**FORM B10** (Official Form 10) (4/98)

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIV

**PROOF OF CLAIM**

Name of Debtor
CONSECO, INC & CONSECO FINANCE CORP

Case Number 02 B 49672

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)
David G Bragg

☐ 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

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
FEB 18 2003
KENNETH S GARDNER, CLERK
MAILROOM - KC

THIS SPACE IS FOR COURT USE ONLY

Name and address where notices should be sent
David G Bragg, c/o Scott A Rosin, PA
5835 Memorial Hwy, Suite 6
Tampa, FL 33615
and
David G Bragg
5808 Middlesex Dr
Tampa, FL 33615

Telephone number

Account or other number by which creditor identifies debtor
5808 Middlesex Dr
Tampa, FL 33615

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 Negligence- Failure to timely submit hazard and flood insurance papers and payment held on mobile home financing

☐ 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** 02/21/02

**3 If court judgment, date obtained**

**4 Total Amount of Claim at Time Case Filed** $ 85,000
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 $4 300),* 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 $1,950* 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 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

THIS SPACE IS FOR COURT USE ONLY
Conseco Finance Servicing Claim
49676001853
RECD FEB 24 2003
Conseco Inc Claim
49672007216

Date 02/10/03

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)
Scott A Rosin, Attorney for David G Bragg

*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

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☐ Real Estate ☐ Motor Vehicle
☐ Other_____
Value of Collateral $_____
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☐ Check this box if you have an unsecured priority claim
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☐ Alimony maintenance or support owed to a spouse former spouse or child 11 U S C § 507(a)(7)
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THIS SPACE IS FOR COURT USE ONLY

RECD FEB 24 2003

Conseco Inc Claim
49672007216

Date
02/10/03

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)
Scott A Rosin, Attorney for David G Bragg

*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

**Premiere**
**Insurance Agency, Incorporated**

June 24, 2002

CONSECO Financing Corporation
3550 Buschwood Park Dr
Suite #295
Tampa, FL 33618

Reference David Bragg, 5805 Middlesex Dr, Tampa, FL 33615

Att Naomi

This follows our several telephone conversations regarding the property as referenced above

As you will recall, A Premiere Insurance Agency, Inc did not receive, payments, applications or other requests to bind coverage for Mr Bragg until 6/12/02 or, nearly four months after the closing and well after Mr Bragg suffered damage to his home from a windstorm on June 5, 2002

As far as we can determine, Mr Bragg has no valid insurance for his property at this time

We are returning the checks and other various paperwork attached to the checks for your records

Sincerely,
**A PREMIERE INSURANCE AGENCY, INC**

James C Parker
Agent

cc: David Bragg

2047 Osprey Lane, Suite "B", Lutz, Florida 33549 • 813-948-2255 • Fax 813-949-0802

S
B
D

PLEASE TYPE OR PRINT

FOR SHIPMENTS WITHIN U S ONLY

FROM

RECEIVED
JUN 12 2002
BY

Payment

Bill to
Receiver 3rdParty

Paid in Advance

Origin Airbill Number
4565653890

AIRBORNE EXPRESS.
1 800 247 2676

EXP (Letter - 150 lbs)

NAS (Letter - 5 lbs)

SDS (Letter - 150 lbs)

Billing Reference (will appear on invoice)

| # of Pkgs | Weight (LBS) | Packaging | One box must be checked | | |
|---|---|---|---|---|---|
| | | Lette Express | Express Pack | Other Packaging |
| 1 | | ☐ | ☐ | ☐ |

TO

Special Instructions

☐ SAT ☐ HAA

☐ LAB ☐

4565653890 456 565 3890

001 (12/01) S 08
PACKAGE LABEL

TPAX 80 FSC

012100

SUNBELT
TITLE AGENCY
CARROLLWOOD ESCROW ACCOUNT
11801 North Dale Mabry
Tampa FL 33618
Phone (813) 960-8849

BANK OF AMERICA
63 4
630

12100
14-0740-ARH

--Four Hundred Forty and 00/100 ---------- DATE ---------- AMOUNT Dollars

02/22/02 $ *****440 00

VOID AFTER 90 DAYS FROM DATE OF ISSUE

AY
O THE
RDER
F

A-1 PREMIER

⑈012100⑈ ⑆063000047⑆ 003660604843⑈

SUNBELT TITLE AGENCY
RROLLWOOD ESCROW ACCOUNT

012100

**** REAL ESTATE CLOSING ****

12100
14-0740-ARH

Buyer/Borrower BRAGG
Seller KELLY
Lender CONSECO FINANCE SERVICING CORP
Property 5805 MIDDLESEX DRIVE/TAMPA FL 33615-373
Settlement Date February 21 2002
Disbursement Date February 22 2002
Check Amount $ 440 00
Pay To A-1 PREMIER
For
FLOOD INSURANCE

Closer/Responsible Party Rachel

RECEIVED
JUN 12 2002
BY A Premier

012103

SUNBELT
TITLE AGENCY
CARROLLWOOD ESCROW ACCOUNT
11801 North Dale Mabry
Tampa FL 33618
Phone (813) 960-8849

BANK OF AMERICA
63 4
630

12103
14-0740-ARH

-Eight Hundred Thirty Eight and 00/100 ---------- DATE ---------- AMOUNT Dollars

02/22/02 $ *****838 00

Y
THE
DER

VOID AFTER 90 DAYS FROM DATE OF ISSUE

A-1 PREMIER

⑈012103⑈ ⑆063000047⑆ 00366060484 3⑈

SUNBELT TITLE AGENCY
CARROLLWOOD ESCROW ACCOUNT

012103

**** REAL ESTATE CLOSING ****

12103
14-0740-ARH

| | |
|---|---|
| Buyer/Borrower | BRAGG |
| Seller | KELLY |
| Lender | CONSECO FINANCE SERVICING CORP |
| Property | 5805 MIDDLESEX DRIVE/TAMPA FL 33615-373 |
| Settlement Date | February 21 2002 |
| Disbursement Date | February 22 2002 |
| Check Amount | $ 838 00 |
| Pay To | A-1 PREMIER |
| For | |
| | Hazard Insurance Premium |

Closer/Responsible Party Rachel

RECEIVED
JUN 12 2002
BY A Dunning

Premiere
Insurance Agency, Incorporated

June 21, 2002

Mr David Bragg
5805 Middlesex Dr
Tampa, FL 33615

Dear Mr Bragg

This letter follows our personal meeting at your home and our subsequent telephone conversations regarding your recent Windstorm claim

As you were advised, A Premiere Insurance Agency, Inc provided a preliminary "quotation" to COSECO Finance Servicing Corporation for Homeowners and Flood Insurance in January 2002 We followed up that quote with an insurance application that was to be completed and returned to this office if, the quote was acceptable

A Premiere Insurance Agency, Inc did not provide insurance coverage for your property because, applications were not completed or returned, premium payments were not made and no proper requests for binding or insurance were received

After you called to report a claim on June 6, 2002, we searched our office and discovered that we received nothing from your Title Agent or Mortgage Company We checked with Rachel at Sunbelt Title who, advised that she had hand delivered all of the paperwork she had on your insurance to your Mortgage Company at closing The Mortgage Company was to have taken care of the details

We then checked with Naomi at Conseco Finance She advised that they had no binders or other proof of insurance from Sunbelt Title Conseco Finance stated that Sun Belt Title had not given them the Insurance Documents We advised both Conseco and Sunbelt that there was no insurance coverage for you at this time They are blaming each other for failing to secure insurance coverage for your home

On June 12, 2002 we received checks for the payment of your insurance from Conseco by Airborne Express Those checks were written on February 22, 2002 but not delivered to us until 6/12/02 Inasmuch as the checks are out of date and can not be cashed, you have not completed an application for insurance we are returning the paperwork to your mortgage company

2047 Osprey Lane, Suite "B", Lutz, Florida 33549 • 813-948-2255 • Fax 813-949-0802

If you have any questions, please contact Conseco Finance Servicing Corporation at 813-936-2400 of Sunbelt Title Agency at 813-960-8849

Should you wish to insure your property, please call our office or, another Insurance Agent in your area As you are aware, storm season is here and the potential for damage is much greater during this time of year

Sincerely,
**A PREMIERE INSURANCE AGENCY, INC**

James C Parker
Agent

cc CONSECO, SUNBELT

# SCOTT A. ROSIN, P.A.

*Attorney and Counselor at Law*

Bankruptcy
Collections
Debt Relief
Plus!

5835 Memorial Highway, Suite 6
Tampa, Florida 33615

Telephone (813) 889 9889
Facsimile (813) 887 3074


September 11, 2002

CONSECO FINANCE SERVICING CORP
ATTN BILL KOENIG, OPERATIONS MGR
9119 CORPORATE LAKE DR STE 175
TAMPA, FL 33634
TEL 800-433-6832
FAX 800-870-0961

VIA CERTIFIED MAIL
70001530000403182459
RETURN RECEIPT REQUESTED

CONSECO FINANCING CORP
ATTN SCOTT A JOHNSON, MGR
3550 BUSCHWOOD PARK DR
TAMPA, FL 33618
TEL 813-936-2400
FAX 800-360-6608

VIA CERTIFIED MAIL
70001530000403182466
RETURN RECEIPT REQUESTED

CONSECO FINANCE SERVICING CORP
ATTNN KEITH ANDERSON, VTD
1100 LANDMARK TOWERS
345 ST PETER ST
ST PAUL, MN 55102

VIA CERTIFIED MAIL
70001530000403182473
RETURN RECEIPT REQUESTED

Re David Bragg vs Conseco Financing Corporation, David Bragg, 5805 Middlesex Dr, Tampa, FL 33615, Settlement Proposal

Dear Conseco Finance Servicing Corp

On August 14, 2002, I mailed a letter to each of you regarding this account, and have had no response whatsoever Please be advised that we intend to pursue this matter in a court of law if this matter cannot be otherwise resolved, and that I will also be requesting punitive damages for bad faith negotiations and failure to respond if I do not hear from Conseco by September 23, 2002 at the latest

Again, I represent David Bragg in a cause of action that he maintains against your company Your company maintained a duty of care in business dealings with my client, and your company breached that duty causing great harm to Mr Bragg

Your records should reflect that Mr Bragg purchased a mobile home that was financed with your company on February 21, 2002 A Premiere Insurance Agency ("Premiere") provided a preliminary quote to your company for homeowners and flood insurance in January 2002, as insurance was a prerequisite to obtaining financing

Conseco caused all sorts of problems in the process, causing, among other things, for the closing to take an extra three weeks For example, Ernie from Conseco allegedly hand delivered certain documents that were never received, only later to be found back at Conseco's office Conseco informed my client that the interest rate would be 8%, which ended up being over 10% at the closing (the matter was finally settled at around 9 5%) The closing was continually delayed by Conseco, and all work done by Conseco was seemingly done at the last minute

I understand that due to problems in the past with Conseco, both the realtor and Sunbelt Title have refused to do business with your company

At the closing, Sunbelt Title Agency issued a check payable to Premiere in the amount of $440 for flood insurance and $838 for hazard insurance Rachel at Sunbelt hand delivered all of the completed paperwork on the insurance, including the application and checks, to your company's representative at the closing Your representative agreed to take care of the details

Almost four months after the closing, on June 5, 2002, Mr Bragg's home was seriously damaged from a bad storm When he went to make a claim with Premiere, he found out that he did not have insurance coverage

After investigating the matter, Naomi of your company indicated that Conseco never received any insurance money or paperwork from the title company, and that they were not responsible in any way or manner whatsoever

Notwithstanding the fact that your company has denied and continues to deny any negligence or wrongdoing, it is **obvious** that Conseco held onto these checks and paperwork until early June 2002, after the storm damage and after Mr Bragg asked for an investigation into this matter

Enclosed are letters from Premiere dated June 21, 2002 and June 24, 2002, responding to your company's eventual submission of the application and checks Said letter clearly indicates that Conseco had the payments and application to bind coverage and submitted them to Premiere four months after closing, on June 12, 2002 Of

course, coverage was denied, as the checks were stale and the mobile home had been damaged

**Enclosed is a copy of the Airborne Express receipt from Conseco to Premiere, Received June 12, 2002** Again, the checks were written February 22, 2002, but not delivered by Conseco until June 12, 2002

Mr Bragg tried diligently to handle this matter without legal representation for over a month However, after continuing to get the cold shoulder from Conseco, he had no choice but to retain my services

To make matters worse, I made two calls to Conseco in July 2002 regarding this matter, and no one has returned either call to date I mailed three letters on August 14, 2002 regarding this account, and have had no response whatsoever

My client has incurred over $2,700 in out-of-pocket expenses for repairs Your company's negligence has further caused him a great deal of stress, duress, and hardship

Due to the egregious behavior of Conseco, the bad faith demonstrated, the damages suffered and expenses incurred by Mr Bragg, and the necessity of hiring my services after being told by Conseco that there was nothing more to be done in this matter, we believe that a reasonable settlement would be $85,000

I ask that you consider this matter and respond back to me on or before Monday, September 23, 2002, so that I may properly advise my client At a minimum, I request that you fax some type of acknowledgment of receipt of our complaint to my office at telephone number 813-887-3074

Thank you for your attention to this matter Please respond accordingly

Sincerely,

Scott A Rosin

Enclosures