

Michael Fuller, OSB No. 09357

Attorney for Plaintiffs
Olsen Daines PC
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-201-4570

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

**Andrea Balderas and
Jennifer Deann Balderas,**

Debtors.

**Andrea Balderas and
Jennifer Deann Balderas,**

Plaintiffs,

v.

**EGP Investments, LLC and
Accounts Receivable, Inc.,**

Defendants.

Case No. 16-60691-tmr7

Adv. Proc. No.

COMPLAINT

11 U.S.C. § 547

1.

JURISDICTION

This Court has jurisdiction of this action under 28 U.S.C. § 1334 because plaintiffs' claims arise under Title 11.

2.

Plaintiffs Andrea Balderas and Jennifer Deann Balderas filed Chapter 7 bankruptcy in case no. 16-60691-tmr7 in the District of Oregon on March 10, 2016.

3.

Defendant EGP Investments, LLC is an Oregon limited liability company and defendant Accounts Receivable, Inc. is an Oregon corporation.

4.

Venue is proper because defendants garnished plaintiffs' wages in Oregon.

5.

NATURE OF CLAIMS

Plaintiffs' preference recovery claims are core proceedings under 28 U.S.C. § 157(b)(2) and plaintiffs consent to entry of final orders and judgments by the bankruptcy judge in this adversary proceeding.

6.

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

7.

FACTUAL ALLEGATIONS

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

8.

CAUSE OF ACTION

(11 U.S.C. § 547)

Plaintiffs incorporate the allegations above by reference.

9.

Under 11 U.S.C. § 547(b), plaintiffs are entitled to recover the pre-petition wages defendants garnished in the 90 days prior to the commencement of their bankruptcy case.

10.

PRAYER FOR RELIEF

Plaintiffs seek relief as follows:

- A. Money Judgment** in favor of plaintiffs against EGP Investments, LLC in the amount it garnished from plaintiffs' wages in the 90 days prior to filing, and costs, and
- B. Money Judgment** in favor of plaintiffs against Accounts Receivable, Inc. in the amount it garnished from plaintiffs' wages in the 90 days prior to filing, and costs.

Plaintiffs also seek any equitable relief this Court may determine is just and proper.

June 28, 2016

RESPECTFULLY FILED,

s/ Michael Fuller
Michael Fuller, OSB No. 09357
Attorney for Plaintiffs
Olsen Daines PC
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-201-4570