

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

HAROLD BLACH,

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Plaintiff,

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ROBERT FREY, REGENCY REALTY,  
LLC, and ROBERT FREY, TRUSTEE,

\*

\*

Third Party Claimants,

\*

vs.

CASE NO. 4:15-MC-5 (CDL)

\*

AFLAC, INC.,

\*

Garnishee,

\*

SAL DIAZ-VERSON,

\*

Defendant.

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O R D E R

Presently pending before the Court is the Motion for Disbursement of Third Party Claimant Robert Frey as Trustee of the Robert J. Frey Living Trust (ECF No. 330). The motion is granted.<sup>1</sup>

The Court previously concluded that Frey as Trustee holds a valid judgment against Frey's former client, Defendant Sal-Diaz Verson. Order Granting Mots. for Disbursement (Mar. 14, 2018), ECF No. 321. The Court also concluded that Frey's judgment is superior to that of Harold Blach, another Diaz-Verson judgment

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<sup>1</sup> Frey as Trustee filed another Motion for Reimbursement on April 26, 2018 (ECF No. 340). That motion is not yet ripe.

creditor. The outstanding principal balance of Frey's judgment is approximately \$33,663.37.<sup>2</sup>

Blach filed garnishments against Diaz-Verson's former employer, Garnishee AFLAC, Inc., on January 16, 2018 (ECF No. 285) and February 14, 2018 (ECF No. 310). In response to those garnishments, AFLAC deposited \$19,979.74 into the Court's registry. Frey as Trustee made third party claims to the garnished funds and filed a motion for disbursement. No one filed an opposition to the motion, and the motion is granted.

The Clerk is instructed to enter judgment in favor of Third Party Claimant Robert Frey as Trustee of the Robert J. Frey Living Trust with regard to these two garnishments. Fourteen days from the date of today's Order, the Clerk shall disburse \$19,979.74, plus any interest earned on that amount while the funds were in the Court's registry, to Frey as Trustee, unless any party files a notice of appeal relating to today's rulings before that date. Once the funds are disbursed, the Clerk shall enter a Certification of Disbursement on the docket stating the amount of the disbursement and when it was mailed. And once Frey as Trustee receives the funds, he shall file an amended

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<sup>2</sup> The principal balance was \$219,982.78. On March 31, 2018, the accrued interest totaled \$39,230.62, so the total amount due as of that date was \$259,213.40. On April 2, 2018, the Clerk mailed Frey checks totaling \$225,791.13. Certification of Disbursement of Funds, ECF No. 336. Assuming those checks were received on April 5, 2018, \$39,471.72 should have been applied to accrued interest and \$186,319.41 to principal.

Notice of Third Party Claim with the updated outstanding principal balance of his judgment, as well as an amended motion for disbursement of the funds deposited pursuant to the March 14, 2018 garnishment application, if appropriate. Any party seeking a stay pending an appeal of today's rulings shall file a motion with citation to applicable authority with the notice of appeal.

IT IS SO ORDERED, this 27th day of April, 2018.

s/Clay D. Land

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CLAY D. LAND

CHIEF U.S. DISTRICT COURT JUDGE  
MIDDLE DISTRICT OF GEORGIA