

COPY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED

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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 NATIONSBANK,)
N.A., CONSISTING OF \$18,756,420.97,)
MORE OR LESS.) C.A. NO. 3:98mc96-McK

_____)
GEORGE AND DOLORES ROLLAR,)
Plaintiffs,)
v.) C.A. NO. 3:01CV205-McK

_____)
UNITED STATES OF AMERICA, et al.,)
Defendants,)
) (CASES CONSOLIDATED)

RICHARD VASQUEZ,)
Intervener.)
_____)

RECEIVER’S MOTION TO APPROVE AGGREGATE CLAIM AND TO SEGREGATE FUNDS FOR INTERNATIONAL INVESTMENT GROUP INVESTORS

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

Michael J. Quilling, the Receiver appointed in these proceedings (the “Receiver”) files this Motion to Approve Aggregate Claim and to Segregate Funds for International Investment Group Investors (“IIG”), and in support of such shows 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 February 21, 2002, the Receiver filed his Unopposed Motion to Approve Claim Form and by Order dated February 25, 2002 the Court approved the claim form. Since that time, the Receiver has processed hundreds of claims.

3. On September 27, 2002, the Receiver filed his Unopposed Amended Motion to Establish Distribution Procedures. On October 11, 2002 the Court issued its Order approving the amended distribution motion.

4. Pursuant to the amended motion, the Receiver proposed to pay each allowed claimant 57.59% of the allowed claim in interim distribution with subsequent distributions to occur once issues relating to the tax liability reserve and other issues in the case were resolved. Exhibit "1" to the amended motion (a copy of which is attached hereto) identified the deposits into the subject accounts and what was then known about the person/entity which caused the deposit to be made. As the Receiver has continued his efforts, the identity of two large deposits (\$1.5 million into the NationsBank account and \$2.0 million into the Allied Dunbar account) has become known. Those deposits are highlighted on Exhibit "1". The source of each of the deposits was a corporate entity called International Investment Group ("IIG") which was owned and controlled by Dale Graybill. None, or virtually none, of the funds deposited were actually those of IIG or Dale Graybill. Instead, they belonged to hundreds of investors who submitted small amounts which were then aggregated at the Royal Bank of Scotland in Nassau and forwarded into the accounts referenced above.

5. The identity of the IIG investors is not entirely known, but hundreds of claims have been filed in these proceedings by those investors. To date, the Receiver has been unable to obtain bank records from IIG and/or Dale Graybill or the Royal Bank of Scotland (Nassau) which would allow the Receiver to determine the identity of all of those claimants. However, the Receiver is continuing with those efforts. It is the Receiver's belief that what make the most sense is to approve

the aggregate claim of IIG (\$3.5 million) and to allow the Receiver to segregate those funds as set forth below.

6. So as to not delay further distributions in these proceedings to the other claimants who are known, and so as to not continue to assess administrative costs for efforts devoted entirely toward determining the identity of IIG investors and processing their claims against the remainder of the investors in the case, the Receiver proposes that the Court allow the Receiver to establish a separate account into which he would transfer the proposed 57.59% distribution attributable to those two large deposits (\$863,847.28 and \$1,151,796.37) to hold until further order of the Court. Once such a transfer is approved, the Receiver will establish a separate billing file for services rendered by the Receiver and his staff which are attributable solely to determining IIG investors and processing their claims and future fee applications will segregate the fees.

WHEREFORE, PREMISES CONSIDERED, the Receiver prays that upon final consideration of this motion that the Court (1) approve the aggregate claim of IIG; and (2) authorize the receiver to transfer the funds referenced above into a separate holding account pending further Order of the Court 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 SERVICE

I hereby certify that on the 2nd day of April, 2004 a true and correct copy of the foregoing document was served via first class mail, postage pre-paid, on:

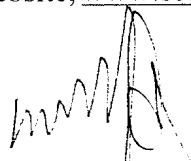
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This Application will also be posted on the Receiver's website, www.secreceiver.com, immediately after filing.



Michael J. Quilling

Exhibit “1”

Michael J. Quilling, Receiver
MM ACMC Banque De Commerce, Inc.
C.A. No. 3:98mc96-McK

"Equitable Solution"

Bank Account	Claimant	Amount	Proposed Distribution
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MM ACMC Banque De Commerce, Inc.
(NationsBank Acct# 000669829075)

	Maxine S. Gregory	\$100,000.00	\$57,589.82
	Royal Bank of Scotland (Nassau)	\$1,500,000.00	\$863,847.28
	Boyden & Laufer, Attorneys	\$95,000.00	\$54,710.33
	Karen Marie Charles	\$10,000.00	\$5,758.98
	Moroni, Ltd.	\$100,000.00	\$57,589.82
	Gary L. and Freda J. Michaelson	\$20,000.00	\$11,517.96
	Boyden & Laufer, Attorneys	\$285,000.00	\$164,130.98
	National Bank of Malvern (Robert Dadds)	\$3,000.00	\$1,727.69
	Zion Investment Ltd. (Richard Fox / Jeff Lindsey)	\$100,000.00	\$57,589.82
	National Bank of Malvern (Robert Dadds)	<u>\$17,000.00</u>	<u>\$9,790.27</u>
	Subtotal	<u>\$2,230,000.00</u>	<u>\$1,284,252.95</u>

Sterling Asset Services, Ltd.
(Allied Dunbar Bank Acct# 200999)

	Roof & Ellenburg Corp	\$250,000.00	\$143,974.55
	George Rollar	\$1,400,000.00	\$806,257.46
	Fox MJ	\$40,000.00	\$23,035.93
	Fox JL	\$60,000.00	\$34,553.89
	Kumma Sittabaum	\$415,000.00	\$238,997.75
	Carolyn W. Churchwell	\$29,000.00	\$16,701.05
	Thomas Ryan	\$20,000.00	\$11,517.96
	Kada Computers (Mahesh Yagnik)	\$25,000.00	\$14,397.45
	Mary Furman	<u>\$55,000.00</u>	<u>\$31,674.40</u>
	Subtotal	<u>\$2,294,000.00</u>	<u>\$1,321,110.43</u>



Michael J. Quilling, Receiver
MM ACMC Banque De Commerce, Inc.
C.A. No. 3:98mc96-McK

"Equitable Solution"

Bank Account	Claimant	Amount	Proposed Distribution
Sterling Asset Services, Ltd. (Allied Dunbar Bank Acct# 200997)			
	Richard Vasquez	\$75,000.00	\$43,192.36
	Special K's Ltd. Richard Vasquez	\$825,000.00	\$85,128.50 (2)
	Mistra Property (Tim Maroney / Debra Novak)	\$400,000.00	\$230,359.27
	Mistra Property (Tim Maroney / Debra Novak)	\$300,000.00	\$172,769.46
	Harold Moll	\$50,000.00	\$28,794.91
	PMI Holdings Ltd.	\$600,000.00	\$345,538.91
	Royal Bank of Scotland	\$2,000,000.00	\$1,151,796.37
	John Organ	\$10,000.00	\$5,758.98
	BOH Kappa (Charlotte Russell - Bank of Hawaii)	\$50,000.00	\$28,794.91
	Excelsior Int'l	\$600,000.00	\$345,538.91
	Sterling Management Services	\$950,000.00	\$547,103.28
	Gary L. and Frank. J. Michaelson	\$100,000.00	\$57,589.82
	Thomas Lee Ryan	\$70,000.00	\$40,312.87
	George Rollar	\$300,000.00	\$172,769.46
	George Rollar	\$300,000.00	\$172,769.46
	Zion Investment Ltd. (Richard Fox / Jeff Lindsey)	<u>\$600,000.00</u>	<u>\$345,538.91</u>
	Subtotal	<u>\$7,230,000.00</u>	<u>\$3,773,756.37</u>

Sterling Management Services, Inc.
(Bank of Butterfield Acct# 1336717)

	Leix Commodities (Richard Fox)	\$150,000.00	\$86,384.73
	High Seas Trading	\$40,000.00	\$23,035.93
	Conrard Niergargh	\$40,000.00	\$23,035.93
	Roger D. Enfield	\$51,500.00	\$29,658.76
	Susan C. Jones	\$120,000.00	\$69,107.78
	K & K Financial Enterprises	\$30,000.00	\$17,276.95

Michael J. Quilling, Receiver
MM ACMC Banque De Commerce, Inc.
C.A. No. 3:98mc96-McK

"Equitable Solution"

Bank Account	Claimant	Amount	Proposed Distribution
	Fred Gilliland	\$2,660,000.00	\$1,531,889.17
	Bruce / Carol Vandusen	\$25,000.00	\$14,397.45
	Thomas Currey	\$30,000.00	\$17,276.95
	Oak Tree, Inc. (Ken and Kay Proctor)	\$25,000.00	\$14,397.45
	George Rollar	\$10,500,000.00	\$4,796,930.93 (1)
	Eric R. Tank	\$30,000.00	\$17,276.95
	Oval Pacific (John Valentine)	\$900,000.00	\$518,308.37
	James Columbia	\$20,000.00	\$11,517.96
	Excelsior Int'l Banking Corp.	\$100,000.00	\$57,589.82
	Roof & Ellenburg	\$800,000.00	\$460,718.55
	Valerie D. / Patrick S. McCalman	\$130,000.00	\$74,866.76
	Hammersmith Trust LLC	\$150,000.00	\$86,384.73
	Boris Vasilev	\$10,000.00	\$5,758.98
	Henderson Sewing Machines	\$400,000.00	\$230,359.27
	James Henderson, Sr.	\$85,000.00	\$48,951.35
	Richard A. Sorenson	\$25,000.00	\$14,397.45
	Gary Harvey	\$10,000.00	\$5,758.98
	Curtis Edwards	\$20,000.00	\$11,517.96
	Central Funding	\$20,000.00	\$11,517.96
	Ronald L. Burr	\$25,000.00	\$14,397.45
	Charles Organ	\$10,000.00	\$5,758.98
	International Ventures	\$47,000.00	\$27,067.21
	Morola ECU West	\$10,000.00	\$5,758.98
	Carthage Asset Management (David Helbart)	\$200,600.00	\$115,525.18
	Oval Pacific	\$200,000.00	\$115,179.64
	Chris Buchanan	\$180,000.00	\$103,661.67
	Oval Insurance Services	\$80,000.00	\$46,071.85
	William / Dora Call	\$30,000.00	\$17,276.95

Michael J. Quilling, Receiver
MM APMC Banque De Commerce, Inc.
C.A. No. 3:98mc96-McK

"Equitable Solution"

Bank Account	Claimant	Amount	Proposed Distribution
	Oval Pacific (John Valentine)	\$100,000.00	\$57,589.82
	SIT Paymaster Account 1335532	\$303,800.00	\$174,957.87
	International Ventures	\$53,000.00	\$30,522.60
	Leix Commodities (Richard Fox)	<u>\$50,000.00</u>	<u>\$28,794.91</u>
	Subtotal	<u>\$17,660,900.00</u>	<u>\$8,920,880.24</u>
	Grand Total	<u>\$29,414,900.00</u>	<u>\$15,300,000.00</u>

Total Claims	\$29,414,900.00	
Less - Amounts Previously Distributed		
George Rollar	(1,250,000.00)	(1)
Richard Vasquez	<u>(389,987.50)</u>	(2)
	<u>(1,639,987.50)</u>	(3)
Net Remaining Claims Before Equalization	<u>\$27,774,912.50</u>	
Cash Available for Equalization	\$15,300,000.00	
Add - Amounts Previously Distributed	<u>1,639,987.50</u>	(3)
Distribution Amount	<u>\$16,939,987.50</u>	
Distribution Percentage	57.59%	