

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 NATIONS BANK,	)	
N.A., CONSISTING OF \$18,756,420.97,	)	
MORE OR LESS.	)	C.A. NO. 3:98mc96-McK
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GEORGE AND DOLORES ROLLAR,	)	
Plaintiffs,	)	
v.	)	C.A. NO. 3:01CV205-McK
<hr/>		
UNITED STATES OF AMERICA, et al.,	)	
Defendants.	)	
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RICHARD VASQUEZ,	)	(CASES CONSOLIDATED)
Intervener.	)	
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**RECEIVER'S UNOPPOSED MOTION TO TRANSFER FUNDS**

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

COMES NOW, Michael J. Quilling ("Receiver") and files this his Unopposed Motion to Transfer Funds 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. As part of his duties, the Receiver has been identifying claimants to the funds at issue in these proceedings and tracing the source of those funds.

3. On December 10, 2001 the Court entered its Consent Order pursuant to the stipulation of all parties that \$502,000.00 of the funds at issue in this case were directly traceable to an independent investment program involving Hammersmith Trust, LLC and that the funds should be segregated and transferred to the United States Attorneys Office for the Northern District of Florida.

4. As the Receiver has continued his efforts, he has identified an additional \$150,000.00 which is traceable to the Hammersmith Trust program and which the Receiver believes should be segregated and transferred to the United States Attorneys Office for the Northern District of Florida.

5. The Receiver has discussed this matter with all counsel of record and none of them oppose the transfer of funds.

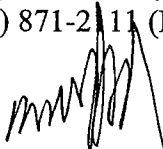
WHEREFORE, PREMISES CONSIDERED, the Receiver requests the Court enter an Order allowing him to transfer \$150,000.00 to the United States Attorneys Office for the Northern District of Florida for further handling under the auspices and orders of the Court presiding over Cause No. 3:00CR48/LAC and for 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)

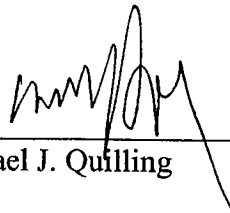
By:

  
\_\_\_\_\_  
Michael J. Quilling  
State Bar No. 16432300

ATTORNEYS FOR RECEIVER

**CERTIFICATE OF CONFERENCE**

Prior to filing this Motion, I conferred with all counsel of record. None of them oppose the Motion.

  
\_\_\_\_\_  
Michael J. Quilling

**CERTIFICATE OF SERVICE**

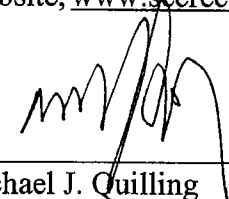
I hereby certify that on the 16<sup>th</sup> day of January, 2003 a true and correct copy of the foregoing document was served via first class mail, postage pre-paid, on:

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

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3500 One First Union Center  
301 South College Street  
Charlotte, NC 28202-6001

This Application will also be posted on the Receiver's website, [www.secreceiver.com](http://www.secreceiver.com), immediately after filing.

  
\_\_\_\_\_  
Michael J. Quilling