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

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
APR 28 2005
KENNETH S. GARDNER, CLERK
PS REP. - JA

In re:	)	Chapter 11
	)	
Conseco Finance Corp., et al.,	)	
	)	Case No. 02 B49675
Debtors.	)	Honorable Carol A. Doyle
	)	
	)	
	)	

AMENDMENT TO MOTION FOR INVESTIGATION UNDER "OPERATION SILVER SCREEN" TO CASE NO. 02 B49675- CHAPTER 11

I, Gerald Wedel make this amendment to Motion for Investigation Under "Operation Silver Screen" to Case No. 02 B49675 Chapter 11 with an affidavit notarized with provided facts:

1. Monthly account statement provided by the Rauths dated June 21, 2001, indicating monthly rent payment of $476.30 to Conseco Finance Corp., (Exhibit A) for 1996 Schultz mobile home serial # P-267799.
2. Monthly account statement provided by the Rauths dated September 9, 2003 (Exhibit B), indicating monthly payments made for a doublewide located on same property as mobile home in question. August 11, 2003 payment was made to Conseco after the bankruptcy filing of Case No. 02 B49675 Chapter 11 on December 18, 2002.
3. Monthly account statement provided by the Rauths dated October 10, 2003 (Exhibit C), showing payment made to Green Tree on September 15, 2003. On June 9, 2004 and August 16, 2004, attorney Roger J. Higgins presented to

the Court that **all** ownership of mobile homes were transferred to Securitization Trust before Conseco filed bankruptcy.

4. Property tax receipt dated January 14, 2004 (Exhibit D) clearly shows that Conseco Finance is claiming ownership of 1996 Schultz mobile home serial # P-267799.
5. On May 21, 2004, a certified letter was mailed to Ross Hollander (Exhibit E) for notification that mobile home serial # P-267799 would be foreclosed on within 30 days of receipt of this letter because of past due amounts owned for lot rent, repair bills and utilities. Gerald Wedel received no response.
6. A Proof of Claim was filed by Mr. Gerald Wedel on February 24, 2003 (Exhibit F) in Conseco Finance Servicing Corp. Proof of Claim was filed for lot rent, repair bills and utilities owned on the 1996 Schultz serial # P-267799.
7. Letter dated March 2, 2005 from Ross Hollander to Honorable John Weckel (Exhibit G) clearly shows Ross Hollander representation for Conseco Finance Servicing Corp.
8. Letter dated June 15, 2004 from Judge Kim R. Schroeder to Mr. Ross Hollander (Exhibit H) clearly shows listed Conseco Finance v. Gerald Wedel.

Wherefore, all the above questions the ownership of mobile home by Conseco Finance Servicing. Clearly after bankruptcy was filed and ownership was transferred, Conseco still makes claims to ownership of mobile home.

Upon seizure of mobile home, the mobile home was being occupied by a family of four including 2 young children had all personal property seized by Haskell County Sheriff without an eviction notice or a Court Order provided to them.

I, Gerald Wedel request that a full investigation be had due to the appearance of fraud made by Conseco Finance Servicing Corp. in Bankruptcy Case No. 02 B49675 Chapter 11.

Respectfully Submitted,

Gerald Wedel
1625 UU Road
Copeland, Kansas 67837
620-668-5375
620-68-5491 (fax)

CERTIFICATE OF MAILING

I, Gerald Wedel, certify that a true and correct copy of the above foregoing **Amendment to Motion for Investigation Under "Operation Silver Screen" to Case No. 02 B49675- Chapter 11** was served upon the following by depositing in the United States mail, postage prepaid, and properly addressed on this 22 day of April 2005:

Ross Hollander
Joseph & Hollander, P.A.
500 North Market Street
Wichita, Kansas 67214

Kirkland & Ellis L.L.P.
Attention: Roger J. Higgins
200 East Randolph Drive, Suite 6500
Chicago, Illinois 60601

Greenberg Traurig P.C.
Attention: Andre Zafrani
77 West Wacker Drive, Suite 2500
Chicago, Illinois 60601

Bankruptcy MGMT. Corp.
1330 E. Franklin Avenue
El Segundo, CA 90245

C/O BMC
P.O. Box 1098
El Segundo, CA 90245

Clerk of the U.S. Bankruptcy Court
219 South Dearborn
Chicago, Illinois 60604

United States Attorney Gerneral
Department of Justice
Room 4400 950
Pennsylvania Ave. Northwest

Washington, D.C. 20530-0001

Gerald Wedel
1625 UU Road
Copeland, Kansas, 67837
(620) 668-5375
(620) 668-5491 Fax

AFFIDAVIT

I, Gerald Wedel, being first duly sworn upon oath, do depose and statements attached hereto are true and correct to the best of my knowledge and belief.

Further your Affiant sayeth not

Gerald Wedel

Gerald Wedel

Subscribed and sworn to before me this 22 day of April, 2005.

Elida S. Fowler

Notary Public in and for the State of Kansas
My Commission Expires: 10/31/07

ELIDA S. FOWLER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 10/31/07

FIDELITY STATE BANK & TRUST CO
510 SECOND
DODGE CITY KANSAS 67801
620-227-8586

A FULL SERVICE BANK

EXHIBIT
A

01 20

FARON OR JUSTINE RAUTH
1621 UU RD
COPELAND KS 67837-7406

STATEMENT DATE
06-21-01
PAGE NUMBER
2

********** ULTIMA ACCT NUMBER [redacted] **

DATE	SUBTRACTIONS			
05-29	15.00	CHK=	1681	TRC=0020086112
06-06	476.30	CHK=	1682	TRC=0010005183
06-06	[illegible]	CHK=	1683	TRC=0010022986
06-04	15.00	CHK=	1684	TRC=0010063492
06-07	145.00	CHK=	1685	TRC=0020000881
06-12	31.68	CHK=	1686	TRC=0010001902
06-12	38.41	CHK=	1687	TRC=0010044320
06-13	40.00	CHK=	1688	TRC=0010024608
06-18	15.00	CHK=	1689	TRC=0030015270
06-20	40.00	CHK=	1690	TRC=0020037874
05-29	12.98	CHK=	1726	TRC=0020023654
05-24	18.50	CHK=	1732	TRC=0010017687
05-23	311.79	CHK=	1740	TRC=0010036744
05-23	135.00	CHK=	1741	TRC=0010025699
05-22	490.92	CHK=	1745	TRC=0010074281
05-23	14.76	CHK=	1752	TRC=0010021011
05-22	50.09	CHK=	1753	TRC=0010001269
05-31	50.00	CHK=	1754	TRC=0020054878
05-29	100.00	CHK=	1755	TRC=0020023126
05-29	120.00	CHK=	1756	TRC=0020023180
05-29	100.00	CHK=	1758	TRC=0020021974
05-29	50.00	CHK=	1759	TRC=0020022476
05-29	50.00	CHK=	1760	TRC=0020022477
05-29	224.41	CHK=	1761	TRC=0020032315
05-31	8.70	CHK=	1762	TRC=0020042561
05-31	10.49	CHK=	1763	TRC=0020054877
05-24	3.50	CHK=	1764	TRC=0010031372
05-25	5.33	CHK=	1765	TRC=0020014385
05-29	48.31	CHK=	1766	TRC=0020028952
05-29	3.78	CHK=	1767	TRC=0020022812
05-25	191.30	CHK=	1768	TRC=0010032231
06-06	200.00	CHK=	1769	TRC=0010025267
05-30	53.45	CHK=	1770	TRC=0020039134
05-30	70.74	CHK=	1771	TRC=0020039324
05-31	19.95	CHK=	1772	TRC=0020039183
05-30	434.91	CHK=	1773	TRC=0010034502
05-31	45.11	CHK=	1774	TRC=0020056232
06-01	42.19	CHK=	1775	TRC=0020010613
06-05	178.84	CHK=	1776	TRC=0030001375
05-29	52.99	CHK=	1777	TRC=0020084023
06-20	300.60	CHK=	1778	TRC=0020026178
06-01	100.00	CHK=	1779	TRC=0020027888
05-30	65.94	CHK=	1780	TRC=0010035763
05-25	150.00	CHK=	1781	TRC=0010033753
05-25	140.66	CHK=	1782	TRC=0010032232
05-29	11.21	CHK=	1783	TRC=0020022915
05-29	5.44	CHK=	1784	TRC=0020099160
06-11	7.50	CHK=	1785	TRC=0010063719
05-30	7.87	CHK=	1786	TRC=0020001409
05-30	82.55	CHK=	1787	TRC=0010051142
06-11	500.00	CHK=	1789	TRC=0010035474
05-31	45.48	CHK=	1790	TRC=0020055664
06-01	46.00	CHK=	1791	TRC=0020036599
05-29	30.51	CHK=	1792	TRC=0020097016
06-07	1,852.68	CHK=	1793	TRC=0020032069
06-04	100.00	CHK=	1794	TRC=0020032614
	[illegible]	CHK=	1795	TRC=0020023942

LANDMARK NATIONAL BANK

EXHIBIT B

130 08 01

JUSTINE J RAUTH
FARON A RAUTH
1621 UU RD
COPELAND KS 67837

10
9
62

[redacted]

[redacted]

08/09/03 THRU 09/10/03
DOCUMENT COUNT: 71
PAGE 2

[redacted]

CHECKS

CHECK #..	DATE.....	AMOUNT	CHECK #..	DATE.....	AMOUNT	CHECK #..	DATE.....	AMOUNT
5857	09/03	146.28	5862	09/10	23.13	5868	09/10	119.32
5858	09/09	139.27	5863*	09/09	297.33	5869*	09/09	24.00
5859	09/09	20.00	5866	09/09	44.97	5875	09/10	17.98
5860*	09/04	7.40	5867	09/09	50.00			

(*) INDICATES A GAP IN CHECK NUMBER SEQUENCE

OTHER DEBITS

DESCRIPTION	DATE	AMOUNT
CAPITAL ONE ONLINE PMT 322339960036595	08/11	25.00
14304 PURCHASE AT.... RTC*DIRECTV SERVICE 800-497-1117 SD 09027400006022	08/11	203.20
5846 PURCHASE AT.... CRUISE AMERICA DEALER#314 MESA AZ 233919805620000	08/11	300.00
HOUSEHOLD FIN 8003954576	08/11	498.60
CONSECO PMT 090740012389443	08/11	781.38
ALLTEL PHONE	08/12	268.21
PAID NSF CHECK FEE	08/14	75.00
CAPITAL ONE ONLINE PMT 322839960033512	08/18	25.00
19292 PURCHASE AT.... HOOTERS OF WICHITA WICHITA KS 323256110510001	08/18	71.35
0857 PURCHASE AT.... FAMOUS FOOTWEAR #141363 HUTCHINSON KS 189003735991	08/19	80.26
27353 PURCHASE AT.... CARLOS O'KELLY'S HAYS KS 868944304790001	08/20	35.43
ASSURITY LIFE PREAUTHCHK 57H0032339	08/20	40.00
26794 PURCHASE AT.... TEXACO INC 54502221012 HUTCHINSON KS 4566160004353	08/20	54.77
PAID NSF CHECK FEE	08/22	50.00
FB INS CO INS PYMT 040L00301910	08/22	61.99
FB INS CO INS PYMT 040L00352824	08/22	201.92
19957 PURCHASE AT.... XM *SATELLITE RADIO 800-852-9696 DC 391268000032818	08/25	10.62
N E FINANCIAL PAYMENT 20006036788	08/25	200.00
17208 PURCHASE AT.... CHUCK E CHEESE00009621 WICHITA KS 089200000009621	09/02	35.80

* * * C O N T I N U E D * * *

LANDMARK NATIONAL BANK

EXHIBIT C

130 08 01

JUSTINE J RAUTH
FARON A RAUTH
1621 UU RD
COPELAND KS 67837-7406

10
7
78

[redacted]

09/11/03 THRU 10/10/03
DOCUMENT COUNT: 85
PAGE 2

[redacted]

CHECKS

CHECK #..DATE.....AMOUNT	CHECK #..DATE.....AMOUNT	CHECK #..DATE.....AMOUNT
5936 09/30 47.72	5947 10/08 345.38	5955 10/07 53.59
5937 09/30 58.63	5948 10/03 51.75	5956 10/08 26.72
5938 09/30 210.22	5949 10/03 23.13	5957 10/10 78.50
5939 09/30 20.57	5950 10/02 42.11	5958*10/09 20.83
5940 09/30 79.54	5951 10/01 500.00	5960 10/09 84.77
5941*10/01 172.52	5952 10/09 100.00	5961 10/09 40.97
5943*10/08 39.34	5953 10/06 60.55	5962 10/09 92.48
5946 10/09 139.27	5954 10/06 120.89	

(*) INDICATES A GAP IN CHECK NUMBER SEQUENCE

OTHER DEBITS

DESCRIPTION	DATE	AMOUNT
30036 PURCHASE AT.... CONOCO HUTCHINSON KS 081979271061	09/15	23.43
325823146890		
GREEN TREE GTA PMT 090740012857659	09/15	781.38
DELUXE CHECK CHECK/ACC. 0010045632	09/16	28.19
31227 PURCHASE AT.... MIDWEST CTR FOR STRESS 419-898-4357 OH	09/19	13.90
21520238199		
29043 PURCHASE AT.... TEXACO INC 93002258245 DODGE CITY KS	09/22	13.39
4566160004353		
ASSURITY LIFE PREAUTHCHK 57H0032339	09/22	40.00
FB INS CO INS PYMT 040L00301910	09/22	61.99
FB INS CO INS PYMT 040L00352824	09/22	201.92
21844 PURCHASE AT.... ALLTEL *PHONE PAYMENT 800-255-8351 AR	09/22	253.58
980923000193		
FUNDS TRANSFER	09/23	50.00
N E FINANCIAL PAYMENT 20006036788	09/24	200.00
18274 PURCHASE AT.... XM *SATELLITE RADIO 800-852-9696 DC	09/25	39.98
39126800032818		
2948 PURCHASE AT.... TEXACO INC 93002258245 DODGE CITY KS	09/26	14.84
4566160004353		
24484 PURCHASE AT.... DILLONS #0001 S9A DODGE CITY KS	09/29	35.41
444500144731800		
CAPITAL ONE ONLINE PMT 327239960148465	09/30	50.00
10285 PURCHASE AT.... KWIK SHOP #0701 GARDEN CITY KS	10/02	18.96
444500145524600		

* * * C O N T I N U E D * * *

[redacted]

Haskell County Treasurer
Nancy Weeks
Box 578
Sublette, KS 67877-0578
620-675-2265

TAX RECEIPT

Date: 1/14/2004

Terminal: 02

SCHULT ESSEK 1996

2662	2003	12843	007 LK SEAKENO	00	00	157.37	.88	PER PROP	F

SHANTZ, KENNETH
C/O CONSECO FINANCE
9035 WADSWORTH SUITE 2300
WESTMINSTER CO 80021

157.37	.88

PD BY GREEN TREE SERVICING ST BK 11.14 C

EXHIBIT D

EXHIBIT
E

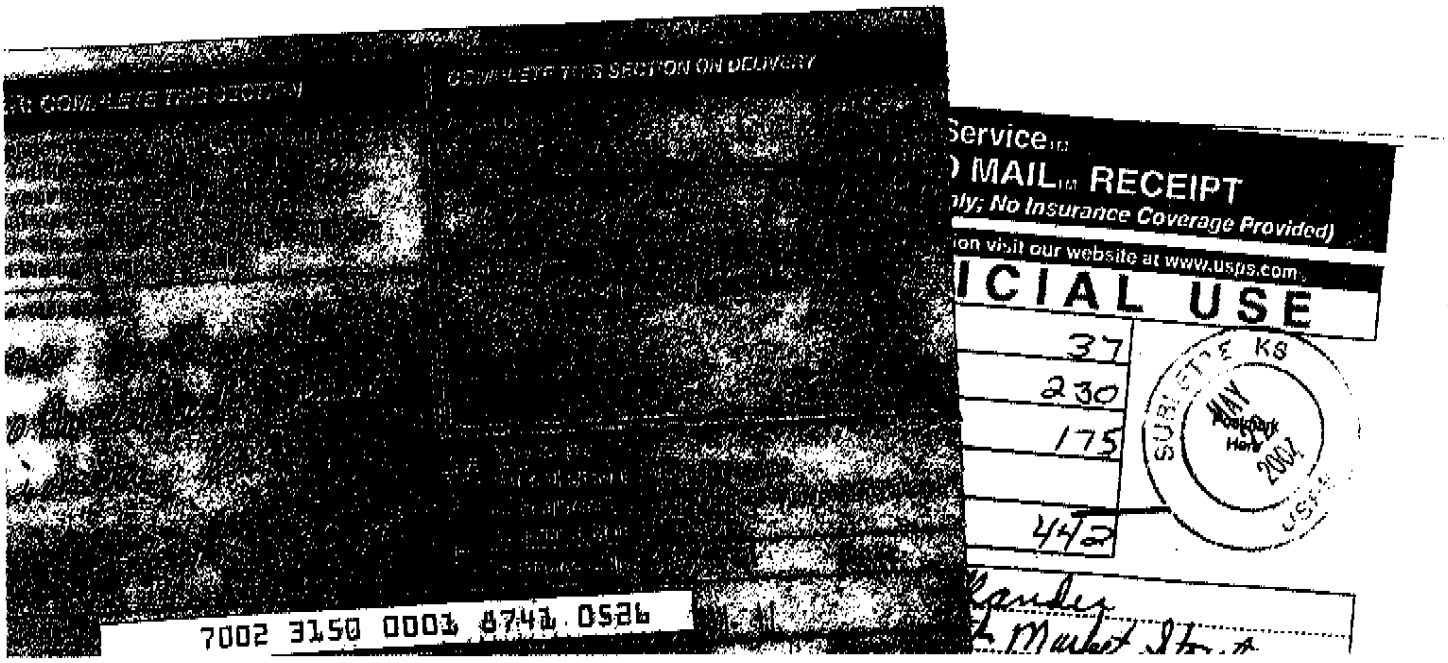
GERALD WEDEL
1625 UU ROAD
COPELAND, KS 67837
TELEPHONE: 620-668-5375
FAX: 620-668-5491

Ross Hollander
500 North Market Street
Wichita, Kansas 67214-3590

May 21, 2004

Dear Mr. Hollander,

Notice, this letter is in reference to KSA No. 58-227-(a) (b) and No. 58-25-121 (a) (b) on a 1996 Shultz mobile home serial number P-267799. As you are well aware of the past due lot rent, repair bill and utilities of said mobile home which is owned by Green Tree Servicing, LLC is due and it will be foreclosed on for the entire bill of $23,079.68 that is due through May 24, 2004 within thirty days of receipt of this letter.



EXHIBIT

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

UNITED STATES BANKRUPTCY COURT Northern DISTRICT OF Illinois Eastern Division

Name of Debtor Conseco Finance Servicing Corp f/k/a Green Tree Financial

Case Number 02-49676

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): Gerald Wedel

Name and address where notices should be sent:
Gerald Wedel
162544 Rd
Copeland Ks. 67837
Telephone number: 620-668-5375

☐ 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 C

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:

3. If court judgment, date obtained:

4. Total Amount of Claim at Time Case Filed: $ 18629.68

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: 1996 Schu. Essex Mobil Home Serial # P267799

☐ Real Estate ☐ Motor Vehicle ☐ Other _____

Value of Collateral: $ 11,000

Amount of arrearage and other charges at time case filed included in secured claim, if any: $ 18629

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, whichev 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.

THIS SPACE IS FOR COURT USE ONLY

FILED

FEB 24 2003

BMC

Conseco Finance Servicing, Claim

49676000200

Date 2-20-2003

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):

Gerald Wedel

Gerald Wedel

Penalty for presenting fraudulent claim

EXHIBIT
G

Joseph & Hollander PA

Lawyers and Counselors

500 North Market Street
Wichita, KS 67214-3590
Tel: (316) 262-9393
Fax: (316) 262-9006

Stephen M. Joseph
Ross A. Hollander
Michael A. Priddle
Christopher M. McHugh

M. Kristine Savage
Ryan Kipling Elliot
Christopher M. Joseph

Topeka Office:
1508 SW Topeka Blvd.
Topeka, KS 66612-1887
Tel: (785) 234-3272
Fax: (785) 234-3610

March 2, 2005

COPY

Honorable John Weckel
Kansas Senior Judge
401 Pine Ridge Dr.
Salina, Kansas 67401

RE: *Conseco Finance Servicing Corp. v. Gerald Wedel*
Case No. 02 C 14

Dear Judge Weckel:

You called recently to inform me that you had been appointed to hear the remainder of this case. You mentioned that you had little information and requested a summary of the case and a description of what issues are pending.

This case involves the foreclosure of a security interest on personal property pursuant to KSA §§60-1005 and 1006. The property sought to be repossessed is a mobile home. Plaintiff, Conseco Finance Servicing Corp., n/k/a Green Tree Servicing, LLC has a judgment for possession of the home against the titled owners, Kenneth and Janette Shantz. A copy of the journal entry is attached. Green Tree filed this action against Mr. Wedel in April, 2002, for possession of the home after Green Tree learned that Mr. Wedel had possession of the unit.

On November 18, 2002, Judge Schroeder granted Green Tree's Motion for Immediate Possession ruling that Green Tree could physically take possession of the mobile home upon posting of a $20,000.00 bond. Since that motion was granted, there have been several intervening matters which have delayed the filing of an order on the motion. First, Mr. Wedel's first attorney, Nels Noel, was terminated by Mr. Wedel and would not subsequently approve the order for possession. Second, Conseco filed bankruptcy on December 18, 2002, and did not have sufficient funds to post the bond. Finally, in May, 2003, Mr. Wedel converted his profusely litigated Ch. 12 bankruptcy to a Ch. 7 bankruptcy. The original Ch. 12 matter had been filed in April, 2000.

On June 2, 2003, Judge Schroeder declined to approve the order for delivery on the basis that the matter was stayed because of Mr. Wedel's bankruptcy conversion. Green Tree has now obtained a stay relief order from the Bankruptcy Court. A copy of the Order is attached. Also enclosed is a copy of the bond in the amount of $20,000.00. That was filed per Judge Schroeder's ruling on November 18, 2002. From Green Tree's perspective, approval of the Order of Delivery is the immediate issue before you. The matter needs a

trial date, as well, and we will be prepared to set that date when we appear before you.

Mr. Wedel is receiving a copy of this letter and a notice of the hearing on March 28th at 11:00 in Haskell County District Court regarding the pending Order of Delivery and completion of the Pre-trial Conference.

Sincerely,

Ross A. Hollander

RAH:gdt
Enclosures

cc: Gerald Wedel

EXHIBIT
tabbies
H

District Court
Twenty-Sixth Judicial District of Kansas

TOM R. SMITH, Judge, Division 1
200 East Sixth Street
Hugoton, Kansas 67951
620-544-2484

T. KEITH WILSON, Judge, Division 2
415 North Washington-Suite 103
Liberal, Kansas 67901
620-626-3372

KIM R. SCHROEDER, Judge, Division 3
200 East Sixth Street
Hugoton, Kansas 67951
620-428-6500

June 15, 2004

2004 JUN 17 PM 3:27
FILED
CLERK OF THE DISTRICT COURT
PAULA WEEZ

Mr. Ross A. Hollander
Joseph & Hollander, PA
500 N. Market Street
Wichita, KS 67214-3590

Re: Conseco Finance v. Gerald Wedel
Haskell Co. Case No.02-C-14

Dear Mr. Hollander:

Thank you for your letter of June 1, 2004. I am well aware of the factual situation involving this matter. It is not the Court's fault it took from November 18, 2002, until now, June 2004 to resolve the issues over the previous order of this court. I have recused myself from involvement with Gerald Wedel on other cases and if I did not recuse myself in this matter, it was an oversight and a copy of my recusal is now enclosed. I will not approve an order granting possession of this property to Green Tree after I intended to recuse and when the order was not timely submitted for approval after it was issued on November 18, 2002. With the passage of time issues may have changed and the fact it was not timely filed is the fault of plaintiff and not this Court, as plaintiff was ordered to prepare the appropriate documents and submit them timely.

All further proceedings in this matter should be taken up with the next judge assigned to this case upon the receipt of my recusal by the Chief Judge, Honorable T. Keith Wilson.

Sincerely yours,

Kim R. Schroeder
District Court Judge

KRS/rlm
cc: Hon. T. Keith Wilson
Hon. Tom R. Smith