

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

FILED  
CHARLOTTE, N.C.

01 DEC 20 PM 12:00

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

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

Civil Action No. 3:01CV205-McK

**RECEIVER'S UNOPPOSED APPLICATION TO EXPAND POWERS AND DUTIES**

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

COMES NOW, Michael J. Quilling ("Receiver") and files this his Application to Expand Powers and Duties 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 the case.

2. Pursuant to Paragraph 1. of the Consent Order, the Receiver was "authorized and directed to apply to the Court for such other Orders as may be necessary and appropriate to carry out [his] duties and the mandate of the Court".

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3. On December 11, 2001 A. C. W. Mohr, President of M. M. A.C.M.C. Banque de Commerce, Inc. filed a Motion to for Return of Property Seized in Cause No. 3:98mc96-Mck styled *In Re: All Funds on Deposit in Account Number 00066982907 in the Name of MM A.C.M.C. Banque de Commerce, Inc., at NationsBank, N.A., consisting of \$18,756,420.97, more or less* (the “Seizure Action”). The Seizure Action has been referred to this Court for further handling and should, in all probability, be consolidated with the above-referenced and numbered proceedings since the funds seized have been interpled by United States into this action.

4. The Order Appointing Receiver provides in pertinent part as follows:

“Pursuant to Rule 19(b), Mr. Quilling is deemed to be the representative of the claimants who are required to be joined.”

As the representative of all claimants, including those which are already party this action it is important that they be heard with respect to the Motion for Return of Property Seized. In that regard the Receiver requests that his duties and powers be expanded to include the following:

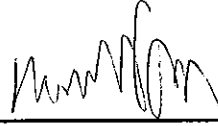
- a. the right to respond to the Motion and be heard at the time of any hearing;
- b. the right to conduct discovery and issue subpoenas with respect to the Motion;
- c. the right to take such other and further action as is necessary to protect the interests of the other potential claimants to the funds; and
- d. the right to take such actions with respect to the alleged Escrow Agreement as are necessary to protect the interests of other claimants, including without limitation, the right to terminate the Agreement.

5. The Receiver has discussed this matter with counsel for the Plaintiffs, Rodney Alexander, counsel for the Intervener, Frank Whitney and counsel for the United States, Bill Brafford, and none of them oppose this Application.

WHEREFORE PREMISES CONSIDERED, the Receiver requests that his powers and duties be expanded consistent with the foregoing 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,

By:



Michael J. Quilling

Texas State Bar No. 16432300

Quilling, Selander, Cummiskey & Lownds

2001 Bryan Street, Suite 1800

Dallas, Texas 75201

(214) 871-2100 (Telephone)

(214) 871-2111 (Fax)

ATTORNEYS FOR THE RECEIVER

**CERTIFICATE OF CONFERENCE**

I hereby certify that I have conferred with all counsel of record regarding this Application and none of them opposed the relief requested.



Michael J. Quilling

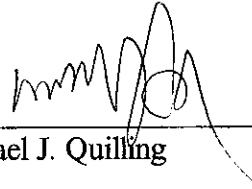
**CERTIFICATE OF SERVICE**

I hereby certify that on the 19<sup>th</sup> day of December, 2001 a true and correct copy of the foregoing document was served via telecopy and first class mail, postage pre-paid, on:

Rodney Alexander  
Mayer, Brown & Platt  
100 North Tyron Street  
Suite 2400  
Charlotte, North Carolina 28202  
Via Telecopy (704) 377-2033

William A. Brafford  
United States Attorney  
227 west Trade Street, Suite 1700  
Charlotte, North Carolina 28202  
Via Telecopy (704) 344-6629

Frank Whitney  
Kilpatrick Stockton, L.L.P.  
301 South College  
Suite 3500  
Charlotte, North Carolina 28202  
Via Telecopy (704) 338-5125



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Michael J. Quilling