

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED
CHARLOTTE, N.C.

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U.S. DISTRICT COURT
W. DIST. OF N.C.

GEORGE AND DOLORES ROLLAR,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES OF AMERICA, et al.,)
)
Defendants,)
)
RICHARD VASQUEZ,)
)
Intervener.)

ORDER

Civil Action No. 3:01CV205-McK

This cause coming to be heard and being heard before the undersigned Judge of the United States District Court for the Western District of North Carolina on October 29, 2001. Present at the motion were the Plaintiffs Counsel, Mr. Rodney E. Alexander, the Defendant United States of America, et al., by and through its Counsel, Assistant United States Attorney, Mr. William A. Bradford, and Interveners Counsel, Mr. Frank D. Whitney. Mr. Michael J. Quilling, Esq., (hereafter "Receiver") was also present at the above referenced cause for the purpose of requesting to be appointed Receiver pursuant to Rules 19 and 66 of the Federal Rules of Civil Procedure.

Whereas, the amount of \$18,823,653.73 (the "seized funds") was lawfully seized on December 12, 1998 from the account of MM ACOM Banque De Commerce, Inc., held at Nations Bank, N.A., Charlotte, N.C. (now Bank of America);

1. It is Receiver's reasonable and good faith belief that Intervener has a direct and traceable claim to a portion of the seized funds.

2. The Intervener claims a direct and traceable portion of the seized funds totaling in principal \$899,875.00, and has petitioned the Court and Receiver for an immediate interim distribution of twenty five percent (25%) of this amount, or in the alternative as large a portion of his share of the seized funds as the Court deems appropriate without prejudicing any other existing or potential claimant.

3. It is Receiver's reasonable and good faith belief that a ten percent (10%) principal distribution to Intervener from his estimated direct and traceable portion of the seized funds will not prejudice other potential claimants seeking distribution from the seized funds.

4. Intervener is in imminent threat of foreclosure by creditors on real and personal property, and may only avoid such action through an immediate interim distribution by Receiver.

From the pleadings, stipulations, and evidence of the parties, the Court hereby grants Interveners petition for Emergency Distribution of Funds from Receiver.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That Receiver shall make an interim distribution of \$89,987.50 from the seized funds to Intervener.

2. Any interim distribution made to Intervener shall not bar future distributions, or claim to, additional principal and interest amounts that may hereafter be paid by Receiver from the seized funds.


3. Should facts develop which indicate that a ten percent (10%) principal distribution is excessive, all or a portion of the amount distributed to Intervener pursuant to this Order shall be subject to disgorgement.

This the 7th day of November 2001.

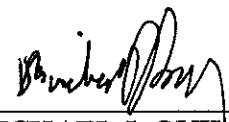


Hon. Brent McKnight, Judge Presiding

WITH CONSENT OF CLAIMANT AND RECEIVER:



FRANK D. WHITNEY
Attorney for Intervener
Kilpatrick Stockton LLP
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MICHAEL J. QUILLING, Esq.
Receiver
Quilling, Selander, Cumiskey, & Lownds, P.C.
2001 Bryan St. Suite 1800
Dallas, TX 75201


CERTIFICATE OF SERVICE

The undersigned certifies that on this date a copy of the foregoing Complaint of Intervener Richard Vasquez was placed in First Class United States Mail to the following:

William A. Brafford
Assistant United States Attorney
Suite 1700, The Carillon Building
227 West Trade Street
Charlotte, NC 28202

Rodney E. Alexander
Eric H. Cottrell
Mayer, Brown & Platt
100 North Tryon Street/ Suite 2400
Charlotte, NC 28202

This the 7th day of November 2001.


Frank D. Whitney
Kilpatrick Stockton LLP