenbloom & Moritz, Ltd
55 East Monroe, Suite 3700
Chicago, Illinois 60603
Phone (312) 201-3893
Fax (312) 863-7893

Counsel for Kenney, Solomon & Medina, P C

SO ORDERED

Carol A. Doyle

Carol A Doyle
United States Bankruptcy Judge

10/3/05

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