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STRUBE CELERY & VEGETABLE CO.,)	
Plaintiff, v.)) Case No. 06	C 6227
LEO PUSATERI & SONS, LEO PUSATERI, JR., COSIMO PUSATERI,)	
Defendants/Judgment Debtors.)	•
RETU	RN OF SERVICE	
I, <u>Kenneth Mastny</u> , am over (Print server's name)	r 21 years of age and	l not a party to this case. I served the
Citation in Supplemental Proceedings to Dis	scover Assets, Third	Party Citation Notice, and Judgment
entered on January 10, 2007 on <u>Flena</u> G	, hinea, Custome (Name, Titl	r Service Manager e)
by leaving a copy with him/her personally o at	n February	(9, 20_10, at the hour of _/:15_Pm
U.S. Bank, 536 South York R (Locat	tion)	, IL 60126.
STATEM	ENT OF SERVICE	FEES
<u>Travel</u>	<u>Services</u>	<u>Total</u>
DECLAR	RATION OF SERV	ICE
I declare under penalty of perjury under the information contained in the Return of Serv	vice and Statement of	f Service Fees is true and correct.
Dated: 2/19/2010	(Signature of Serv	Vhid er)
	(Signature of Serv	··)
	(Signature of Server) (Address of Server)	va . Suite 370, Oak Brook, IL 6052

STRUBE CELERY & VEGETABLE CO.,)
)
Plaintiff,)
v.)
) Case No. 06 C 6227
LEO PUSATERI & SONS, LEO)
PUSATERI, JR., COSIMO PUSATERI,)
)
Defendants/Judgment Debtors.)
THIRD PARTY	
CITATION IN SUPP	LEMENTAL PROCEEDINGS
TO DIC	COVED ASSETS

TO: Any Officer or Agent U.S. Bank 536 York Street Elmhurst, IL 60126

YOU ARE HEREBY SUMMONED to be present at the law office of BERGLUND & MASTNY, P.C., 1010 Jorie Boulevard, Suite 370, Oak Brook, Illinois on the 5th day of March, 2010, at the hour of 1:00 p.m., and then and there to answer under oath such questions as may be put to you concerning the personal and real property of and/or indebtedness due the above named Defendant, and to abide the further order of the Court.

YOU ARE COMMANDED to produce at the examination all books, papers, or records in your possession or control which may contain information concerning the property or income of any Defendant or indebtedness due it.

The books and records to be produced include all records of Suzanne Pusateri, Leo Pusateri, and Cosimo Pusateri from June 1, 2009 through the present, including but not limited to: records of deposits, credit applications, wire transfers, withdrawals, canceled checks (including backside) over \$500.00, signature cards, electronic transfers, account closing checks, and bank statements for all accounts maintained by <u>Suzanne Pusateri</u>, <u>Cosimo Pusateri</u>, and/or <u>Leo Pusateri</u>, including, but not limited to, <u>Account No. 173671339</u>. You are also commanded to produce all financial statements,

evidence of safety deposit boxes utilized by <u>Suzanne Pusateri</u>, <u>Cosimo Pusateri</u>, and/or <u>Leo Pusateri</u>, and evidence of collateral and/or security for loans made to them shall be produced.

YOU ARE PROHIBITED from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from execution or garnishment belonging to the judgment debtor or to which it may be entitled or which may be acquired by or become due to it and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to it, until the further order of the Court or termination of the proceedings. You are not required to withhold the payment of any money beyond double the amount of the judgment.

Judgment was entered in favor of the Plaintiff in the United States District Court for the Northern District of Illinois, Eastern Division, on the 10th day of January, 2007 in the aggregate sum of \$69,653.31, of which at least \$84,491.16, which includes interest, remains unsatisfied.

If you have any questions regarding this matter, please call Joseph P. Berglund at (630) 990-0234.

YOUR FAILURE TO COMPLY WITH THIS CITATION MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

CERTIFICATE OF ATTORNEY

The undersigned declares under penalty of perjury under the laws of the United States of America, that the information contained herein is true and correct.

Joseph/P. Berglund

MICHAEL W. DOBBINS

CLERK OF COURT

DEPUTY CLERK

FEB 1 9 2010 Date:

Attorneys For Plaintiff

Joseph P. Berglund BERGLUND & MASTNY, P.C. 1010 Jorie Boulevard, Suite 370 Oak Brook, Illinois 60523-2229 (630) 990-0234

William B. Kohn 150 North Wacker Drive, Suite 1400 Chicago, IL 60606 (312)553-1200

J:\C-Drive\WPDOCS\STRUBE CELERY\Citation to Discover Assets - U.S. Bank FEDERAL.wpd

STRUBE CELERY & VEGETABLE CO.,)	
Plaintiff,)	
V.)	
LEO PUSATERI & SONS, LEO)	
PUSATERI, JR., COSIMO PUSATERI,)	
)	Case No. 06 C 6227
Defendants,)	
v.)	
SUBURBAN BANK & TRUST,)	
Citation-Respondent	.)	

THIRD PARTY CITATION NOTICE

Address of Judgment Debtor:

Leo Pusateri, Jr.

Cosimo Pusateri

185 W. Vallette Street

185 W. Vallette Street

Elmhurst, IL 60126

Elmhurst, IL 60126

Name and address of Attorney for Judgment Creditor:

Joseph P. Berglund

BERGLUND & MASTNY, P.C. 1010 Jorie Boulevard, Suite 370 Oak Brook, Illinois 60523-2229

Amount of Judgment:

\$69,653.31

Name of Citation-Respondent:

U.S. Bank

536 York Street Elmhurst, IL 60126

Return Date:

March 5, 2010 at 1:00 p.m.

NOTICE: The Court has issued a Citation to Discover Assets ("Citation") against the Citation-Respondent named above for money or property (other than wages) belonging to the judgment debtor or in which the judgment debtor has an interest. The Citation was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above.

The amount of money or property (other than wages) that may be garnished is limited by

federal and Illinois law. The judgment debtor has the right to assert statutory exemptions against certain money or property of the judgment debtor which may not be used to satisfy the judgment in the amount stated above.

Under Illinois or federal law, the exemptions of personal property owed by the debtor include the debtor's equity interest, not to exceed \$2,000.00 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; workers' compensation benefits; veterans' benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed \$1,200.00 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed \$750.00 in value, in any implements, professional books or tools of the trade of the debtor.

The judgment debtor may have other possible exemptions from garnishment under the law.

The judgment debtor has the right to request a hearing before the court to dispute the garnishment or to declare exempt from garnishment certain money or property or both. To obtain a hearing in counties with a population of 1,000,000 or more, the judgment debtor must notify the Clerk of the Court in person and in writing at Everett McKinley Dirksen Building located at 219 South Dearborn Street, Chicago, Illinois before the return date specified above or appear in court on the date and time on that return date. To obtain a hearing in counties with a population of less than 1,000,000, the judgment debtor must notify the Clerk of the Court in writing at Everett McKinley Dirksen Building located at 219 South Dearborn Street, Chicago, Illinois before the return date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the garnishee regarding the time and location of the hearing. This notice may be sent by "regular first class mail."

 $\hbox{\it J:$\C-Drive\WPDOCS\STRUBE\ CELERY\Third\ Party\ Citation\ Notice-U.S.\ Bank\ FEDERAL\ BOTH.wpd}$

2

STRUBE CELERY & VEGETABLE CO.,)	
Plaintiff,)	
v.)	No. 06 C 6227
LEO PUSATERI & SONS, LEO PUSATERI, JR. and COSIMO PUSATERI,	,))	Judge Coar
Defendants.)	

DECLARATION OF SERVICE

To: See Attached Service List

I, the undersigned, declare under penalties of purgery under the laws of the United States of America that I served a Third-Party Citations to Discover Assets issued against U.S. Bank, Certificate of Attorney, and Citation Notice, upon the individuals referenced above, at the address listed therein, by depositing copies thereof in the U.S. Mail at 1010 Jorie Blvd., Oak Brook, Illinois, with postage fully prepaid, on this 22nd day of February, 2010.

Odeta Paskevicius

Joseph P. Berglund Kenneth M. Mastny BERGLUND & MASTNY, P.C. 1010 Jorie Blvd., Suite 370 Oak Brook, Illinois 60523 Tel: (630) 990-0234

Fax: (630) 990-2900

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EXHIBIT

2

SERVICE LIST

- 1. Leo J. Pusateri, Jr. 185 W. Vallette Street Elmhurst, Illinois 60126
- Cosimo Pusateri
 185 W. Vallette Street
 Elmhurst, Illinois 60126

3

Feb. 19. 2010 2:02PM	No. 0688 P. 5
Case 1:06-cv-06227 Document 44 File IN THE CIRCUIT COURT OF THE EIGHTEENT	No. 0688 P. 5 ed 03/02/10 Page 2 of 3 ed JUDICIAL CIRCUIT
DY PAGE COUNTY, ILLINO	ots / /
)	146
STRUBE CELERY & VEGETABLE CO.,	3 MAP
Plaintiff,	CLEMICH 2 -2 2 2010
v.)	THE WOOD (
.	CLERK, U.S. DISTRICT COV
LEO PUSATERI & SONS, a parinership, LEO PUSATERI JR., and COSIMO PUSATERI,)	CLERK, U.S. DISTRICT COURT
Defendants,	·
▼.	•
U.S. Bank	
Third-Party Defendant	- LETCH HE OCKEDINGS
TO COMPANY: ANSWER TO CO	TATION FROM .
1 1 S S S S S S S S S S S S S S S S S S	suant to Sec. 1-109 of the Illimois Code of Civil Procedure
The Respondent of Agent)	
the same and contact	.
hat the following statements are the not the Defendant in its possession. Respondent has no property of the Defendant in its possession.	to the Delendent-
Expendent has no property of the beremann income belonging.	and ant the follows the second constant records
II. Perpondent has property that belongs or may belong to the De	Please sentest our Legal Documents area at
DETENDANT'S ENIABLE	PHODEL KILL
·	•
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1) Savings Account \$	\$ 38,214.00 +x Hard hard / freeze on
Cascing and/or Now Arrant 5	\$38,314.00 ** Hard hold / freeze on
a) Certificate of Deposit \$	\$38,214.00 ** Hard hard / freeze on the bank account
a) Certificate of Deposit \$	# # Hard hold / freeze on the bank account until August 18,2010
2) Conting and/or New Archant \$ Contificate of Deposit \$ Deposit \$ Trust Account \$ Continue of Deposit \$ Cont	until August 18, 2010
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4

STRUBE CELERY & VEGETABLE CO.,)				
Plaintiff, v. LEO PUSATERI & SONS, LEO PUSATERI, JR., COSIMO PUSATERI, Defendants, v. U.S. BANK,)))))) Case No. 06 C 6227) Hon. David H. Coar)				
Citation-Respondent.)				
<u>ORDER</u>					
THIS CAUSE COMING before the Court on Plaintiff's Motion for Turnover Order					
against U.S. BANK, due notice having been given and the Court being fully advised in the					
premises;					
IT IS HEREBY ORDERED that judgment is entered against U.S. Bank in the amount of					
\$38,214.00.					
IT IS FURTHER ORDERED that U.S. Bank shall immediately turn over to Plaintiff's					
attorney, Berglund & Mastny, P.C., 1010 Jorie Boulevard, Suite 370, Oak Brook, Illinois 60523					
the sum of \$38,214.00 plus any other sums of money deposited since February 19, 2010 up to a					
total amount of \$85,899.49 in a check made payable to Strube Celery & Vegetable Co.					
Dated: ENTE	RED: Honorable David H. Coar				
	United States District Court Judge				