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UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

**Terry Warren Ball,
Jeanette Michele Taylor-
Ball,**

Debtors.

Terry Warren Ball,

Plaintiff,

v.

Ray Klein, Inc.,

Defendant.

Case No. 16-32731-tmb7

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 Terry Warren Ball filed Chapter 7 bankruptcy in case no. 16-32731-tmb7 in the District of Oregon on July 13, 2016.

3.

Defendant Ray Klein, Inc. is a Washington 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 \$1,658.64 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 his bankruptcy case.

10.

PRAYER FOR RELIEF

Plaintiff seeks relief as follows:

A. Money Judgment in favor of plaintiff against defendant for \$1,658.64, and costs.

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

October 14, 2016

RESPECTFULLY FILED,

s/ Michael Fuller

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