

Michael Fuller, OSB No. 09357
Attorney for Plaintiff
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

**David Ira Walker,
Penny Ann Walker,**

Debtors.

Penny Ann Walker,

Plaintiff,

v.

**Portland Credit, Inc. dba
Fidelity Collection Service,**

Defendant.

Case No. 16-32950-pcm7

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 plaintiff's claim arises under Title 11.

2.

Plaintiff Penny Ann Walker filed Chapter 7 bankruptcy in case no. 16-32950-pcm7 in the District of Oregon on July 29, 2016.

3.

Defendant Portland Credit, Inc. is an Oregon corporation.

4.

Venue is proper because defendant garnished plaintiff's wages in Oregon.

5.

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.

6.

This complaint's allegations are based on personal knowledge as to plaintiff's 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 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 approximately \$983.18 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.

8.

CAUSE OF ACTION

(11 U.S.C. § 547)

Plaintiff incorporates the allegations above by reference.

9.

Under 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.

10.

PRAYER FOR RELIEF

Plaintiff seeks relief as follows:

A. Money Judgment in favor of plaintiff against defendant for \$983.18, and costs.

Plaintiff also seeks any equitable relief this Court may determine is just and proper.

October 29, 2016

RESPECTFULLY FILED,

s/ Michael Fuller

Michael Fuller, OSB No. 09357

Attorney for Plaintiff

Olsen Daines PC

US Bancorp Tower

111 SW 5th Ave., Suite 3150

Portland, Oregon 97204

michael@underdoglawyer.com

Direct 503-201-4570