

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 11
)	
)	
CORUS BANKSHARES, INC. ¹)	Case No. 10-26881 (PSH)
)	
Reorganized Debtor.)	
)	Response Deadline: January 5, 2012 4:00 p.m.,
)	C.D.T.
)	Hearing Date: January 12, 2012 10:00 a.m.,
)	C.D.T.

**NOTICE OF THE REORGANIZED DEBTOR'S OBJECTION TO PROOF OF CLAIM
NO. 6 FILED BY MARVIN STRUNK AND RELATED HEARING**

PLEASE TAKE NOTICE that on **January 12, 2012** at 10:00 a.m. prevailing Central Time or as soon thereafter as counsel may be heard, we shall appear before the Honorable Pamela S. Hollis in Courtroom 644 in the United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, or before any other judge who may be sitting in her place and stead, and present the attached **Reorganized Debtor's Objection to Proof of Claim No. 6 Filed by Marvin Strunk** (the "Objection") at which time and place you may appear if you so desire.

Specifically, the Objection seeks to modify your claim in the manner listed below:

Creditor Name/Address	Claim Nbr	Asserted Claim Total	Modified Claim Amount	Reason for Modification	Relief Requested	Objection Page Reference
MARVIN L. STRUNK 80 LINDEN AVE GLENCOE, IL 60022	6	\$100,000.00	\$84,000.00	Reorganized Debtor would like to establish claim amount at the amount shown on its books and records	Modify claim amount and allow	Pgs. 3-5

Your claim may be modified. You should read these papers carefully and discuss them with your attorney, if you have one. If you do not want the Court to change your claim, then you or your lawyer should file a written response to the Objection in accordance with the response procedures set forth below. **If you do not object to the relief requested, an order will be presented to the Court and the relief requested may be granted.**

¹ The Reorganized Debtor in this chapter 11 case, along with the last four digits of the Reorganized Debtor's federal tax identification number, is: Corus Bankshares, Inc. (3592). The location of the Reorganized Debtor's corporate headquarters and the service address for the Reorganized Debtor is: 32 Broadway, Suite 1104, New York, NY 10004.

Every response to this Objection must contain, at a minimum, the following information:

- a. a caption setting forth the name of the Court, the name of the Reorganized Debtor, the case number and the title of the objection to which the response is directed;
- b. the specific factual basis and supporting legal argument upon which you will rely in opposing this Objection;
- d. any supporting documentation, to the extent it was not included with the proof of claim previously filed with the clerk or claims agent, upon which you will rely to support the basis for and amounts asserted in the proof of claim; and
- e. the name, address, telephone number and fax number (if available) of the person(s) (which may be the claimant or the claimant's legal representative) with whom counsel for the Reorganized Debtor should communicate with respect to the claim or the objection and who possesses authority to reconcile, settle, or otherwise resolve the objection to the disputed claim on behalf of the claimant.

PLEASE TAKE FURTHER NOTICE that any response to this Objection must be filed with the Court so that it is received by **January 5, 2012 at 4:00 p.m.** prevailing Central Time and served by such time on: (a) counsel to the Reorganized Debtor; (b) the Reorganized Debtor's designee; (c) the official committee of unsecured creditors' designee; and (d) counsel to the official committee of unsecured creditors' designee.

IF YOU HAVE ANY QUESTIONS ABOUT THE STATUS OF YOUR CLAIM OR INTEREST, YOU SHOULD CONTACT THE CLAIMS AGENT AT THE ADDRESS OR TELEPHONE NUMBER SET FORTH BELOW.

<i>By Regular U.S. Mail:</i> BMC Group Inc. Attn: Corus Claims Processing PO Box 3020 Chanhassen, MN 55317-3020 Phone: (888) 909-0100	<i>By Messenger or Overnight Courier:</i> BMC Group, Inc. Attn: Corus Claims Processing 18750 Lake Drive East Chanhassen, MN 55317 Phone: (888) 909-0100
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Dated: December 13, 2011

Respectfully Submitted,

/s/ Jeffrey W. Gettleman

James H.M. Sprayregen, P.C. (IL Bar No. 6190206)

David R. Seligman, P.C. (IL Bar No. 6238064)

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Counsel to the Reorganized Debtor

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
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In re:)	Chapter 11
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CORUS BANKSHARES, INC. ¹)	Case No. 10-26881 (PSH)
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Reorganized Debtor.)	
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**REORGANIZED DEBTOR'S OBJECTION TO PROOF OF CLAIM NO. 6 FILED BY
MARVIN STRUNK**

The above-captioned reorganized debtor ("Corus" or the "Reorganized Debtor"),² files this objection (the "Objection") to proof of claim no. 6 filed by Marvin Strunk (the "Claimant") against the Debtor on July 28, 2010 (the "Claim") and requests the entry of an order, substantially in the form attached hereto as Exhibit A (the "Proposed Order"), granting the relief requested herein. In support of this Objection, the Reorganized Debtor relies on the *Declaration of John M. Decker in Support of the Reorganized Debtor's Objection to Proof of Claim No. 6 Filed by Marvin Strunk* filed contemporaneously herewith (the "Decker Declaration"). In further support of this Objection, the Reorganized Debtor respectfully states as follows:

Jurisdiction

1. This Court has jurisdiction to consider this Objection pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).
2. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

¹ The Reorganized Debtor in the chapter 11 case, along with the last four digits of the Reorganized Debtor's federal tax identification number, is: Corus Bankshares, Inc. (3592). The location of the Reorganized Debtor's corporate headquarters and the service address for the Debtor is: 32 Broadway, Suite 1104, New York, NY 10004.

² The Reorganized Debtor emerged from bankruptcy on October 27, 2011. For purposes of this Objection, the Reorganized Debtor is referred to as the "Debtor" prior to its emergence.

3. The statutory bases for the relief requested herein are sections 502 and 503 of chapter 11 of the United States Code (the “Bankruptcy Code”), Rules 3001, 3007 and 9014 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 3007-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Northern District of Illinois (the “Local Bankruptcy Rules”).

Background

4. On June 15, 2010 (the “Petition Date”), the Debtor filed a voluntary petition with this Court under chapter 11 of the Bankruptcy Code. By order dated July 9, 2010 (the “Bar Date Order”) [Docket No. 70], this Court established August 13, 2010 (the “Bar Date”) as the deadline for each person or entity asserting a claim against the Debtor to file a written proof of claim against the Debtor.

5. On September 26, 2011, the Debtor filed the *Debtor’s Third Amended Plan of Reorganization under Chapter 11 of the Bankruptcy Code (with Technical Modifications)* (the “Plan”) [Docket No. 674] with this Court. On August 19, 2011, the Debtor filed the *Plan Supplement in Support of the Debtor’s Second Amended Plan of Reorganization Under Chapter 11 of the Bankruptcy Code* [Docket No. 609] (as amended from time to time, the “Plan Supplement”), and, on September 1, 2011, the Debtor filed an amended version of the Plan Supplement [Docket No. 648], which, among other things, listed certain executory contracts that the Debtor sought to reject pursuant to the Plan.

6. On September 27, 2011, the Court entered the *Order Confirming the Debtors’ Third Amended Plan of Reorganization Under Chapter 11 of the Bankruptcy Code* [Docket No. 689], confirming the Plan. On October 27, 2011, the Plan became effective.

Relief Requested

7. By this Objection, the Reorganized Debtor objects to the Claim and, for the reasons set forth more fully below, seeks entry of the Proposed Order, pursuant to section 502 of the Bankruptcy Code, Bankruptcy Rules 3007 and 9014 and Local Bankruptcy Rule 3007-1, modifying and allowing the Claim for all purposes in the amount set forth below.

Objection to Claim

8. By this Objection, the Reorganized Debtor (a) objects to the Claim and (b) requests entry of an order pursuant to sections 502 and 503 of the Bankruptcy Code and Bankruptcy Rules 3001, 3007, and 9014, substantially in the form of the Proposed Order attached hereto as Exhibit A, modifying and allowing the Claim for all purposes in the amount set forth below.

9. Section 502(b) of the Bankruptcy Code provides in pertinent part:

If such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that—

(1) such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured...

11 U.S.C. § 502(b)(1).

10. When asserting a proof of claim against a bankrupt estate, a claimant must allege facts that, if true, would support a finding that the debtor is legally liable to the claimant. In re Pringle Engineering and Mfg., Co., 164 F.2d 299, 302 (7th Cir. 1947); Matter of Int'l Match Corp., 69 F.2d 73, 76 (2d Cir. 1934) (finding that a proof of claim should at least allege facts from which legal liability can be seen to exist). Where the claimant alleges sufficient facts to

support its claim, its claim is afforded prima facie validity. Carlson v. United States (In re Carlson), 126 F.3d 915, 921- 22 (7th Cir. 1997). A party wishing to dispute such a claim must produce evidence in sufficient force to negate the claim's prima facie validity. Id. In practice, the objecting party must produce evidence that would refute at least one of the allegations essential to the claim's legal sufficiency. Id. Once the objecting party produces such evidence, the burden shifts back to the claimant to prove the validity of his or her claim by a preponderance of the evidence. Id.

11. As a result of its review of the claims register and its books and records, the Reorganized Debtor objects to the Claim, because it asserts an incorrect amount according to the Reorganized Debtor's books and records.

12. The Claim arises from that certain consulting agreement made as of November 24, 2007, by and between Madison Bank & Trust Co. ("MBT," a predecessor of the Reorganized Debtor) and Marvin Strunk, pursuant to which MBT agreed to pay Mr. Strunk \$20,000 per year for the duration of Mr. Strunk's life in exchange for Mr. Strunk's consulting services (the "Consulting Agreement"). Specifically, Mr. Strunk alleges that MBT/Corus owes him \$100,000 for future payments under the Consulting Agreement.

13. Pursuant to the Plan and Exhibit 3 of the Plan Supplement, the Reorganized Debtor has rejected the Consulting Agreement. As noted in paragraph 6 of the Decker Declaration, the Reorganized Debtor consulted its actuarial advisor, Aon Hewitt, to determine MBT/Corus's outstanding present value liability as of the Petition Date for any future payments owed under the Agreement. Based on Aon Hewitt's actuarial calculations, MBT/Corus's outstanding present value liability as of the Petition Date for any future payments owed under the

Agreement is \$84,000.³ Accordingly, the Reorganized Debtor respectfully submits that the Claim is enforceable against the Reorganized Debtor as a general unsecured claim in the amount of \$84,000 (the “Allowed Amount”). Therefore, the Claim should be modified and allowed at the Allowed Amount.

Responses to Objection

14. As set forth in detail in the Personalized Notice of this Objection sent to the Claimant, to contest this Objection the Claimant must file and serve a written response to this Objection (a “Response”) so that it is received no later than 4:00 p.m. prevailing Central Time on January 5, 2012 (the “Response Deadline”).

15. The Response to this Objection must contain, at a minimum, the following information:

- a. a caption setting forth the name of the Court, the name of the Reorganized Debtor, the case number and the title of the Objection to which the Response is directed;
- b. a description of the basis for the amount of the claim;
- c. the specific factual basis and supporting legal argument upon which the Claimant will rely in opposing this Objection;
- d. any supporting documentation, to the extent it was not included with the proof of claim previously filed with the clerk or claims agent, upon which the Claimant will rely to support the basis for and amounts asserted in the proof of claim; and
- e. the name, address, telephone number and fax number of the person(s) (which may be the Claimant or the Claimant’s legal representative) with whom counsel for the Reorganized Debtor should communicate with respect to the claim or the Objection and who possesses authority to reconcile, settle, or otherwise resolve the objection to the

³ See Decker Declaration, ¶ 6.

disputed claim on behalf of the Claimant.

16. If the Claimant fails to file and serve a timely Response by the Response Deadline, the Reorganized Debtor shall present the Proposed Order to the Court granting the relief requested herein without further notice or a hearing.

Replies to Responses

17. The Reorganized Debtor may, at its option, file and serve a reply to the Response no later than 4:00 p.m. prevailing Central Time on January 8, 2012 or, to the extent the hearing on this Objection, or any portion thereof, is adjourned, by no later than 4:00 p.m. prevailing Central Time four (4) days prior to the day of the adjourned hearing.

Reservation of Rights

18. The Reorganized Debtor hereby reserves the right to object in the future to the Claim on any ground, and to amend, modify and/or supplement this Objection, including, without limitation, to object to amended or newly-filed claims. Separate notice and hearing will be provided and scheduled, respectively, for any such objection.

Notice

19. The Reorganized Debtor has provided notice of this Objection to: (a) the Office of the U.S. Trustee for the Northern District of Illinois; (b) the Debtor's Designee; (c) the Creditors' Designee; (d) counsel to the Creditors' Designee; (e) those parties who have requested notice pursuant to Bankruptcy Rule 2002; and (f) to the Claimant. In light of the nature of the relief requested, the Reorganized Debtor respectfully submits that no further notice is necessary.

No Prior Request

20. No prior request for the relief sought in this Objection has been made to this or any other court.

WHEREFORE, for the reasons set forth herein, the Reorganized Debtor respectfully requests that the Court enter an order, substantially in the form attached hereto, modifying and allowing the Claim for all purposes in the amount set forth herein and further relief as the Court deems just and proper.

Dated: December 13, 2011

KIRKLAND & ELLIS LLP

/s/ Jeffrey W. Gettleman

James H.M. Sprayregen, P.C. (IL Bar No. 6190206)

David R. Seligman, P.C. (IL Bar No. 6238064)

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