

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JPMORGAN CHASE BANK, N.A.,

Case No. 08-13845

Plaintiff/
Counter-Defendant,

HON. AVERN COHN

v.

LARRY J. WINGET and the
LARRY J. WINGET LIVING TRUST,

Defendants/
Counter-Plaintiffs.

**AMENDED* ORDER REGARDING LARRY J. WINGET'S MOTION TO QUASH WRITS
OF GARNISHMENT (Doc. 611) AND MOTION TO INTERVENE (Doc. 610)**

On September 1, 2015, the Court conducted a telephone conference on the record with the parties regarding Larry J. Winget's (Winget) Motion to Quash Writs of Garnishment. (Doc. 611) and Larry J. Winget's Motion to Intervene (Doc. 610).¹

*This amended order incorporates the relief requested in the unopposed motion to amend (Doc. 625) and corrects a typographical error in footnote 1 by adding a closed quotation mark.

¹The premise for each motion is the same-that Chase wrongfully identified Larry J. Winget on the Request and Writ For Garnishment form that Chase submitted to several financial institutions to execute on a judgment against the Larry J. Winget Living Trust. The Writ of Garnishment contains a box entitled "Social security no." in which Chase provided a nine digit number in the form of a tax identification number, xx-xxxxxx. This number is the same nine digits as Larry J. Winget's social security number. Chase's action caused confusion with at least one financial institution who interpreted the Writ of Garnishment to apply to accounts held by Larry J. Winget in addition to the Larry J. Winget Living Trust and then apparently froze an account held by Larry J. Winget. The confusion was also occasioned by the fact that a living trust is typically identified for tax purposes using the trustee/grantor's social security number. "A revocable trust uses the social security number of the person who created the trust and still holds the power to revoke the trust. This type of trust is sometimes called a

For the reasons stated on the record, JPMorgan Chase Bank, N.A. (Chase) shall within three (3) business days from the date of this Order issue to each garnishee in receipt of such a Writ of Garnishment a communication advising such garnishees that the Writ of Garnishment received by such garnishee sought to garnish only accounts held in the name of the Larry J. Winget Living Trust and not accounts held in the name of Larry J. Winget. Chase shall also provide to Winget's counsel, via ordinary mail and email, each communication provided to the garnishees in accordance with this Order, on the same date that such communication is provided to the garnishee.

In light of this ruling, Larry J. Winget's Motion to Intervene is MOOT.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: September 3, 2015
Detroit, Michigan

living trust or an inter vivos trust. See <http://indianwellsestateplanningattorney.com/2013/02/02/whose-social-security-number-or-ein-do-i-use-for-a-trust/> (last visited 9/2/15). See also 26 U.S.C. § 6109(d) (providing that a social security number shall be used as a taxpayer identification number for purposes of the Internal Revenue Code). Chase also used the same nine digit number, in the xx-xxxxxxx form, on the Notice of Judgment Lien in the box entitled "Last 4 digits of social security no. or full tax identification number." See Docs. 574-582.