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

FILED
FEB 18 2004
CAROL A. DOYLE
BANKRUPTCY JUDGE

In re:	)	Chapter 11
	)	
Conseco Finance Corp., et al.,	)	Case No. 02-49675
	)	(Jointly Administered)
Debtors.	)	
	)	The Honorable Carol A. Doyle
	)	

THOMAS E. LUTTENEGGER AND SUSAN M. LUTTENEGGER'S NOTICE OF WITHDRAWAL OF CLAIMS ASSERTED AGAINST THE FINANCE COMPANY DEBTORS

Claimants, Thomas E. Luttenegger and Susan M. Luttenegger (the "Lutteneggers"), by and through the undersigned counsel, hereby withdraw and waive any and all claims asserted against the Post-Consummation Estate (the "CFC Estate")[1] of the Finance Company Debtors, debtors in the above-captioned Chapter 11 Cases (the "Cases"). In withdrawing and waiving their claims, the Lutteneggers make reference to the following facts:

[1] The CFC Estate is the liquidating trust created under the Finance Company Debtors' (defined below) confirmed Sixth Amended Joint Liquidating Plan of Reorganization (the "Finance Company Debtors Plan"), pursuant to which certain assets of the following entities were assigned: (i) Conseco Finance Corp. and Conseco Finance Servicing Corp. (collectively, the "CFC Debtors"), (ii) Conseco Finance Corp. – Alabama, Conseco Finance Credit Corp., Conseco Finance Consumer Discount Company, Conseco Finance Canada Holding Company, Conseco Finance Canada Company, Conseco Finance Loan Company, Rice Park Properties Corporation, Landmark Manufactured Housing, Inc., Conseco Finance Net Interest Margin Finance Corp. I, Conseco Finance Net Interest Margin Finance Corp. II, Green Tree Financial Corp. – Two, Conseco Agency of Nevada, Inc., Conseco Agency of New York, Inc., Green Tree Floorplan Funding Corp., Conseco Agency, Inc., Conseco Agency of Alabama, Inc., Conseco Agency of Kentucky, Inc., and Crum-Reed General Agency, Inc. (collectively, the "CFC Subsidiary Debtors"), (iii) Green Tree Finance Corp. – Five and Green Tree Residual Finance Corp. I (collectively, the "New Debtors"), and (iv) Conseco Finance Credit Card Funding Corp. (collectively with the CFC Debtors, the CFC Subsidiary Debtors and the New Debtors, the "Finance Company Debtors").

1. In July 2000, the Lutteneggers filed a class action complaint against the CFC Debtors, specifically Conseco Financial Servicing Corporation (f/k/a Green Tree Financial Servicing Corporation) and Green Tree Mortgage Services (collectively, "GreenTree") in the Iowa District Court in and for Des Moines County (the "Trial Court") captioned, Luttenegger et al. v. Conseco Financial Servicing Corp. and Green Tree Mortgage Services, Case No. LALA001621 (the "Class Action Case").

2. On May 19, 2003, the Lutteneggers each filed an unliquidated proof of claim against the CFC Debtors, designated on the claim register as Claim Nos. 49676-001991 and 49676-001992 (collectively, the "Claims").

3. On June 1, 2001, GreenTree filed a motion for partial summary judgment against the Lutteneggers in the Trial Court, which the Trial Court denied. The Trial Court also entered an order certifying a subclass to be represented by the Lutteneggers.

4. While the Claims were pending, GreenTree appealed to the Iowa Supreme Court for relief from the Trial Court's decisions in the Class Action Case denying GreenTree's motion for partial summary judgment and granting certification of the subclass represented by the Lutteneggers.

5. On November 13, 2003, the Iowa Supreme Court entered an order reversing the Trial Court on these issues. Luttenegger v. Conseco Financial Servicing Corp., 671 N.W.2d 425 (2003) (the "Iowa Supreme Court Decision").

6. The Iowa Supreme Court disposed of all aspects of the Luttenegger's case.

7. WHEREFORE, in light of the Iowa Supreme Court Decision, the Luttenegger hereby withdraw Claim Nos. 49676-001991 and 49676-001992.

Dated: 2/12/04

THOMAS E. LUTTENEGGER AND
SUSAN M. LUTTENEGGER

By: _____
One of Their Attorneys

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