UNITED STATES BANKRUPTCY COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

***

In re:	)	Case No. 02-49675
CONSECO FINANCE CORP.,	)	Chapter 11
Debtor(s).	)	Honorable Carol A. Doyle
	)	Date: July 16, 2004 Time: 10:30 a.m. (Central)

RESPONSE TO CFC ESTATE'S FORTY-FIRST
OMNIBUS OBJECTION TO CLAIMS

A. Claimant:

WT Capital Lender Services, Inc.
Attn. Debbie Berg
7522 N. Colonial Avenue, Suite 100
Fresno, California 93711
(559) 228-8393

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
JUL 02 2004
KENNETH S. GARDNER, CLERK
PS REP. - SW

B. Claim No. 1507

C. Basis for Opposition to Objection

1. Debtor asserts Claimant is the recipient of preferential transfers pursuant to 11 U.S.C. § 547 and, pursuant to 11 U.S.C. § 502(d), Claimant's claim in the amount of $115,740.06 should be disallowed. Claimant asserts that any such transfers were made within the ordinary course of business, within the meaning of 11 U.S.C. § 547(c)(2).

2. As set forth in the attached declaration, Debtor paid Claimant $77,004.36 in the 90 days prior to the petition date.

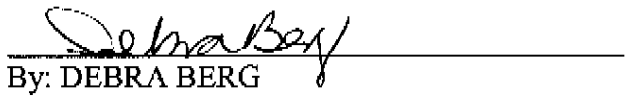
3. The foregoing transfers were in payment of debts incurred by the debtor in the ordinary course of business of the debtor and Claimant, made in the ordinary course of business of both the debtor and Claimant, and were made in accordance with ordinary business terms.

4. In order for a transferee's claim to be disallowed under 11 U.S.C. § 502(d)9, the transferee must have received a transfer which is avoidable under Section 547. In re Maxwell Comm. Corp PLC, 93 F.3d 1036 (2d Cir. 1996). Given that Claimant's claim may not be avoided 11 U.S.C. § 547(c)(2), Debtor cannot prevail on its objection to Claim 1507.

5. Finally, even assuming Claimant is the recipient of a preferential transfer, the Gross Preference Amount stated by Debtor is $75,558.29. Claimant's claim is $115,740.06. Thus, even assuming Debtor can avoid the entire preference, the claim would only be disallowed to the extent of the alleged preference, $75,558.29.

Dated: June 30, 2004

WT CAPITAL LENDER SERVICES, INC.



By: DEBRA BERG

PROOF OF SERVICE
(Code Civ. Proc., §§ 1013, subd. (a), and 2015.5)

I declare that I am employed in the County of Fresno, California. I am over the age of 18 years and not a party to this action. My business address is 1640 West Shaw Avenue, Suite 101, Fresno, California 93711.

On **June 30, 2004**, I served the following on each interested party in said cause as indicated below:

RESPONSE TO CFC ESTATE'S FORTY-FIRST OMNIBUS OBJECTION TO CLAIMS

[] **(By Personal Service)** I caused a copy of said pleading(s) to be hand delivered to the interested parties at:

[] **(By Facsimile)** I caused a copy of said pleading(s) to be sent via facsimile transmission to the interested parties at:

[X] **By Overnight Mail)** I caused a copy of said pleading(s) to be sent via overnight mail to the parties listed below:

[X] **(By Regular Mail)** I caused a copy of said pleading(s) to be placed in a United States mail depository, at Fresno, California, in a sealed envelope, with postage fully prepared to the below addressee(s):

Greenberg Traurig, LLP
Attn: Kerry Carlson
77 West Wacher Drive, Suite 2500
Chicago, IL 60601

Executed on **June 30, 2004**, at Fresno, California.

I declare under penalty of perjury, under the laws of the state of California, that the foregoing is true and correct.

Melanie M. Chacon