UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS

PROOF OF CLAIM

Name of Debtor Against Which You Assert Your Claim

YOU MUST SELECT A DEBTOR AGAINST WHOM YOU ASSERT YOUR CLAIM YOU SELECT A DEBTOR BY CHECKING ONE BOX ON THE OTHER SIDE OF THIS NOTICE NOTE Check one box only Creditors holding claims against more than one Debtor must file a separate claim in the case of each Debtor against whom the creditor asserts a claim A creditor will be bound by the Debtor named in its proof of claim

03103104035748

YOUR CLAIM IS SCHEDULED AS

CONSECO FINANCE SERVICING CORP (02-49676 CAD)

$12 127 31 UNSECURED

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

☐ 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 this address differs from the address on the envelope sent to you by the court

The amounts reflected above if any constitute your claim as scheduled by the Debtor If you agree with the amounts set forth herein and have no other claim against the Debtor you do not need to file this proof of claim EXCEPT as stated below

If the amounts shown above are listed as Contingent Unliquidated or Disputed a proof of claim must be filed

If you have already filed a proof of claim with the Bankruptcy Court or BMC you do not need to file

Name of Creditor and Address

03103104035748

LERNER SAMPSON & ROTHFUSS CO
PO BOX 1985
120 E 4TH ST STE 800
CINCINNATI OH 45202-4070

Creditor Telephone Number 513-241-3100

CREDITOR TAX I D #	ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR	Check here if this claim ☐ replaces or ☐ amends a previously filed claim dated _____
31-0864957		

BASIS FOR CLAIM

☐ Goods sold
☒ Services performed
☐ Money loaned
☐ Bondholder
☐ Personal injury/wrongful death
☐ Taxes
☒ Other (describe briefly) plus court costs advanced
☐ Retiree benefits as defined in 11 U S C § 1114(a
☐ Wages salaries and compensation (Fill out below)
Your social security number _____
Unpaid compensation for services performed from _____ (date) to _____ (date)

2 DATE DEBT WAS INCURRED various

3 IF COURT JUDGMENT, DATE OBTAINED

4 TOTAL AMOUNT OF CLAIM $ 51,762 04 (unsecured) $ _____ (secured) $ _____ (unsecured priority) $ 51,762 04 (total)

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 above if any $ _____

6 UNSECURED PRIORITY CLAIM

☐ Check this box if you have an unsecured priority claim

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 4/1/01 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 he documents are not available explain If the documents are voluminous attach a summary *

9 DATE-STAMPED COPY **To receive an acknowledgment of your claim, please enclose a self addressed stamped envelope and an additional copy of your claim**

The original of this completed proof of claim form must be sent by mail or hand delivered FAXES NOT ACCEPTED) so that it is received on or before 4 00 pm, Central Time on May 22 2003

BY MAIL TO
Bankruptcy Management Corporation
ATTN Conseco Inc Claims
P O BOX 1042
El Segundo CA 90245-1042

BY HAND OR OVERNIGHT DELIVERY TO
Bankruptcy Management Corporation
ATTN Conseco Inc Claims
1330 East Franklin Avenue
El Segundo CA 90245

THIS SPACE FOR COURT USE ONLY

FILED

MAY 22 2003

BMC

Conseco Finance Servicing Claim

49676001525

TE SIGNED
-21-2003

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)

Lerner, Sampson & Rothfuss by Rick D DeBlasis, Principal

Penalty for presenting fraudulent claim is a fine of up to $500 000 or imprisonment for up to 5 years or both 18 U S C

* Documents voluminous - summary attached.

Name of Debtor Against Which You Assert Your Claim
Check One Box Only

- ☐ Conseco Finance Corp (02-49675-CAD)
- ☒ Conseco Finance Servicing Corp (02-49676 CAD)
- ☐ Conseco Agency of Alabama Inc (03-04692 CAD)
- ☐ Conseco Agency Inc (03-04693 CAD)
- ☐ Conseco Agency of Kentucky Inc (03-04694-CAD)
- ☐ Conseco Agency of Nevada Inc (03-04695-CAD)
- ☐ Conseco Agency of New York Inc (03-04696-CAD)
- ☐ Crum-Reed General Agency Inc (03-04697-CAD)
- ☐ Conseco Finance Canada Company (03-04698 CAD)
- ☐ Conseco Finance Canada Holding Company (03-04699 CAD)
- ☐ Conseco Finance Corp - Alabama (03-04700-CAD)
- ☐ Conseco Finance Credit Corp (03-04701-CAD)
- ☐ Conseco Finance Consumer Discount Company (03-04702-CAD)
- ☐ Conseco Finance Loan Company (03-04703-CAD)
- ☐ Conseco Finance Net Interest Margin Finance Corp I (03-04704 CAD)
- ☐ Conseco Finance Net Interest Margin Finance Corp II (03-04705-CAD)
- ☐ Green Tree Floorplan Funding Corp (03-04706-CAD)
- ☐ Green Tree Finance Corp - Two (03-04707-CAD)
- ☐ Landmark Manufactured Housing Inc (03-04708-CAD)
- ☐ Rice Park Properties Corporation (03-04709-CAD)

INSTRUCTIONS FOR FILING PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law In particular types of cases or circumstances such as bankruptcy cases that are not filed voluntarily by a debtor there may be exceptions to the general rules

— DEFINITIONS —

Debtor

The person corporation or other entity that has filed a bankruptcy case is called the debtor

Creditor

A creditor is any person corporation or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed

Proof of Claim

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim) This form must be filed with the court appointed Claims Agent Bankruptcy management Corporation at the address listed on the reverse side of this page

Secured Claim

A claim is a secured claim to the extent that the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property

Examples of liens are a mortgage on real estate and a security interest in a car truck boat television set or other item of property A lien may have been obtained through a court proceeding before a bankruptcy case began In some states a court judgment is a lien In addition to the extent a creditor also owes money to the debtor (has a right of setoff) the creditor's claim may be a secured claim (See also Unsecured Claim)

Unsecured Claim

If a claim is not secured claim it is an unsecured claim A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full

Unsecured Priority Claim

Certain types of unsecured claims are given priority so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims) The most common types of priority claims are listed on the proof of claim form Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as Unsecured Nonpriority Claims

Items to be completed in Proof of Claim form (if not already filled in)

Court, Name of Debtor, and Case Number

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example District of Delaware) the name of the debtor in the bankruptcy case and the bankruptcy case number If you received a notice of the case from the Claims Agent Bankruptcy Management Corporation all of this information is near the top of the notice

Information about Creditor

If not already accurately pre-printed complete the section giving the name address and telephone number of the creditor to whom the debtor owes money or property and the debtor's account number if any If (a) anyone else has already filed a proof of claim relating to this debt (b) if you never received notices from the bankruptcy court about this case (c) if your address differs from that to which the Claims Agent sent this notice or (d) if this proof of claim replaces or amends a proof of claim that was already filed check the appropriate boxes on the form

1 Basis for Claim

Check the type of debt for which the proof of claim is being filed If the type of debt is not listed check Other" and briefly describe the type of debt If you were an employee of the debtor fill in your social security number and the dates of work for which you were not paid

2 Date Debt Incurred

Fill in the date when the debt was first owed by the debtor

3 Court Judgments

If you have a court judgment for this debt state the date the court entered the judgment

4 Total Amount of Claim at Time Case Filed

Fill in the total amount of the entire claim If interest or other charges in addition to the principal amount of the claim are included check the appropriate place on the form and attach an itemization of the interest and charges

5 Secured Claim

If your claim is a secured claim check the appropriate boxes in this section You must state the type and value of property that is collateral for the claim attach copies of the documentation of your lien and state the amount past due on the claim as of the date the bankruptcy case was filed A claim may be partly secured and partly unsecured (See DEFINITIONS above)

6 Unsecured Priority Claim

If your claim is an unsecured priority claim (See DEFINITIONS above) check the appropriate boxes in this section and state the amount entitled to priority A claim may be partly priority and partly nonpriority if for example the claim is more than the amount given priority by the law Check the appropriate place to specify the type of priority claim

7 Credits

By signing this proof of claim you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor

8 Supporting Documents

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or if the documents are too lengthy a summary of those documents If documents are not available you must attach an explanation of why they are not available

Please read – Important information upon completion of this claim form you are certifying that the statements herein are true

Be sure to date the claim and place original signature of claimant or person making the claim for creditor where indicated at the bottom of the claim form Please type or print name of individual under the signature Be sure all items are answered on the claim form If not applicable insert Not Applicable

Return claim form and attachments if any and a second copy with any attachments to the Claims Agent, Bankruptcy Management Corporation at the address on the front of this form

Lerner, Sampson Rothfuss
Client A/R Aging Report
for Conseco Financial

Matter Number	Bill Date	Age in Days	Bill Number	Billed Fees	Billed Costs	Bill Amount	Applied Fees	Applied Costs	Payments Applied	Balance Fees	Balance Costs	Bill Balance
199910566	12/12/02	5	330345	825 00	3,623 57	4,448 57	0 00	1,613 00	1,613 00	825 00	2,010 57	2,835 57
200111044	08/01/02	138	305137	1,150 00	1,040 34	2,190 34	***350 00***	1,000 00	1,350 00	800 00	40 34	840 34
200113100	04/01/02	260	285639	295 00	0 00	295 00	95 00	0 00	95 00	200 00	0 00	200 00
200113100	05/01/02	230	290856	597 50	0 00	597 50	397 50	0 00	397 50	200 00	0 00	200 00
200113100	08/01/02	138	305345	437 50	0 00	437 50	166 98	0 00	166 98	270 52	0 00	270 52
200113100	10/01/02	77	315575	37 50	0 00	37 50	0 00	0 00	0 00	37 50	0 00	37 50
200113108	01/03/02	348	266456	75 00	10 00	85 00	65 00	10 00	75 00	10 00	0 00	10 00
200114315	09/27/02	81	314930	0 00	267 60	267 60	0 00	0 00	0 00	0 00	267 60	267 60
200115197	02/14/09	306	276765	1,050 00	750 00	1,800 00	900 00	750 00	1,650 00	150 00	0 00	150 00
200115593	12/10/02	7	329972	0 00	4,881 60	4,881 60	0 00	0 00	0 00	0 00	4,881 60	4,881 60
200115597	03/11/02	281	281125	950 00	725 00	1,675 00	750 00	725 00	1,475 00	200 00	0 00	200 00
200116462	01/28/02	323	269653	450 00	75 00	525 00	0 00	0 00	0 00	450 00	75 00	525 00
200116709	11/25/02	22	327050	0 00	4,563 28	4,563 28	0 00	0 00	0 00	0 00	4,563 28	4,563 28
200117143	09/05/02	103	309780	1,400 00	2,112 30	3,512 30	387 70	2,112 30	2,500 00	1,012 30	0 00	1,012 30
200117143	10/22/02	56	320310	275 00	0 00	275 00	0 00	0 00	0 00	275 00	0 00	275 00
200117334	02/11/02	309	276264	125 00	10 00	135 00	115 00	10 00	125 00	10 00	0 00	10 00
200117341	05/14/02	217	293053	1,050 00	900 00	1,950 00	800 00	900 00	1,700 00	250 00	0 00	250 00
200117357	12/10/02	7	329823	275 00	3,771 29	4,046 29	0 00	0 00	0 00	275 00	3,771 29	4,046 29
200117401	04/05/02	246	288139	100 00	0 00	100 00	0 00	0 00	0 00	100 00	0 00	100 00
200117419	01/28/02	323	269659	75 00	10 00	85 00	65 00	10 00	75 00	10 00	0 00	10 00
200117596	02/09/02	311	276027	800 00	190 00	990 00	770 00	190 00	960 00	30 00	0 00	30 00
200117788	05/16/02	215	293581	275 00	0 00	275 00	0 00	0 00	0 00	275 00	0 00	275 00
200117788	12/03/02	14	328466	500 00	150 00	650 00	0 00	0 00	0 00	500 00	150 00	650 00
200117827	01/14/02	337	267847	75 00	10 00	85 00	65 00	10 00	75 00	10 00	0 00	10 00
200117837	11/25/02	22	327025	0 00	3,356 70	3,356 70	0 00	0 00	0 00	0 00	3,356 70	3,356 70
200119344	09/28/02	80	315082	275 00	0 00	275 00	0 00	0 00	0 00	275 00	0 00	275 00
200119454	03/29/02	263	285135	550 00	0 00	550 00	0 00	0 00	0 00	550 00	0 00	550 00
200120064	05/21/02	210	294360	275 00	0 00	275 00	125 00	0 00	125 00	150 00	0 00	150 00
200120064	10/04/02	74	317022	350 00	75 00	425 00	0 00	0 00	0 00	350 00	75 00	425 00
200200267	02/25/02	295	278577	75 00	10 00	85 00	65 00	10 00	75 00	10 00	0 00	10 00
200200286	02/22/02	298	278118	125 00	10 00	135 00	115 00	10 00	125 00	10 00	0 00	10 00
200200439	03/29/02	263	285022	550 00	75 00	625 00	0 00	0 00	0 00	550 00	75 00	625 00
200200712	11/07/02	40	323520	950 00	912 00	1,862 00	525 00	912 00	1,437 00	425 00	0 00	425 00
200200802	03/30/02	262	285235	125 00	0 00	125 00	0 00	0 00	0 00	125 00	0 00	125 00
200201098	12/17/02	0	331793	1,500 00	2,125 00	3,625 00	375 00	2,125 00	2,500 00	1,125 00	0 00	1,125 00

Lerner, Sampson Rothfuss
Client A/R Aging Report
for Conseco Financial

Matter Number	Bill Date	Age in Days	Bill Number	Billed Fees	Billed Costs	Bill Amount	Applied Fees	Applied Costs	Payments Applied	Balance Fees	Balance Costs	Bill Balance
200201162	01/28/02	323	269520	250 00	350 00	600 00	150 00	350 00	500 00	100 00	0 00	100 00
200201413	04/22/02	239	288988	125 00	0 00	125 00	0 00	0 00	0 00	125 00	0 00	125 00
200201461	02/27/02	293	279296	100 00	40 00	140 00	0 00	0 00	0 00	100 00	40 00	140 00
200201674	04/12/02	249	287929	725 00	617 00	1,342 00	383 00	617 00	1,000 00	342 00	0 00	342 00
200201674	05/06/02	225	291720	275 00	0 00	275 00	0 00	0 00	0 00	275 00	0 00	275 00
200202399	12/03/02	14	328252	0 00	1,094 73	1,094 73	0 00	0 00	0 00	0 00	1,094 73	1,094 73
200202427	12/03/02	14	328363	1,100 00	6,935 98	8,035 98	0 00	2,500 00	2,500 00	1,100 00	4,435 98	5,535 98
200202569	03/22/02	270	283467	125 00	0 00	125 00	0 00	0 00	0 00	125 00	0 00	125 00
200202579	02/24/02	296	278251	275 00	0 00	275 00	0 00	0 00	0 00	275 00	0 00	275 00
200203566	03/11/02	281	281098	250 00	350 00	600 00	150 00	350 00	500 00	100 00	0 00	100 00
200205193	04/26/02	235	290043	500 00	85 00	585 00	0 00	0 00	0 00	500 00	85 00	585 00
200206070	07/05/02	165	300813	275 00	0 00	275 00	125 00	0 00	125 00	150 00	0 00	150 00
200207106	06/13/02	187	297648	950 00	737 00	1,687 00	825 00	737 00	1,562 00	125 00	0 00	125 00
200207445	07/24/02	146	303998	275 00	0 00	275 00	125 00	0 00	125 00	150 00	0 00	150 00
200207445	11/27/02	20	327756	550 00	75 00	625 00	0 00	0 00	0 00	550 00	75 00	625 00
200208347	06/10/02	190	297198	275 00	0 00	275 00	125 00	0 00	125 00	150 00	0 00	150 00
200208423	05/15/02	216	293178	275 00	0 00	275 00	0 00	0 00	0 00	275 00	0 00	275 00
200208444	05/07/02	224	292040	275 00	0 00	275 00	0 00	0 00	0 00	275 00	0 00	275 00
200208984	05/23/02	208	294751	800 00	180 00	980 00	780 00	180 00	960 00	20 00	0 00	20 00
200209247	09/26/02	82	314682	725 00	775 00	1,500 00	225 00	775 00	1,000 00	500 00	0 00	500 00
200209247	10/01/02	77	315770	30 00	0 00	30 00	0 00	0 00	0 00	30 00	0 00	30 00
200209247	11/01/02	46	322632	240 00	0 00	240 00	0 00	0 00	0 00	240 00	0 00	240 00
200209247	12/01/02	16	333100	142 50	100 00	242 50	0 00	0 00	0 00	142 50	100 00	242 50
200209714	09/10/02	98	310501	725 00	776 28	1,501 28	223 72	776 28	1,000 00	501 28	0 00	501 28
200210732	05/30/02	201	295480	275 00	0 00	275 00	150 00	0 00	150 00	125 00	0 00	125 00
200210908	07/09/02	161	301196	275 00	0 00	275 00	125 00	0 00	125 00	150 00	0 00	150 00
200211483	07/19/02	151	303290	275 00	0 00	275 00	125 00	0 00	125 00	150 00	0 00	150 00
200212616	08/06/02	133	305910	0 00	18 60	18 60	0 00	0 00	0 00	0 00	18 60	18 60
200212616	10/01/02	77	315576	3,395 25	0 00	3,395 25	0 00	0 00	0 00	3,395 25	0 00	3,395 25
200212616	11/01/02	46	322463	1,080 00	0 00	1,080 00	0 00	0 00	0 00	1,080 00	0 00	1,080 00
200212616	12/01/02	16	333188	105 00	0 00	105 00	0 00	0 00	0 00	105 00	0 00	105 00
200213773	07/17/02	153	302759	250 00	350 00	600 00	0 00	0 00	0 00	250 00	350 00	600 00
200214217	07/16/02	154	302520	275 00	0 00	275 00	125 00	0 00	125 00	150 00	0 00	150 00
200214634	12/05/02	12	328964	725 00	800 00	1,525 00	200 00	800 00	1,000 00	525 00	0 00	525 00
200215047	09/20/02	88	312921	275 00	0 00	275 00	0 00	0 00	0 00	275 00	0 00	275 00

Lerner, Sampson Rothfuss
Client A/R Aging Report
for Conseco Financial

Matter Number	Bill Date	Age in Days	Bill Number	Billed Fees	Billed Costs	Bill Amount	Applied Fees	Applied Costs	Payments Applied	Balance Fees	Balance Costs	Bill Balance
200216466	09/20/02	88	313079	500 00	115 00	615 00	0 00	0 00	0 00	500 00	115 00	615 00
200216558	08/29/02	110	309192	500 00	115 00	615 00	0 00	0 00	0 00	500 00	115 00	615 00
200217555	11/27/02	20	327763	350 00	75 00	425 00	0 00	0 00	0 00	350 00	75 00	425 00
200218851	10/01/02	77	315951	350 00	0 00	350 00	0 00	0 00	0 00	350 00	0 00	350 00
200219004	09/23/02	85	313697	550 00	190 00	740 00	0 00	0 00	0 00	550 00	190 00	740 00
200220498	11/25/02	22	327078	500 00	125 00	625 00	0 00	0 00	0 00	500 00	125 00	625 00
200220534	11/25/02	22	327133	500 00	125 00	625 00	0 00	0 00	0 00	500 00	125 00	625 00
200220655	09/23/02	85	313759	100 00	10 00	110 00	0 00	0 00	0 00	100 00	10 00	110 00
200220738	10/08/02	70	317595	275 00	115 00	390 00	10 00	115 00	125 00	265 00	0 00	265 00
200223982	11/27/02	20	327686	100 00	10 00	110 00	0 00	0 00	0 00	100 00	10 00	110 00
				35,510 25	43,818 27	79,328 52	9,978 90	17,587 58	27,566 48	25,531 35	26,230 69	51,762 04

Items in bold Italic were wright offs

DONALD M LERNER (OF COUNSEL)
KIRK SAMPSON
RICHARD M ROTHFUSS*
RICK D DeBLASIS
KATHLEEN E HAYES*
ALAN J ULLMAN*
SARA M PETERSMANN
JOHN R CUMMINS*
ROMI T FOX
CRAIG A THOMAS
CARLOS S RAMIREZ
MELISSA J WHALEN*
MICHAEL R BRINKMAN*
CHRISTINA M LIEPOLD
BRIAN S JACKSON*
SUSAN E MANDRYK
JON J LIEBERMAN*
CHRISTOPHER J SIEGEL
PAMELA S PETAS*
TRACEY M JOHNSON
ANDREW M TOP
EDWARD J BOLL III
PATRICIA K BLOCK
JILL L DIMITT
THERESA M MOHAN*
LORI R LEACH*
JOEL K JENSEN*
ROBERT CHARLES DIX
CYNTHIA M ROSELLE
C SCOTT CASTERLINE

LERNER, SAMPSON & ROTHFUSS
A LEGAL PROFESSIONAL ASSOCIATION

EIGHTH FLOOR
120 EAST FOURTH STREET
CINCINNATI OH 45202-4007

E mail to RDD@LSRLaw com
DIRECT DIAL (513) 412 6614
DIRECT FAX (513) 412-6645

ADAM R FOGELMAN
KIMBERLY VARNEY THOMAS
THIERRY V GUASTAVINO
FREDERICK B HATTON
KATHRYN E BUERGER
YAN-ANG MARII YN LI
MEL J SIMMONS
THOMAS L HENDERSON
KERRI L NUNLEY*
ANITA L MADDIX
DAVID E JOHNSON*
DONALD K SWARTZ#
SHANNON O'CONNELL EGAN+
ANTHONY J GEMMATO JR
KEVIN R WALSH
JAMES D KEFFER+#
MATTHEW I MCKELVEY
KATHLEEN E KAHMANN
JENIECE D JONES
WILLIAM L PURTELL
SUSANA E LYKINS
ROBYN M REGAN
KRISTINA S SAWYER
JEREMY M RETTIG+
KRISTEN J MUDD+
AMY TRIPLETT MORGAN*

* ALSO ADMITTED IN KENTUCKY
\+ ADMITTED IN KENTUCKY
\# ALSO ADMITTED IN WEST VIRGINIA

May 21, 2003

Bankruptcy Management Corporation
ATTN Conseco, Inc Claims
1330 East Franklin Avenue
El Segundo, CA 90245

VIA OVERNIGHT DELIVERY

RE **Conseco Finance Servicing Corp**
Ch 11 Case No 02-49676-CAD

Gentlemen

I now enclose for filing the original and two copies of the Proof of Claim of this firm Kindly time-stamp and file the Proof of Claim in the referenced case file, and return a time-stamped copy to me in the self-addressed, stamped envelope provided

Thank you for your help

Very truly yours,

LERNER, SAMPSON & ROTHFUSS

Rick D DeBlasis

RDD
Enclosure

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 49676-001525 for the following reason

☒ Stipulation/Order

☐ New Supporting Documents

☐ Change of Address

☐ Withdrawal of Claim

☐ Other

IN THE UNITED STATES 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-FOURTH AND FIFTY-SECOND OMNIBUS OBJECTIONS TO LERNER, SAMPSON & ROTHFUSS' CLAIM NO. 49676-001525

The Plan Administrator, on behalf of the Post-Consummation Estate of the Finance Company Debtors (the "**CFC Estate**"),[1] and Lerner, Sampson & Rothfuss, a Legal Professional Association ("**LS&R**") hereby stipulate (the "**Stipulation**") and agree as follows:

RECITALS

WHEREAS, LS&R filed a proof of claim against Conseco Finance Corp ("**CFC**") asserting a general unsecured claim in the amount of $51,762.04 designated on the claims register as Claim No. 49676-001525 (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. (2004) (the "**Bankruptcy Code**"), and

[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.

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 this review has revealed that LS&R received the sum of $132,124 42 in potential preferential transfers (the "**Preference Transfers**") from CFSC during the Preference Period, and

WHEREAS, the Plan Administrator filed the CFC Estate's Forty-Fourth Omnibus Objection to Claims Pursuant to Section 502(d) of the Bankruptcy Code (the "**Objection**") requesting the disallowance of certain specified claims listed on the CFC Estate official claims register, including the Claim, given that LS&R received the Preference Transfers and has not yet repaid the Preference Transfers to the CFC Estate, and

WHEREAS, the Plan Administrator filed the CFC Estate's Fifty-Second Omnibus Objection to Claims requesting that the Claim be reduced to an amount equal to the CFC Estate's records

WHEREAS, on October 25, 2004, the Plan Administrator, on behalf of the Post-Consummation Estate of the Finance Company Debtors, filed a Complaint to Avoid and Recover Preferential Transfers Pursuant to 11. U.S C §§ 547(b) and 550 under Adversary Proceeding Number 04-03922 against LS&R (the "**Adversary Proceeding**"),

WHEREAS, the parties agree desire to resolve their dispute,

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

1 LS&R agrees that the Claim will be withdrawn and disallowed in its entirety

2 Within five (5) days after LS&R receives an invoice for mediation fees and expenses, LS&R shall remit to the CFC Estate a check payable to the "Post-Consummation

Estate," for fifty percent (50%) of the total mediation fees and expenses relating to the Adversary Proceeding

3. The Plan Administrator, on behalf of the CFC Estate, shall cause the Adversary Proceeding to be dismissed, with prejudice, upon approval and entry of this Stipulation

4 This Stipulation resolves the Claim, and any other claims related in any way to any remaining amounts owed to LS&R by the Finance Company Debtors or the CFC Estate. Subject to the CFC Estate's obligations under this Stipulation, LS&R and its past, present and future affiliates, agents, representatives, successors and assigns hereby release, acquit and forever discharge 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 **"Released Parties"**) from and against all claims, contracts, disputes, agreements, covenants, demands, obligations, controversies, suits, cross-claims, torts, costs, losses, attorneys' fees, damages, liabilities, expenses and causes of action, whether in law or in equity, whether known or unknown, whether anticipated or unanticipated, whether suspected or claimed, whether fixed or contingent, whether yet accrued or not, and whether damages have resulted from such or not, of any kind, nature or description, that LS&R has or may hereafter assert against the Released Parties, including, without limitation, the right to receive or assert a claim against the CFC Estate for the value of the Settlement Amount

5 Subject to LS&R's obligations under this Stipulation, the CFC Estate hereby releases, acquits and forever discharges LS&R and its past, present and future respective subsidiaries, divisions, affiliates, employees, officers, directors, shareholders, professionals,

attorneys, members, agents, representatives, successors and assigns (collectively, the "**LS&R Released Parties**") from and against all claims, contracts, disputes, agreements, covenants, demands, obligations, controversies, suits, cross-claims, torts, costs, losses, attorneys' fees, damages, liabilities, expenses and causes of action, whether in law or in equity, whether known or unknown, whether anticipated or unanticipated, whether suspected or claimed, whether fixed or contingent, that the CFC Estate has, may have had or may hereafter assert against the LS&R Released Parties based on the Preference Claim

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 in conjunction with a certain settlement agreement between the CFC Estate and LS&R constitutes the entire agreement between the parties No prior or contemporaneous agreement may be used to alter the terms of this Stipulation.

Dated _____, 2005
Chicago, Illinois

GREENBERG TRAURIG, LLP

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Keith J. Shapiro (ARDC No 6184374)
Nancy A Peterman (ARDC No 6208120)
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 June 9, 2005
Cincinnati, OH

LERNER, SAMPSON & ROTHFUSS, A LEGAL PROFESSIONAL ASSOCIATION

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Signature

COUNSEL AND PRINCIPAL

Title of Signatory

Rick D DeBlasis, Esq.
Lerner Sampson & Rothfuss, LPA
120 East Fourth Street, Suite 800
Cincinnati, OH 45202
Telephone 513-412-6614
Facsimile 513-354-6765

SO ORDERED

Carol A. Doyle

Carol A Doyle
United States Bankruptcy Judge

6/22/05

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