

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01268-WYD-MEH

GEORGE FARMER (a/k/a George L. Farmer),

Plaintiff,

v.

BANCO POPULAR OF NORTH AMERICA;
JOHN DOES 1-100,

Defendants.

ORDER

THIS MATTER is before the Court on Judgment Creditor Banco Popular North American's Motion for Turnover Order (ECF No. 237), filed June 30, 2015. In this motion, Banco Popular North America moves the Court for entry of a Turnover Order against Plaintiff George Farmer, seeking a turnover of Plaintiff's interest in GRTM LLC, or in the alternative, a Charging Order against any of Plaintiff's distributions from GRTM.

On September 19, 2014, final judgment was entered against Plaintiff in the amount of \$53,079.53. Plaintiff appealed my order imposing costs and fees, and on June 30, 2015, the Tenth Circuit affirmed, but reduced the amount of the judgment from \$53,079.53 to \$50,824.53.

Federal Rule of Civil Procedure 69(a) allows a judgment creditor to return to the district court where the judgment was entered to seek the court's assistance in enforcing the judgment. *Gagan v. Monroe*, 269 F.3d 871, 873 (7th Cir. 2001). Under Rule 69(a), the Court may enter a turnover order "in aid of execution" of the judgment, provided that

it defers to state law to provide methods for collecting judgment. See *United Int's Holdings, Inc. v. Wharf (Holdings) Ltd.*, 210 F.3d 1207, 1235 (10th Cir. 2000). Colorado

Rule of Civil Procedure 69(g) provides:

The court, master, or referee may order any party or other person over whom the court has jurisdiction, to apply any property other than real property, not exempt from execution, whether in the possession of such party or other person, or owed the judgment debtor, towards satisfaction of the judgment. Any party or person who disobeys an order made under the provisions of this Rule may be punished for contempt. Nothing in this Rule shall be construed to prevent an action in the nature of a creditor's bill.

Id.

Based on my careful review of the pending motion, response, and reply, I find that a Charging Order is the proper relief. Accordingly, it is

ORDERED that Judgment Creditor Banco Popular North American's Motion for Turnover Order (ECF No. 237) is **GRANTED** to the extent that any membership interest of George L. Farmer in GRTM LLC, a New Jersey limited liability company, is charged with payment of the Judgment entered by this Court in the amount of \$50,824.53.

George L. Farmer shall report and distribute to the Clerk of the Court any amounts that become due or distributable to him by reason of any interest he holds in GRTM LLC until the Judgment is satisfied in full. Payments should be made to the

following address:

Alfred A. Arraj United States Courthouse
Clerk's Office, Room A105
901 19th Street
Denver, CO 80294-3589

Upon receipt of any such payments, the Clerk shall provide notice of such receipt to

counsel for Judgment Creditor Banco Popular North America. The Judgment Creditor shall be entitled to receipt of the funds held by the Clerk upon written request by the Judgment Creditor.

Dated: August 26, 2015

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Senior United States District Judge