

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

GEORGE AND DOLORES ROLLAR, §

Plaintiffs, §

v. §

UNITED STATES OF AMERICA, et al., §

Defendants, §

v. §

RICHARD VASQUEZ, §

Intervener, §

Civil Action No. 3:01 CV 205-McK

RECEIVER’S NOTICE OF RESTITUTION LIEN

TO THE HONORABLE DAVID KEESLER, UNITED STATES MAGISTRATE JUDGE:

COMES NOW, Michael J. Quilling, the Receiver appointed in these proceedings, and files this Notice of Restitution Lien and in support of such would show unto the Court as follows:

1. On November 2, 2006, the Receiver filed his Final Report and Proposed Distribution Plan [Dkt. No. 206]. On December 5, 2006, Claimant John Valentine a/k/a Obasi Onwubiko Valentine (“Valentine”) filed a Supplemental Declaration [Dkt. No. 209]. On January 9, 2007, the United States Government filed its Response [Dkt. No. 212]. No ruling has yet been made by the Court with respect to the Receiver’s Final Report and Distribution Plan.

2. By letter dated January 12, 2007, the Receiver was notified by the United States Department of Justice, by and through the United States Attorney for the District of Minnesota, of a restitution lien against Valentine. Attached hereto as Exhibit “1” is a true and correct copy of the correspondence and lien received by the Receiver. Based upon the lien, any amounts to be distributed by the Receiver on account of Valentine claims must first be paid in accordance with the

lien to the United States Department of Justice. In order to expedite closure of this case, the Receiver suggests that the claims submitted by Valentine be approved in the amount of \$523,850.00 in the aggregate¹ and that any distribution made in accordance with the Court's approval of the Final Report and Distribution Plan be paid by the Receiver to the United States Department of Justice until the restitution lien is satisfied in full. Any remaining amount, if any, will be paid to Valentine.

3. If the Court approves the foregoing, as opposed to simply disallowing the Valentine claims, it will change the distribution amounts set forth in the Receiver's Final Report and the schedules attached thereto. Accordingly, the Receiver has attached hereto collectively as Exhibit "2" new Exhibits "A" and "B" to the Receiver's Final Report.

WHEREFORE, PREMISES CONSIDERED, the Receiver prays that upon final consideration of this matter the Court (1) allow the claims filed by Valentine in the aggregate amount of \$523,850.00 and that he be instructed to pay any such distributions attributable to those claims directly to the United States Department of Justice toward satisfaction of the restitution lien, and (2) amend the final distribution schedules in accordance with Exhibit "2" hereto, and for such other and further relief, general or special, at law or in equity, to which the Receiver may show himself justly entitled.

¹ This includes the Oval Insurance Services claim in the amount of \$80,000.00.

Respectfully submitted,

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By: /s/ Michael J. Quilling
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ATTORNEYS FOR RECEIVER