

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FILED

2014 JUL -8 P 1: 25

U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

CARL WILLIAMS AND HASSAN ALEEM
Creditors/Objectors,

v

In re:
City OF DETROIT, MICHIGAN
AND EMERGENCY MANAGER
KEVYN D. ORR

Debtors/City of Detroit

Chapter 9
Case No. 13-53846
Judge Steven W Rhodes

Case No. 14-cv-10434
Hon. Bernard A. Freidman
Magistrate Paul J. Komives

**OBJECTION TO THE PLAN OF ADJUSTMENT AND ANY CONFIRMATION OF
THAT PLAN BECAUSE THE BANKRUPTCY WAS NOT BY CONSENT OF THE
CREDITORS OR THE DEBTORS AND FRAUDULENT CONCEALMENT**

We/I OBJECT TO THE PLAN OF ADJUSTMENT AND CONFIRMATION OF THE PLAN, THE NOTICE WAS AFTER THE FACT, UNTIMELY, CONTRARY TO THE FACTS, MISREPRESENTATION OF THE BANKRUPTCY CODE AND RULES AND HAS NOT BEEN PRESENTED AND CONDUCTED IN A GOOD FAITH MANNER.

We/I object to the Fourth Plan of Adjustment and confirmation to the vote of the Fourth Plan and the whole bankruptcy procedure because the state through the Emergency Manager, Kevyn Orr filed for bankruptcy and not the City of Detroit, without the city consent and approval. Therefore, it



is illegal and the court lack jurisdiction. This is a violation of Bankruptcy Code that states at section 903 (1) and (2). A State law prescribing a method of composition of indebtedness of such municipality may not blind any creditor that does not consent to such composition. In conjunction with 11 USC 903 we also included 11 USC 904 that requires “any power of the court, unless the debtor consent or the plan so provides. The consent of both the creditors and the debtors are required only by consent, which was not done in this case and demonstrate the bankruptcy wasn’t filed in a good faith manner and failed to meet the requirements 11 USC 903 and 904 as required 11 USC 921(c). Kevyn Orr (the state appointed official) has violated both section 11 USC 903 and 904 of the bankruptcy code clearly show he is not the proper person of an elected official. Pennsylvania 465 B.R. 744 (Bankr. M.D. Pa 21)

The power to govern remains with the municipality not with the judge or any unelected official, unless State, not Federal, law provides for some alternate system. (121 Cong Rec H39413(daily ed Dec 9 1975); remarks of Reps Kindness and Edward. 11USC (03 Norton Bankruptcy Law and Practice 3rd. Congressional Record Statement (Reform Act of 1978).

The Bankruptcy Code and Public Act 436 both state that “only the municipality can file for bankruptcy under chapter 9.” Prior to filing the petition the proper step is approval by City Council and the pro-

per person or official is the Mayor. This simply was not done and the court lacks jurisdiction. The City of Detroit never legally approved, agreed or consented to the Emergency Manager, Kevyn Orr, filing for bankruptcy and Kevyn Orr concealed this fact from the people by his action and contravened MCL 600.5855 Fraudulent Concealment where a party alleges that fraud has been committed on the court, it is generally an abuse of discretion for the court to decide the motion without first conducting an evidentiary hearing into the allegations. Rapaport v Rapaport 185 Mich App 12 (1990) citing Michigan Bank-Mid-west v DJ Reynaert, Inc, 165 Mich App 630, 643, 419 NW2d 439 (1988); St Clair Commercial & Savings Bank v Macaulley, 66 Mich App 210, 214-215; 238 NW2d 806 (1975), Iv den 396 NW2d 864 (1976). Bankruptcy Code 11 U.S.C. 903 (1) a State law prescribing a method of composition of indebtedness of such municipality may not bind any creditor that does not consent to such composition; (2) a judgment entered under such a law may not bind a creditor that does not consent to such composition, thus Kevyn Orr has, failed to meet the requirement of title 11 U.S.C. 903 (c) and 904 there is no binding consent agreement or contract and previous cited objections and/or a correction should have been dismissed 11 USC 930 (a),(3). In addition, the State,

Kevyn Orr (an agent of the state) and the City of Detroit concealed the fact that the filing of the bankruptcy suit was supposed to be by the proper person or public official by consent of the creditors through their elected officials.

City of Harrisburg Pennsylvania, 465 B.R. 744 (Bankr. M.D.Pa21).

The second point of failed to conduct business in a good faith manner is that Kevyn Orr came with unclean hands, because the state owes the City. The State through Governor Richard Snyder, Andy Dillon the state Treasury and the Emergency Manager Kevyn Orr showed material prejudice" and "unclean hands" and a continue failure to conduct business in good faith such as: When the state withheld and refused to pay \$224,000,000.00 and still owes plus interest for January 2012 and \$139,000,000.00 still owed for January 2013 plus interest of unrestricted revenue sharing funds, thus a violation of the Michigan State Revenue Sharing Act 140 of 1971.

The State through Emergency Manager Kevyn Orr has a peculiar way of bargaining or conducting business in good faith when they deliberately refused to pay the unrestricted revenue sharing money they owed and still owes to the city of Detroit and other expenses owed by the state. This

clearly demonstrate a failure to conduct business or bargaining in a good faith manner.

We support and agree to all the above objections and demand again a evidentiary hearing on the fraud or in the alternative dismiss this case.

I/We hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, under penalty of perjury and contempt of Court under the laws of the United States of America.

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PROOF OF SERVICES

Carl Williams, being first duly sworn deposes and
your name

Say that on July 8, 2014. I sent a copy of Objection to the Plan of adjustment and any confirmation of the plan, because the bankruptcy was not by consent of the creditors or the Debtors and fraudulent, Upon the concern parties by certified mail at the following address:

City of Detroit
Corporation Council
First National Building
600 Woodward Ave
Detroit, Michigan 48226

Emergency Manager
Kenyn Orr
Coleman A Young Municipal Center
2 Woodward 11th floor
Detroit, Michigan 48226

I/We hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, under penalty of perjury and contempt of Court under the laws of the United States of America.

Sign Carl Williams

Dated July 8, 2014