

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
BAY CITY**

IN RE: Kevin W. Kulek

Chapter 7 Petition  
16-21030-dob  
Honorable Daniel Opperman

\_\_\_\_\_/

RANDALL L. FRANK, TRUSTEE,  
Plaintiff,

Adversary Case Number  
17-02014-dob  
Honorable Daniel Opperman

V

JONATHAN ANDREW PINFIELD-WELLS,  
Defendant.

\_\_\_\_\_/

Keith M. Nathanson, P41633  
Special Litigation Counsel to Randall L. Frank, Trustee  
Attorney for Plaintiff  
Keith M. Nathanson, PLLC  
2745 Pontiac Lake Road  
Waterford, MI 48328  
(248) 436-4833  
[kn@nathanson-law.com](mailto:kn@nathanson-law.com)

W. Jay Brown, P58858  
Attorney for Defendant  
414 Townsend, Suite 201  
Midland, MI 48650  
(989) 486-3676  
[brown@brownlawpc.com](mailto:brown@brownlawpc.com)

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**TRUSTEE'S MOTION FOR AUTHORITY TO COMPROMISE AND SETTLE**  
**ESTATE'S ADVERSARY COMPLAINT**

Randall L. Frank, through his Special Litigation Counsel, states as follows:

1. Trustee filed the instant adversary complaint on February 14, 2017 against Defendant for recovery of money including payments made by Debtor to Defendant.

2. Randall L. Frank is the duly appointed and acting Chapter 7 Trustee in this Case.
3. Discovery has been had in this matter.
4. Defendant has offered the amount of \$2,000.00 to resolve the Trustee's Claim to the home.
5. That upon receipt of the settlement, the Trustee has agreed to waive and release any further claims.
6. Based upon the representations of Defendant, the collectability of Defendant, and the cost to the estate of pursuing further claims, Trustee believes it to be in the best interests of the Estate to partially compromise the adversary claim against Defendant.

WHEREFORE Trustee, Randall L. Frank, respectfully prays that this Honorable Court enter an order, substantially in the form attached hereto as Exhibit "1", authorizing him to compromise and settle the estate's interest in the home as stated above and in the signed stipulation attached as an Exhibit to this motion.

**/s Keith M. Nathanson**

**Keith M. Nathanson, P41633**

**Keith M. Nathanson, PLLC**

**Special Litigation Counsel to Randall L. Frank**

**2745 Pontiac Lake Road**

**Waterford, MI 48328**

**(248) 436-4833**

**Dated: September 12, 2017**

**Exhibit 1 – Proposed Order**

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**ORDER RESOLVING TRUSTEE'S CLAIM (PROPOSED)**

This matter having come before this Honorable Court upon the signed stipulation of the parties, and upon Trustee's Motion to Compromise, and the Court being first duly advised in the premises:

IT IS HEREBY ORDERED that Defendant shall pay to the Estate, the sum of Two Thousand (\$2,000.00) Dollars.

IT IS HEREBY ORDERED that upon payment of same, the matter shall be dismissed without costs to either party.

IT IS FURTHER ORDERED that this Consent Order resolves all pending claims in this adversary proceeding.

**EXHIBIT 2**  
**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF MICHIGAN**  
**BAY CITY**

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**NOTICE OF MOTION TO COMPROMISE CLAIM OF ESTATE**

Plaintiff, Randall L. Frank, Trustee has filed papers with the court to compromise claims of the estate.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to compel production of documents, or if you want the court to consider your views on the motion, within 21 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:<sup>1</sup>

**United States Bankruptcy Court**

111 First Street, Bay City, MI 48708

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also send a copy to:

Keith M. Nathanson, Special Litigation Counsel to Randall L. Frank, Trustee  
2745 Pontiac Lake Road, Waterford, MI 48328

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

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<sup>1</sup> Response or answer must comply with F. R. Civ. P. 8(b), (c) and (e)

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.**

Date: 9/12/2017

Signature /s/ Keith M. Nathanson, P41633

Keith M. Nathanson, P41633

2745 Pontiac Lake Road

Waterford, MI 48328

(248) 436-4833

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**CERTIFICATE OF SERVICE**

Keith M. Nathanson, being first duly sworn, states that on September 12, 2017, he did serve by first class mail:

- Trustee's Motion for Authority to Compromise Estate's Claim, Proposed Order,  
Notice of Trustee's Motion, Proof of service



With the Clerk of the Court using the ECF and I hereby certify that the Court's ECF system has served all registered users. I have mailed by USPS the above referenced papers to all of the non-registered ECF participants as listed in the Creditor's matrix by placing same in a US mail receptacle in Waterford, Michigan, with first class postage-prepaid.

Respectfully submitted,

/s/ Keith M. Nathanson

Keith M. Nathanson, P41633

Special Litigation Counsel for the Chapter 7 Trustee

Keith M. Nathanson, PLLC

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Waterford, MI 48328

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