

COPY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

FILED
CHARLOTTE, N.C.
02 DEC -9 AM 10:47

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,)**

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

v.)

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

(CASES CONSOLIDATED)

**RICHARD VASQUEZ,)
Intervener.)**

**RECEIVER'S SECOND MOTION TO ALLOW
CLAIMS AND MAKE INTERIM DISTRIBUTION**

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

COMES NOW, Michael J. Quilling ("Receiver"), and files this his Second Motion to Allow Claims and Make Interim Distribution and in support of such would 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. 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. On September 27, 2002, the Receiver filed his Unopposed Amended Motion to Establish Distribution Procedures ("Distribution Motion") which motion was heard by the Court on

October 10, 2002. Thereafter, on October 11, 2002, the Court issued its Order approving the Distribution Motion (“Distribution Order”).

3. Consistent with the provisions of the Distribution Motion and the Distribution Order, the Receiver submits that the following claims should be allowed in the amounts set forth and requests authority to issue an interim distribution check with respect to each allowed claim:

<i>NAME OF CLAIMANT</i>	<i>ALLOWED AMT OF CLAIM</i>	<i>INTERIM DISTRIBUTION AMT</i>
Terence Whiteley	\$600,000.00	\$345,538.92
Timothy Maroney/Debra Novak	\$400,000.00	\$230,359.28
Timothy Maroney/Debra Novak	\$300,000.00	\$172,769.46
Conrad & Joyce Niergarth	\$40,000.00	\$23,035.93
Billy & Susan Jones	\$105,600.00	\$60,814.85
Kay Proctor	\$25,000.00	\$14,397.46
Julie Underwood	\$30,000.00	\$17,276.95
Gary & Suzanne Harhay	\$6,000.00	\$3,455.39
Boris Vasilev	\$10,000.00	\$5,758.98
Henderson Sewing Machine Co., Inc.	\$320,000.00	\$184,287.42
James Henderson, Sr.	\$85,000.00	\$48,951.35
Leix Commodities, Inc.	\$150,000.00	\$86,384.73
Leix Commodities, Inc.	\$50,000.00	\$28,794.91

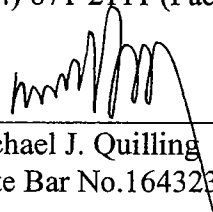
4. Consistent with the terms of the Distribution Motion and the Distribution Order, any objections to the allowance of the claims must be filed with the Court and served upon the Receiver on or before December 20, 2002 (“Objection Period”). If, upon expiration of the Objection Period, the Court’s file does not reflect the filing of an objection, the Receiver requests that the Court enter an Order allowing the foregoing claims and authorizing the interim distribution.

WHEREFORE, PREMISES CONSIDERED, the Receiver prays that upon final consideration of this matter that the Court issue an Order allowing the foregoing claims and authorizing an interim distribution in the amount requested 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,

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By:



Michael J. Quilling
State Bar No. 16432300

ATTORNEYS FOR RECEIVER

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2002 a true and correct copy of the foregoing document was sent via first class mail, postage prepaid, on the following and on all persons on the attached list:

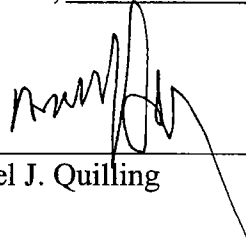
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This Motion will also be posted on the Receiver's website, www.secreceiver.com, immediately after filing.



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