

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NNDYM IN, INC.)	
d/b/a Holiday Inn Express – Tell City)	
an Indiana Corporation,)	
Plaintiff,)	Case No. 10 CV 01137
v.)	
)	Judge Elaine E. Bucklo
UV IMPORTS, INC.,)	
A North Carolina Corporation, and)	Magistrate Judge
UJAS PATEL, individually, and)	Sidney I. Schenkier
A ROYAL TOUCH, INC., a)	
North Carolina Corporation,)	
an Illinois Corporation,)	
Defendants.)	

PLAINTIFF’S MOTION FOR JUDGMENT ON THE ANSWER OF THIRD PARTY CITATION RESPONDENT AND TURNOVER OF FUNDS

NOW COMES the Plaintiff, NNDYM IN, INC., by and through its attorneys, Sullivan Hincks & Conway, and in support of Plaintiff’s Motion for Judgment on the Answer of Third Party Citation Respondent, BANK OF AMERICA, and for Turnover of Funds, states as follows:

1. On December 21, 2009, Judgment was entered in favor of the Plaintiff, NNDYM IN, INC. (hereinafter “Plaintiff”), and against the Defendants, UV IMPORTS, INC., UJAS PATEL and A ROYAL TOUCH, INC. (hereinafter “Defendants”), in the amount of \$417,759.00 plus attorneys’ fees and costs in the amount of \$8,374.21 by the United States District Court for the Southern District of Indiana.

2. The Judgment was registered here in the United States District for the Northern District of Illinois on February 19, 2010. A Citation to Discover Assets was served on Third Party BANK OF AMERICA (hereinafter “BOA”) on March 10, 2010.

Within three days of service on BOA, the Plaintiff sent notice of the same to the Defendant/Debtors. *See* Plaintiff's Affidavit of Service and Certificate of Mailing, attached hereto as Exhibit A.

3. BOA filed its Answers on March 19, 2010, indicating that BOA is in possession of \$4,365.90 belonging to the Defendant/Debtors. *See* BOA's Answer, attached hereto as Exhibit B.

4. This Court has jurisdiction to enforce any judgment rendered by any United States District Court so long as the judgment is registered in the Northern District, pursuant to 28 USCS §1963. Any judgment so registered shall have the same effect as a judgment of this Court. 28 U.S.C. §1963.

5. Further, supplementary proceedings to enforce a judgment are governed by Federal Rule of Civil Procedure 69(a) which provides that a district court is to use state procedure governing the execution of any such judgment. Fed. R. Civ. P. 69(a).

6. Section 5/2-1402 of the Illinois Code of Civil Procedure provides that when assets of a judgment debtor not exempt from the satisfaction of a judgment are discovered, a court may enter an order or judgment compelling the person cited to deliver said assets. 735 ILCS 5/2-1402.

7. As such, the Plaintiff is entitled to the non-exempt property of the Defendants/Judgment Debtors to satisfy the judgment entered against them.

WHEREFORE, the Plaintiff, NNDYM IN, INC., respectfully requests that this Court enter a Judgment against and order Third Party Citation Respondent, BANK OF AMERICA, to turnover to Plaintiff in partial satisfaction of the judgment, the property of judgment debtors, UV IMPORTS, INC., UJAS PATEL and A ROYAL TOUCH, INC., in the amount of \$4,365.90, and for such other relief that this Court deems just and proper.

Respectfully submitted,
NNDYM IN, INC.

By: /s John J. Conway
One Of Its Attorneys

John J. Conway 6217597
Jamie McCarthy 6297150
SULLIVAN HINCKS & CONWAY
120 West 22nd Street, Suite 100
Oak Brook, IL 60523
Ph: (630) 573-5021
Fx: (630) 573-5130

**IN THE UNITED STATES DISTRICT COURT
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NNDYM IN, INC.)	
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an Indiana Corporation,)	
Plaintiff,)	Case No. 10 CV 01137
v.)	
)	Judge Elaine E. Bucklo
UV IMPORTS, INC.,)	
A North Carolina Corporation, and)	Magistrate Judge
UJAS PATEL, individually, and)	Sidney I. Schenkier
A ROYAL TOUCH, INC., a)	
North Carolina Corporation,)	
an Illinois Corporation,)	
Defendants.)	

NOTICE OF FILING

TO: See attached service list

PLEASE BE ADVISED, on March 15, 2010, we caused to be filed with the Clerk of the U.S. District Court for the Northern District of Illinois, Eastern Division, the following documents, copies of which are hereby served unto you:

**AFFIDAVIT OF SERVICE OF THIRD PARTY CITATION TO DISCOVER
ASSETS**

CREDITOR'S CERTIFICATE OF MAILING

John J. Conway 6217597
Jamie McCarthy 6297150
SULLIVAN HINCKS & CONWAY
120 West 22nd Street, Suite 100
Oak Brook, Illinois 60523
630.573.5021
Attorneys for Creditor



CERTIFICATE OF SERVICE

I, John Conway, the attorney, do hereby certify that I served this Notice of Filing and attached Documents, on the Defendants by mailing a copy via the U.S. Postal Service first-class mail at the addresses contained on the service list and depositing the same in the U.S. Post Office Box located at 120 West 22nd Street, Oak Brook, Illinois 60523, before 5 p.m. on March 15, 2010.

By: /s/ John J. Conway
One of Plaintiff's Attorneys

John J. Conway 6217597
Sullivan Hincks & Conway
120 West 22nd Street, Suite 100
Oak Brook, IL 60523
PH: 630.573.5021
Fax: 630.573.5130

SERVICE LIST

Mr. Ujas Patel
12300 Pawleys Mill Circle
Raleigh, NC 27614-7978

UV IMPORTS, INC.
3000 RDU Center Drive, Suite 102
Morrisville, NC 27560

A ROYAL TOUCH, INC.
Research Triangle Industrial Center
409-C Airport Blvd.
Warehouse No. 3 and 4
Morrisville, NC 27560

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ILLINOIS EASTERN DIVISION

NNDYMIN, Inc,

Plaintiff(s),

vs.

Case No.: 10 CV 01137

UV Imports, Inc,

AFFIDAVIT OF SERVICE

Defendant(s).

I, Jason Laning, being first duly sworn on oath, depose and say the following:

I am a special process server and private detective license# 115-001899, employed by All American Attorney Services, Inc., an Illinois licensed private detective agency, license number 0117-001311, and not party to the mentioned case. Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the above statements set forth in this affidavit are true and correct.

On March 10, 2010 at 1:40 PM, I served the within Citation to Discover Assets to a Third Party, Bank of America Corp, a Citation Notice and a copy of the Judgment, NNDYMIN, Inc. v UV Imports, et al, 10 CV 01137. Citation to Discover Assets to the Judgment Debtor, Scott Ringel, a Citation notice, and a copy of the Judgment, Mason Dixon Intermodal v. RNR Transportation, et al, 08 CV 6271. on Bank of America in the following manner:

Corporate Service: By leaving a copy of the Citation to Discover Assets to a Third Party, Bank of America Corp, a Citation Notice and a copy of the Judgment, NNDYMIN, Inc. v UV Imports, et al, 10 CV 01137. Citation to Discover Assets to the Judgment Debtor, Scott Ringel, a Citation notice, and a copy of the Judgment, Mason Dixon Intermodal v. RNR Transportation, et al, 08 CV 6271. with Yavonone Rodriguez, Manager, an officer or agent of Bank of America.

Service was effected at 135 S. LaSalle, Chicago, IL 60606.

Signed and sworn to before me on
this 10th day of March, 2010.

X JS
Jason Laning
License(s): 115-001899


Notary Public

All American Attorney Services
1042 Maple Ave, Suite 150
Lisle, IL 60532
(877) 644-3214



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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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NNDYM IN, INC.)
d/b/a Holiday Inn Express -- Tell City)
an Indiana Corporation,)

Plaintiff,)

v.)

UV IMPORTS, INC.,)
A North Carolina Corporation, and)
UJAS PATEL, individually, and)
A ROYAL TOUCH, INC., a)
North Carolina Corporation,)
an Illinois Corporation,)

Defendants.)

Case No. 10 CV 01137

Judge Elaine E. Bucklo

Magistrate Judge
Sidney I. Schenkier

BANK OF AMERICA, N.A.
Citation Respondent.

CERTIFICATE OF MAILING

I hereby certify that, within 3 business days of service of the citation and citation notice upon a person or party other than the judgment debtor, I served upon the judgment debtor, or the attorney for the judgment debtor, either a copy of the underlying judgment or a certification by the clerk of the court that entered the judgment setting forth the amount of the judgment, the name of that court, the number of the case, a copy of the citation served upon the third person or party, and a copy of the citation notice.

Date: March 13, 2010

Ji McCarthy
Signature

Jamie McCarthy
Printed Name

DATE: 03/10/10

ATTY NAME & ADDRESS:

Sullivan Hincks & Conway
120 West 22nd Street, Ste 100
Oak Brook, IL 60523

RE: NNDYM IN, INC DBA H OLDIY INN EXPRESS
VS: UV IMPORTS, Inc and Ujas Patel and A ROYAL TOUCH, INC

Citation to Discover Assets to the Third Party

CASE NO: 10 CV 01137
To Whom It May Concern:

Enclosed is the Answer to the Citation to Discover Assets to the Third Party with respect to the above action. Please file on our behalf.

If you have any questions, please call me at (315)738-5630

Sincerely,

Legal Order Clerk
Bank of America Legal Order Processing
Mail Code NY7-501-01-16
Phone (315)738-5630
FX: (617)310-2751



ANSWER OF THIRD PARTY RESPONDENT CITATION

This first section must be filled out by the judgment creditor.

Citation/Respondent: BANK OF AMERICA, Corporation. Court Date: 12/31/10
 Defendant's Name: UV IMPORTS, INC. including but not limited to accounts numbered 1) 0006 5253 1561,
2) 2370 0618 6102 and 3) 6525 31561. Case No. 10 CV 01137
 Judgment Balance: \$ 426,133.21

INTERROGATORIES

1. On the date of service of the citation, did you have in your possession, custody or control any personal property or monies belonging to the judgment debtor? (Yes or No).

IF THE ANSWER IS "YES" GO TO NEXT QUESTION. IF "NO" GO TO INSTRUCTIONS.

2. Is this an IRA account? Or have all of the deposits made during the past 90 days been electronically deposited and identified as exempt Social Security, Unemployment Compensation, Public Assistance, Veteran's Benefits, Pension or Retirement or by a source drawing from any other statutory exemptions? (Yes or No).

IF THE ANSWER IS "YES" GO TO NEXT QUESTION. IF "NO" GO TO INSTRUCTIONS.

3. Is/Are the account(s)' current balance equal to or less than the total of the exempt deposits? (Yes or No).

IF YOU ANSWERED "YES" TO ALL 3 QUESTIONS AND FUNDS IN THE ACCOUNT(S) ARE EXEMPT, DO NOT FREEZE THE FUNDS AND GO TO INSTRUCTIONS BELOW.

4.	ACCOUNT BALANCE	AMOUNT WITHHELD
A) Savings Account		
B) Check/MMA/Now Account	- 33383 negative <u>4365.90</u>	<u>4365.90</u>
C) Certificate of Deposit		
D) Trust Account/Other (please describe)		
E) Safety deposit? (Yes or No).		
F) Land Trust No.		
G) LESS right of offset for Loans		
TOTAL AMOUNT FROZEN:		<u>4365.90</u>

5. List all electronic deposits into account(s) and their source(s) except deposits:

Account Number	Source	Monthly Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. List all joint account holders or adverse claimants:

Name _____ Address _____	Name _____ Address _____	Name _____ Address _____
Account type: _____	Account type: _____	Account type: _____
Account No.: _____	Account No.: _____	Account No.: _____

INSTRUCTIONS

(1) Fill out and sign the certificate below. (2) This Answer must be filed at least three (3) days before the court date to assure timely processing. (3) Fax or mail a copy of this Answer to (i) the Court, (ii) Plaintiff's attorney and (iii) Judgment Debtor. For filing in the United States District Court for the Northern District of Illinois, Eastern Division, you may mail to the Clerk of the United States District Court, Northern District of Illinois, Eastern Division, 219 South Dearborn Street, 20th Floor, Chicago, IL 60604. (4) You will receive a copy of a Court Order by fax or mail instructing you how to proceed and where to send any withheld funds.

CERTIFICATION

Under penalties provided by law, the undersigned certifies that the statements set forth in this instrument are true and correct and that I have mailed this Answer to Defendant(s).

Date: 3/10/10
Respondent Name: _____
Address: _____
Telephone: Bank of America
FAX: Legal Order Processing
5701 Horatio Street
Utica, NY 13502
NY-501-02-07

Print Agent Name: Edith Walker
Signature of Agent: *Edith Walker*

Phone 315.738.5630
Fax 617.310.2751