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**Clerk, U. S. Dist. Court
W. Dist of N. C.**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:01CV205-McK

11/28/01
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

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 Plaintiff's 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. Brafford, and Intervener's 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:

1. The amount of \$18,823,653.73 was lawfully seized on December 12, 1998 from the account of MM ACMC Banque De Commerce, Inc., held at Nations Bank, N.A., Charlotte, N.C. (now Bank of America) and is now in the custody of the United States Marshal (the "Seized Funds");

HBM

2. It is Receiver's reasonable and good faith belief that Plaintiffs have a direct and traceable claim to a portion of the Seized Funds.

3. Plaintiffs claim a direct and traceable portion of the Seized Funds totaling in principal \$12,500,000.00, and hereby petition the Court and Receiver for an immediate interim distribution of ten percent (10%) of this amount, or in the alternative as large a portion of their share of the Seized Funds as the Court deems appropriate without prejudicing any other existing or potential claimant.

4. It is Receiver's reasonable and good faith belief that a ten percent (10%) principal distribution to Plaintiffs from their estimated direct and traceable portion of the Seized Funds will not prejudice other potential claimants seeking distribution from the Seized Funds.

From the pleadings, stipulations, and evidence of the parties, the Court hereby grants Plaintiffs' petition for Interim Distribution of Funds from Receiver.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:


1. The United States Marshal shall deliver to Receiver from the Seized Funds the sum of ONE MILLION TWO HUNDRED FIFTY THOUSAND and NO/100 dollars \$1,250,000;

2. Receiver shall make an interim distribution of ONE MILLION TWO HUNDRED FIFTY THOUSAND and NO/100 dollars \$1,250,000 from the Seized Funds to Plaintiffs George and Dolores Rollar;


3. Any interim distribution made to Plaintiffs shall not bar future distributions, or claim to, additional principal and interest amounts that may hereafter be paid by Receiver from the Seized Funds;

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


This the 28th day of November, 2001.



H. BRENT McKNIGHT
UNITED STATES MAGISTRATE JUDGE
WITH CONSENT OF CLAIMANT AND RECEIVER:



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