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5 *Attorneys for Plaintiff*

6 **UNITED STATES DISTRICT COURT**
 7 **DISTRICT OF ARIZONA**

8 HANOVER INSURANCE COMPANY, a)
 New Hampshire corporation,)
 9)
 Plaintiff,)
 10)
 vs.)
 11)
 ATLANTIS CONSTRUCTION &)
 DEVELOPMENT CORPORATION, an)
 Arizona corporation; PETERS CONCRETE,)
 12)
 INC., an Arizona corporation; ENCARTA)
 13)
 HOMES, L.L.C., an Arizona limited liability)
 14)
 company; BRYANT PETERS and APRIL)
 PETERS, husband and wife,)
 15)
 Defendants,)
 16)
 and)
 17)
 JPMORGAN CHASE BANK, NATIONAL)
 18)
 ASSOCIATION, a New York corporation,)
 19)
 Garnishee.)

Case No.: CV 09-8053-PCT-GMS

**APPLICATION AND AFFIDAVIT
 FOR GARNISHMENT AS TO
 DEFENDANT PETERS
 CONCRETE, INC.**

20 STATE OF ARIZONA)
) ss.
 21 County of Maricopa)

**AFFIDAVIT OF SCOTT F.
 FRERICHS**

22 The undersigned, being duly sworn, upon oath, deposes and says:

23 1. On July 1, 2009, Plaintiff Hanover Insurance Company (“Hanover”)
 24 recovered Judgment against Defendant Peters Concrete, Inc. (“Peters”) for the total sum
 25 of \$948,468.34, which is comprised of the principal amount of \$907,298.95, pre-
 26 judgment interest as of June 9, 2009 in the amount of \$22,868.91, attorneys’ fees in the

1 amount of \$17,371.50, and costs of suit in the amount of \$928.98. Pre-judgment interest
2 accrued on the principal amount of \$907,298.95 from June 10, 2009 to date of entry of
3 the Judgment, July 1, 2009, in the amount of \$5,220.08. Additionally, Judgment has
4 borne interest from its date of entry at the rate of ten percent per annum. To date, the
5 Judgment remains unsatisfied.

6 2. I am the attorney for Hanover in this action, and make this Affidavit for the
7 purpose of obtaining the issuance and service of a writ of garnishment directed to
8 JPMorgan Chase Bank, N.A., as Garnishee, pursuant to Rule 64, *Fed.R.Civ.P.*

9 3. The foreign address of the Garnishee is 4 Chase Metrotech Center, Third
10 Floor, Brooklyn, New York 11245.

11 4. The address of the Garnishee's registered agent is 2394 East Camelback
12 Road, Phoenix, Arizona 85016.

13 5. I am reliably informed, and, therefore, truly believe that the above-named
14 Garnishee is indebted to Peters for monies which are not earnings.

15 6. As of the date of this Application, Peters owes, on the Judgment described
16 hereinabove, that total sum of \$959,175.39, constituting principal, pre and post-judgment
17 interest, and attorneys' fees and costs. Post-judgment interest continues to accrue at the
18 rate of ten percent per annum, or at a per diem rate of \$261.28.

19 DATED this 21st day of July, 2009.

20 s/ Scott F. Frerichs
21 Scott F. Frerichs

