

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

In re:)	Chapter 11
)	
Conseco Finance Corp.¹)	
)	Case No. 02 B 49675
Debtor)	Honorable Carol A. Doyle
)	(Jointly Administered)
)	
)	Hearing Date: October 12, 2005

NOTICE OF MOTION

PLEASE TAKE NOTICE, that on the 12th day of October, 2005, at the hour of 11:00 a.m. CST or as soon thereafter as counsel may be heard, the undersigned shall appear before the Honorable Carol A. Doyle and present **CFC ESTATE'S MOTION FOR SUMMARY JUDGMENT DISALLOWING CLAIM NO.49676-0282**, in Courtroom 742 at the Everett McKinley Dirksen U.S. Bankruptcy Courthouse at 219 S. Dearborn Street, Chicago, Illinois at which time and place you may appear if you see fit. You can obtain a copy of this motion on the internet at: www.bmccorp.net/conseco.com if you encounter problems with this website please call 1-310-321-5555.

Dated: September 12, 2005

Respectfully submitted,
KIRKLAND & ELLIS LLP

By _____ /s/ Micah E. Marcus
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¹ The post consummation estate for Conseco Finance Corp. (the "CFC Estate") is the liquidating trust that holds the assets of the Finance Company Debtors in trust for distribution to creditors.

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**CFC ESTATE'S MOTION FOR SUMMARY
JUDGMENT DISALLOWING CLAIM NO. 49676-0282**

Pursuant to Fed.R.Bankr.P. 7056 and Fed.R.Civ.P. 56, the CFC Estate respectfully moves this Court for summary judgment that Calvary Mobile Homes, Inc. ("Calvary") waived any claim that it may have had for breach of the Amended Finance Agreement and/or for unfair or deceptive trade practices under N.C.G.S. § 75-1.1.²

The terms of the Amended Finance Agreement are undisputed and there are no genuine issues of material fact that would preclude a ruling in favor of the CFC Estate as a matter of well established North Carolina law. In support of its motion, the CFC Estate is filing herewith its *Memorandum of Law in Support of its Motion For Summary Judgment Disallowing Claim No. 49676-0282*.

¹ The post consummation estate for Conseco Finance Corp. (the "CFC Estate") is the liquidating trust that holds the assets of the Finance Company Debtors in trust for distribution to creditors.

² Any capitalized term used and not defined herein shall have the same meaning as ascribed to it in the CFC Estate's Memorandum of Law in Support of its Motion For Summary Judgment Disallowing Claim No. 49676-0282.

Dated: Chicago, Illinois
September 12, 2005

KIRKLAND & ELLIS LLP

/s/ Micah E. Marcus

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