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UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF OREGON

In re David Michael Vore Holly Adalied Vore, Debtors.	Case No. 15-63190-tmr7 Adv. Proc. No. COMPLAINT Preference Recovery 11 U.S.C. § 547(b)
Holly Adalied Vore, Plaintiff, v. Carter-Jones Collection Service Inc., Defendant.	

1.

JURISDICTION

The United States District Court for the District of Oregon has jurisdiction of this action pursuant to 28 U.S.C. § 1334 because plaintiff's claim arises under Title 11.

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2.

The United States Bankruptcy Court for the District of Oregon has jurisdiction of this action pursuant to 28 U.S.C. § 157 and LR 2100-1 because plaintiff's claim arises in her bankruptcy case number 15-63190-tmr7, filed under Chapter 7 of Title 11 in this United States Bankruptcy Court for the District of Oregon.

3.

NATURE OF CLAIMS

Plaintiff's preference recovery claim is a core proceeding under 28 U.S.C. § 157(b)(2) and plaintiff consents to entry of final orders and judgments by the bankruptcy judge in this adversary proceeding.

4.

THE PARTIES

Holly Adalied Vore ("plaintiff") is an individual living in Christmas Valley, Oregon who filed for bankruptcy protection under Chapter 7 of Title 11 on September 9, 2015.

5.

Carter-Jones Collection Service Inc. ("defendant") was listed as an unsecured creditor in plaintiff's bankruptcy schedules.

6.

Venue is proper in this district because plaintiff resides here, defendant maintains its principal place of business here, and a substantial part of the acts, events, and/or omissions giving rise to this controversy took place here.

7.

This complaint's allegations are based on personal knowledge as to plaintiff's own conduct and are made on information and belief as to the acts of others.

8.

FACTUAL ALLEGATIONS

On September 9, 2015, plaintiff filed for bankruptcy protection under Chapter 7 of Title 11 in case number 15-63190-tmr7.

9.

In the 90 days prior to the commencement of plaintiff's bankruptcy case, for the benefit of defendant, while defendant was a creditor of plaintiff, on account of debt allegedly owed by plaintiff, while plaintiff was insolvent, defendant garnished, seized, and received over \$600 in pre-petition wages from plaintiff, that enabled defendant to receive more than defendant would have received if plaintiff's bankruptcy was a case under Chapter 7 and the garnishment and seizure had not occurred.

10.

CAUSE OF ACTION

CLAIM ONE

(Preference Recovery)

Plaintiff incorporates the above allegations by reference.

11.

Pursuant to 11 U.S.C. § 547(b), plaintiff is entitled to recover the pre-petition wages defendant garnished in the 90 days prior to the commencement of her bankruptcy case.

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WHEREFORE, plaintiff prays for relief as follows:

- A. A money judgment award in the amount defendant garnished and seized from plaintiff's wages in the 90 days prior to filing bankruptcy, and for costs, in favor of Holly Adalied Vore against Carter-Jones Collection Service Inc.; and
- B. For other equitable relief this Court may determine is fair and just.

DATED: April 28, 2016

RESPECTFULLY FILED,

/s/ Michael Fuller

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