

COPY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED
CHARLOTTE, N.C.
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U.S. DISTRICT COURT
W. DIST. OF N.C.

IN RE: ALL FUNDS ON DEPOSIT IN)
ACCOUNT NUMBER 000669829075 in)
THE BANK OF MM APMC BANQUE DE)
COMMERCE, INC., AT NATIONSBANK,)
N.A., CONSISTING OF \$18,756,420.97,)
MORE OR LESS.)

C.A. NO. 3:98mc96-McK

GEORGE AND DOLORES ROLLAR,)
)
Plaintiffs,)

v.)

C.A. NO. 3:01CV205-McK

)
)
UNITED STATES OF AMERICA, et al.,)
)
Defendants.)

(CASES CONSOLIDATED)

)
)
RICHARD VASQUEZ,)
)
Intervener.)
_____)

**RECEIVER'S UNOPPOSED MOTION TO ESTABLISH
CLAIM PROCEDURES AND TO APPROVE CLAIM FORM**

TO THE HONORABLE H. BRENT MCKNIGHT, UNITED STATES MAGISTRATE JUDGE:

COMES NOW, Michael J. Quilling ("Receiver"), the Receiver appointed by the Court in these proceedings and files this his Unopposed Motion to Establish Claim Procedures and to Approve Claim Form and in support of such would respectfully show unto the Court as follows:

1. On October 11, 2001 the Court issued its Consent Order regarding the appointment of a receiver in these proceedings (“Consent Order”). Thereafter, on October 29, 2001 the Court issued its Order Appointing Receiver pursuant to which Michael J. Quilling was specifically appointed to serve as Receiver in this case.

2. Pursuant to the terms of the Consent Order, the Receiver was charged with, among other things, doing the following:

- a. To provide all persons identified by the government as possible victims of the crimes described in the agents’ affidavits in No. 3:98MC96-MU and other interested persons and potential claimants with notice and the opportunity to submit a claim to the Court, through the appointee, for restitution from the seized funds;
- b. To review all claims submitted, evaluate their legal validity and sufficiency for payment from the seized funds, make recommendations to the Court as to the order and priority of payment, and provide subsequent notice of any disbursements or other actions by the Court or the appointee.

3. Since his appointment the Receiver has been diligently undertaking to accomplish the forgoing tasks. Although those efforts are far from complete, the Receiver believes that it would be prudent and help streamline the process to have the Court officially approve a claim form to be sent to potential claimants as they are identified. In that the identification of claimants is likely to take a considerable period of time, the Receiver does not believe it is appropriate to establish a date certain by which all claim forms should be returned. Instead, the Receiver requests that the Court order that the claim form, after it is sent to each potential claimant when they are identified, be returned within sixty days after the claim form is mailed to them. The Receiver does not intend to use such a deadline as a hard and fast rule to penalize claimants but rather only as a means to prompt a timely return of the completed form. The Receiver proposes to make exceptions to the deadline as circumstances dictate. A copy of the proposed claim form and a proposed cover letter to be sent

by the Receiver to investors are collectively attached hereto as Exhibit "A" and are incorporated herein by reference for all purposes.

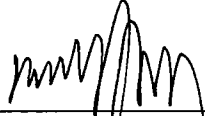
4. In addition to mailing the claim form to potential claimants as they are identified, once the Receiver has received a completed claim form from a claimant he requests authority to send a postcard to the claimant confirming receipt. A copy of the proposed postcard confirmation is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes.

WHEREFORE, PREMISES CONSIDERED, the Receiver requests that upon final consideration of this Motion that the Court enter an Order consistent with the foregoing requested relief and for such other and further relief, general or special, at law or in equity, to which the Receiver may show himself justly entitled.

Respectfully submitted,

QUILLING, SELANDER, CUMMISKEY
& LOWNDS, P.C.
2001 Bryan Street, Suite 1800
Dallas, Texas 75201-4240
(214) 871-2100 (Telephone)
(214) 871-2111 (Facsimile)

By: _____


Michael J. Quilling
State Bar No. 16432300

ATTORNEYS FOR RECEIVER

CERTIFICATE OF CONFERENCE

The Receiver has conferred with all counsel of record in these proceedings and none of them oppose the Motion.



Michael J. Quilling

CERTIFICATE OF SERVICE

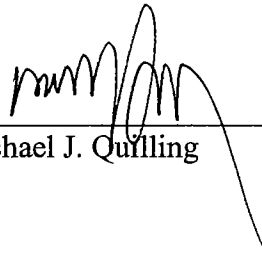
I hereby certify that on the 20th day of February, 2002 a true and correct copy of the foregoing document was served via first class mail, postage pre-paid, on:

William A. Brafford
Assistant United States Attorney
United States Attorney's Office for
the Western District of North Carolina
227 West Trade Street, Suite 1700
Charlotte, NC 28202

Rodney E. Alexander
Mayer, Brown & Platt
100 N. Tryon Street, Suite 2400
Charlotte, NC 28202

Frank D. Whitney
Kilpatrick Stockton LLP
3500 One First Union Center
301 South College Street
Charlotte, NC 28202-6001

This Motion will also be posted on the Receiver's website, www.secreceiver.com, immediately after filing.



Michael J. Quilling

EXHIBIT “A”

In Re: All Funds on Deposit in Account Number 000669829075
in the name of MM ACMC Banque De Commerce, Inc.,
at NationsBank, N.A., Consisting of \$18,756,420.97, More or Less
C.A. No. 3:98mc96-MCK

George and Dolores Rollar, Plaintiffs, v. United States of America, et al.,
Defendants, v. Richard Vasquez, Intervener, C.A. No. 3:01CV205-MCK

OFFICIAL COURT-APPROVED CLAIM FORM

*** You must complete and return this form within 60 days after it is mailed to you.***

My Full Name Is: _____
(Please print) (Last) (First) (MI)

Social Security Number: _____ - _____ - _____

Home Address: _____
(Street) (City) (St) (ZIP)

Mailing Address: _____
(If different from Home) (Street) (City) (St) (ZIP)

Home PH:() _____ **Work PH:** () _____ **Cell PH:** () _____

Email: _____ **Other:** _____

The Individual I invested with is: _____

The Entity my contract is with is: _____

When I invested I put the following name on my contract: _____
Indicate any corporate or other names you used when investing.

My contract is dated: _____

When I invested I sent my funds to the following bank and account number: _____

The total amount of my investment is: \$ _____ (1)
This includes monies you paid by cash, check or wire transfer. Do not include unearned interest or any rollover/reinvestment amounts. If you had multiple investments, make copies of this form and submit a separate claim for each investment.

The total I received back from my investment as either a return of principal or as an interest payment is: \$ _____ (2)

Claim form continued...

If you are aware of any other investors please feel free to provide them with a copy of this claim form and/or list them in the additional information section so we can contact them.

IMPORTANT: Please provide copies of these documents along with this claim form:
(Failure to supply any of these documents may result in the disallowance of your claim)

- Copy of your investment contract or other documents you signed when you invested.
- Proof of your investment amount. (Copy of your checks, cashier checks, money order, wire transfers, bank statements and/or receipts.)
- Proof of any return or monies you received. (Copy of your checks, cashier checks, money order, wire transfers, bank statements and/or receipts.)

ALSO:

- **DO NOT SEND** your completed claim form to the court, this will only delay the claim process.
- We highly recommend that you send your completed claim form to us via certified mail.
- Once we receive your claim form, a postcard will be sent to you confirming receipt of your claim. IF you **DO NOT** receive a postcard from us within 10 days of submitting your claim, it is **YOUR RESPONSIBILITY** to contact us immediately to correct the problem. It is strongly recommended that you keep a copy of the completed claim form for your records.
- **IT IS YOUR RESPONSIBILITY** to advise us of any address or phone changes.
- For more information or to monitor the status of the case, please refer to the Receivership Website:
www.secreceiver.com

PLEASE READ: By signing below I declare under penalty and perjury of law that I have a claim in the amount set forth above and to the best of my knowledge all information provided on this claim form and any attachments is correct and factual as I know it.

Claimant (Please sign)

Date

*****You must complete and return this form within 60 days after it was mailed to you.*****

Please return to:

Quilling, Selander, Cummiskey & Lownds, P.C.
Attn: Stephen Tomasky
2001 Bryan St, Ste 1800
Dallas, TX 75201

QUILLING, SELANDER, CUMMISKEY & LOWNDS

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS

2001 BRYAN STREET
SUITE 1800
DALLAS, TEXAS 75201

MICHAEL J. QUILLING
BOARD CERTIFIED
BUSINESS BANKRUPTCY LAW
AND CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

TELEPHONE: (214) 871-2100
TELEFAX: (214) 871-2111

_____, 2002

- Re:** (1) *In Re: All Funds on Deposit in Account Number 000669829075 in the name of MM APMC Banque De Commerce, Inc., at NationsBank, N.A., Consisting of \$18,756,420.97, More or Less; C.A. No. 3:98mc96-MCK*
- (2) *George and Dolores Rollar, Plaintiffs, v. United States of America, et al., Defendants, v. Richard Vasquez, Intervener, C.A. No. 3:01cv205-MCK*

Dear Potential Claimant:

As you may be aware, I am the Receiver appointed by the United States District Court for the Western District of North Carolina, Charlotte Division to investigate and make recommendation to the Court as to proper and valid claims against approximately \$18.8 million of funds seized by the FBI in December 1998 from an account in the name of MM APMC Banque de Commerce, Inc. at NationsBank in Charlotte. Records which I have reviewed indicate that you MAY have a claim to a portion of the seized funds. If you believe you have a claim of any nature whatsoever to the seized funds you need to carefully read this letter and the enclosure.

Enclosed with this letter is an Official Court-Approved Claim Form which you need to complete and return to me. As indicated in the Claim Form, when you complete and return the form it is important that you provide to me copies of any documents which you have relating to your claim. It is highly recommended that you send the completed Claim Form to me via certified mail. Be sure to keep a copy of the completed form for your records. The enclosed Claim Form was approved by the Court on _____, 2002. It is the **ONLY** Claim Form which will be considered in determining the amount of your claim. Accordingly, if you want me to consider and verify your claim you **MUST** complete the enclosed form, even if you have previously sent your information to me in another format. **DO NOT SEND THE COMPLETED FORM TO THE COURT! SEND IT ONLY TO ME.**

At the time the Court approved the enclosed Claim Form, the Court also ordered that you must complete and return the Claim Form to me within 60 days after I mailed it to you. Failure to return the Claim Form by the deadline may result in your payment being delayed and/or your claim being disallowed. **BE SURE TO COMPLY WITH THE DEADLINE.**

February 20, 2002

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I believe the Claim Form is self-explanatory, but if you have questions, you may call my Claims Administrator, Steve Tomasky at (214) 880-1812. Because of the number of people involved, it may take several days for him to return your call. For those of you who have access to the internet you can also contact my office and Steve Tomasky at stomasky@qsclpc.com. When I receive your completed Claim Form I will send you a post card acknowledging my receipt of your Claim Form. If you do not receive a post card from my office within ten (10) days after you send your completed Claim Form to me please contact Steve Tomasky at my office. After my office has an opportunity to review your completed Claim Form, we will contact you if we have any problems with your claim. There is no need for you to contact us, we will contact you. Repeated phone inquiries by you will only delay and add to the cost of the process.

For those of you who don't already know, you can monitor the progress of the case on my website at www.secreceiver.com.

Very truly yours,

Michael J. Quilling

MJQ/cdc

Enclosure

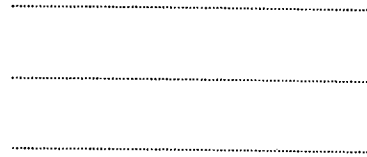
cc: Honorable H. Brent McKnight, United States Magistrate Judge
Bill Brafford, United States Attorney's Office
Rodney Alexander, counsel for George and Dolores Rollar
Frank Whitney, counsel for Richard Vasquez
Milo Segner, accountant to the Receiver
Dee Raibourn, of the firm
Stephen M. Tomasky, of the firm
Laura Scurlock, of the firm

EXHIBIT “B”

QSCL, P.C.

Quilling, Selander,
Cummiskey & Lownds, P.C.
2001 Bryan St, Suite 1800
Dallas, Texas 75201

PLACE
POSTAGE
HERE



FRONT

**Rollar v. United States et al; Cause No. 3:01 CV205-McK (West. Dist. N. C.)
Claim Form Confirmation**

****PLEASE READ****

Your claim has been received by the Receiver, Michael J. Quilling:

- Currently, nothing further on your part is required. However, you may be required to provide additional information in the future.
- Your claim is incomplete and you are requested to:
- Provide a copy of your contract or agreement.
 - Provide proof of your investment (Check copy, money order receipt, wire transfer, etc.).
 -

Please Note: It is your responsibility to notify us of any change in address or telephone number!

Mail Correspondence to: Attn: Stephen Tomasky
Quilling, Selander, et al
2001 Bryan St, Ste 1800
Dallas, Texas 75201

BACK

Visit our website at: www.secreceiver.com