

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:)	BANKRUPTCY CASE NO. 01-71054
)	
AMY KINSELLA)	
)	
DEBTOR)	ADVERSARY CASE NO. 02 A 7017
)	
BERNARD J. NATALE, TRUSTEE FOR THE BANKRUPTCY ESTATE OF AMY KINSELLA)	
)	
PLAINTIFF)	
)	
VS.)	
)	
MARK WILSON)	
)	
DEFENDANT)	

RESPONSE TO TRUSTEE'S DECLARATION OF COMPLIANCE

I, MARK WILSON, non-debtor defendant, responds to Bernard J. Natale's Response (hereinafter, "Response") To Declaration of Compliance as follows:

1. How and where I fax from is none of the Trustee's concern.

2. The letter enclosed with the Trustee's Response speaks of an Order for the bankruptcy judge's signature. Said Order was not an arrangement, neither agreement by way of Motion for the bankruptcy court to approve, evidence that the Trustee did not want his "arrangement" made a matter of public record available for me to challenge.

3. The Trustee's allegation that I voluntarily agreed to payment is intentionally maliciously misleading. The Trustee took advantage of this Court's instructions to work things out with the Trustee off the record. The Trustee's statements on February 4, 2003 led the Defendant to believe that unless he agreed to a payment arrangement, that the Trustee would have him taken into custody by the U.S. Marshall until he agreed to payment arrangements. ¹

4. If the Trustee were acting in good faith, he would be willing to wait until a decision is reached on appeal. Creditors will not be harmed. Documented case Record

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 NORTHERN DISTRICT OF ILLINOIS
MAR 13 2003
 KENNETH S. GARDNER, CLERK
 DEPUTY CLERK

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10. On the evening of February 3, 2003, the Defendant's ex-wife had a copy of this Court's order for arrest, and took custody of the Defendant's children. There is good reason to believe that she received knowledge of, and copy of, the Order, from the Trustee.
11. The Trustee excuses his strong-arm tactics, malicious prosecution, and threats, as the responsibility of this Court since the Court entered orders in favor of the Trustee. The Trustee had nothing to say during the discovery proceedings, and passes all responsibility to this Court that acted on its own accord thereby taking the position of representing the Trustee as his legal counsel.³
12. The Trustee's malicious prosecution, bad faith, and strong-arm tactics are revealed in his letter wherein he states that I am under obligation to comply with existing Orders. The Trustee is hiding behind an Order that was not entered by request of Motion. The Trustee *rushed* his payment arrangement, when he knows that no harm will come to creditors. There are no creditors of the bankruptcy estate to receive distribution of the money, PERIOD.

Dated 3-10-03

Mark D. Wilson
Mark Wilson

Court acknowledging relief from the automatic stay upon the denial of the debtor's discharge, thereby taking jurisdiction in the one creditor's cause.

³ Transcript of hearing of January 27, 2003, pages 12-22, evidences that the trustee did not participate in the discovery proceedings. The bankruptcy court took the position of representing the Trustee's interests since he is the only one to benefit from monies in the case.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:)
Bernard J. Natale)
Trustee)
VS.)
Mark Wilson)
Non-Debtor Defendant)
Bankruptcy Case No. 01-71054
Adversary Case No. 02-A-7017

CERTIFICATE OF SERVICE

I, Mark Wilson, under penalty of perjury, certifies that he mailed a copy of the foregoing Response to the Trustee's Declaration of Compliance to the parties listed below, with proper postage prepaid on **March 12, 2003**.

Sherec Dandurand
Assistant U.S. Trustee
780 Regent Street, Suite 304
Madison, WI. 53715

Attorney Bernard J. Natale
308 W. State Street, Suite 470
Rockford, IL. 61101

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NORTHERN DISTRICT OF ILLINOIS

MAR 13 2003
KENNETH S. GARDNER, CLERK
BY _____
DEPUTY CLERK

Mark D. Wilson

Mark Wilson

Bernard J. Natale, Ltd.

Law Offices

308 W. State St. Suite 470
Rockford, IL 61101

tel: (815) 964-4700
fax: (815) 964-4792

February 12, 2003

MR. MARK WILSON
PO BOX 86
TWIN LAKES, WI 53181

*RE: AMY KINSELLA
01-71054*

Dear Mr. Wilson:

I received faxed correspondence signed by you sent from Moisture Control, Amy Kinsella's employer, on February 12. Please be advised as to the following:

1. I filed the Court Order, pursuant to our last court hearing, for signature with the Judge last week. I have been told that the Order has been signed, but due to a staffing shortage in the Clerk's office the Order has not been imaged. I had not received a copy of the Order back from the Court to transmit a copy to you at the time I received your letter. However, you are well aware of the terms and conditions of the Order.
2. I dispute your contention that you did not voluntarily agree to a payment. You proposed to pay the judgment rather than submitting to interrogation regarding all of your assets and liabilities. That was an accommodation I made to you. You agreed to make the payments. Our agreement was recited to the Court and the Court has reduced our agreement to an Order. If you felt you were coerced to make an agreement, you had an opportunity to inform the Court when I outlined the agreement to the Court. You did not, but rather consented. You would not have been taken into custody, in my opinion, because you did not agree to make a payment. You were to be taken into custody until you agreed to submit to questioning on the Citation to Discover Assets because prior to that time you had refused.
3. The fact you have filed a Notice of Appeal does not automatically stay any proceedings. You apparently filed a Motion to Stay Proceedings and set it for February 24. However, as I indicated to you, I did not receive a copy of that document when it was filed and you had originally failed to appear in Court. Judge Barbosa had a copy of the document and indicated he was proceeding under Rule 9020(a) and not Rule 9020 (c) as indicated in your Motion and therefore he issued the bench

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warrant for your arrest. I told you that when we were in Court the next day. The matter, as far as I know, is still set for hearing on February 24. You can argue the merits if you wish to. However, I reserve the right to Object. Further, until the Court issues an Order staying proceedings, you are under an obligation to comply with existing Orders, which means that you have a payment due the undersigned, as Bankruptcy Trustee for Amy Kinsella, in the sum of \$2,575 by February 15, 2003 and a like sum due on March 15, 2003.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bernard J. Natale", with a long horizontal flourish extending to the right.

BERNARD J. NATALE

BJN/jlm

enc

cc: Sheree Dandurand – Assistant U.S. Trustee

PS: A member of my staff walked to the Courthouse this afternoon and received a copy of the Order, a copy of which is enclosed herewith.

wilson comply with payment order