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*Counsel for Michael E. Collins, Chapter 11 Trustee*

UNITED STATES BANKRUPTCY COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)

	)	
In re:	)	
	)	
United Shows of America Inc.	)	Case No. 06-00103 RGM
	)	Chapter 7
Debtor.	)	
	)	
	)	
Michael E. Collins, Chapter 11 Trustee	)	
	)	
Plaintiff,	)	
v.	)	
	)	
Anthony D. Rodham	)	
	)	
Defendant.	)	
	)	

**TRUSTEE’S MOTION FOR TURNOVER OF GARNISHMENT FUNDS**

TO THE HONORABLE ROBERT G. MAYER, BANKRUPTCY JUDGE:

COMES NOW Michael E. Collins, Chapter 11 Trustee of the estate of United Shows of America (“Debtor”), by and through his undersigned attorneys, Stinson Morrison Hecker LLP, and states as his Trustee’s Motion for Turnover of Garnishment Funds, respectfully represents as follows:

1. On March 7, 2006, the Bankruptcy Court for the Middle District of Tennessee entered a judgment in favor of the Plaintiff, Michael E. Collins, Chapter 11 Trustee, and against the Defendant, Anthony D. Rodham, in, in the amount of \$107,000.00, plus interest, calculated

in the amount of \$46,034.00, for a total of \$153,034.00. (See Attached Exhibit A).

2. On June 26, 2006, a certified copy of the judgment was recorded in the United States Bankruptcy Court for the Eastern District of Virginia (See attached Exhibit B).

3. On June 27, 2006, a Garnishment Summons was served on Wachovia Bank through their registered agent in Virginia, and the Defendant (See attached Exhibit C).

4. On July 6, 2006, Wachovia served an answer on the Trustee, Defendant, and the Defendant's spouse, stating it is holding funds responsive to the Garnishment Summons in the amount of \$142,887.02. The answer also reveals that the account(s) is jointly held (See attached Exhibit D).

5. Upon information and belief, the Wachovia accounts are not held tenancy by the entireties, but jointly held.

6. Upon information and belief, the creation of the joint accounts with his spouse constitute fraudulent transfers which the Trustee is currently investigating.

7. Although the Trustee's investigation into potential fraudulent transfers is ongoing, pursuant to Va. Code 6.1-125.3, at least one-half of the garnished funds are jointly held property of the Defendant, and subject to immediate turnover to the Trustee.

WHEREFORE, Michael E. Collins, Chapter 11 Trustee, respectfully requests that this Court enter an order:

a. requiring Wachovia Bank to turn over one-half of the funds held in the Defendant's jointly-held account(s) to the undersigned counsel no later than five (5) business days after entry of this order; and

b. requiring Wachovia Bank to turn over all of the funds held in the account(s) held solely in the Defendant's name to the undersigned counsel no later than five (5) business days

after entry of this order; and

c. requiring Wachovia Bank to retain and not release the funds remaining in the accounts after the turnover until further order of Court; and

d. granting such other relief as this Court deems just and equitable.

Dated: July 25, 2006

Respectfully submitted,

/s/Lawrence P. Block  
Lawrence P. Block 43860  
STINSON MORRISON HECKER LLP  
1150 - 18th Street, N.W.  
Suite 800  
Washington, DC 20036-3816  
Telephone: 202-785-9100  
*Attorneys for Michael E. Collins, Chapter 11  
Trustee*

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Trustee's Motion for Turnover of Garnishment Funds and Proposed Order were served via first class mail, postage prepaid, or electronically this 25th day of July, 2006, to:

Office of the U.S. Trustee  
115 South Union Street, Suite 210  
Alexandria, VA 22314

Anthony D. Rodham  
1666 Buelah Road  
Vienna, Virginia 22182

Meagan Rodham  
1666 Buelah Road  
Vienna, Virginia 22182

Wachovia Bank  
11 South 12th Street  
Richmond, Virginia 23218

Steven Ramsdell Esq.  
Tyler, Bartl, Gorman, & Ramsdell PLC  
700 South Washington Street  
Alexandria Virginia 22314

Lawrence P. Block  
Lawrence P. Block

# **Exhibit A**

# United States Bankruptcy Court

Middle District Of Tennessee

In re

**UNITED SHOWS OF AMERICA, INC.**

Case No. 02-09872-MH3-11

Debtor

## EXEMPLIFICATION CERTIFICATE

I, **Matthew T. Loughney**, clerk of the bankruptcy court for this district and keeper of the records and seal of the court, certify that the documents attached are true copies of

**"Order Granting Plaintiff's Motion for Default Judgment" in  
Collins vs. Rodham, AP 05-00881**

now remaining among the records of the court. In testimony of this statement, I sign my name, and affix the seal of this court at 701 Broadway, Nashville, in the State of Tennessee,  
this 4<sup>th</sup> day of April, 2006.

[Seal of Court]

(28 USC 954)

Matthew T. Loughney  
Clerk of the Bankruptcy Court

I, **Marian F. Harrison**, bankruptcy judge for this district certify that **Matthew T. Loughney** is and was at the date of the above certificate clerk of the bankruptcy court for this district, duly appointed and sworn, and keeper of the records and seal of the court, and that the above certificate of the clerk and the clerk's attestation are in due form of law.

April 10<sup>th</sup>, 2006

Date

Marian F. Harrison  
Bankruptcy Judge

I, **Matthew T. Loughney**, clerk of the bankruptcy court for this district and keeper of the seal of the court, certify that the Honorable **Marian F. Harrison** is and was on the date of the above certificate a judge of this court, duly appointed and sworn; and that I am well acquainted with this handwriting and official signature and know and certify the signature written above to be that of the judge.

In testimony of this statement, I sign my name, and affix the seal of the court at 701 Broadway, Nashville, in the State of Tennessee, this 10<sup>th</sup> day of April, 2006.

[Seal of Court]

(28 USC 954)

Matthew T. Loughney  
Clerk of the Bankruptcy Court



Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

IN RE:	)	
	)	
UNITED SHOWS OF AMERICA, INC.,	)	CASE NO. 302-09872
	)	CHAPTER 11
	)	JUDGE HARRISON
DEBTOR.	)	
	)	
	)	
	)	
	)	
MICHAEL E. COLLINS,	)	
CHAPTER 11 TRUSTEE,	)	
	)	
Plaintiff,	)	
	)	ADVERSARY PROC.
vs.	)	
	)	NO. 05-00881
ANTHONY D. RODHAM,	)	
	)	
Defendant.	)	

ORDER GRANTING PLAINTIFF'S  
MOTION FOR DEFAULT JUDGMENT

UPON THE MOTION OF Plaintiff, Chapter 11 Trustee Michael E. Collins ("Plaintiff") for default judgment against Defendant Anthony D. Rodham, and it appearing that no responses to the motion being timely filed, and for good and sufficient cause shown, it is hereby

**ORDERED and DECREED** that the Plaintiff's Motion is GRANTED; and it is further

**ORDERED and DECREED** that Judgment be entered against Defendant Anthony D. Rodham for all counts contained in the Complaint, and in the amount of \$107,000, plus 8% interest from the date of each loan to the date of this Order.

IT IS SO ORDERED.

THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS  
INDICATED AT THE TOP OF THE FIRST PAGE.

APPROVED FOR ENTRY BY:

/s/ Michael E. Collins

Michael E. Collins BPR 16036  
MANIER & HEROD, P.C.  
Suite 2200, One Nashville Place  
150 Fourth Avenue North  
Nashville, TN 37219  
(615) 244-0030 (Phone)  
(615) 242-4203 (Fax)  
mcollins@manierherod.com

Counsel for the Plaintiff

Date of Loan	Amount of Loan	Interest
5/10/2000	\$10,000.00	\$4,661.68
6/19/2000	\$10,000.00	\$4,574.01
7/19/2000	\$10,000.00	\$4,508.26
8/1/2000	\$12,000.00	\$5,375.99
8/29/2000	\$5,000.00	\$2,209.31
9/12/2000	\$5,000.00	\$2,193.20
11/8/2000	\$6,200.00	\$2,643.06
11/17/2000	\$3,800.00	\$1,612.44
11/26/2000	\$5,000.00	\$2,111.78
12/12/2000	\$5,000.00	\$2,094.24
12/18/2000	\$15,000.00	\$6,263.01
12/22/2000	\$5,000.00	\$2,083.29
1/4/2001	\$7,000.00	\$2,896.65
7/24/2001	\$5,000.00	\$1,848.77
10/1/2001	\$2,500.00	\$886.57
2/12/2002	\$2,500.00	\$71.78

\$46,034.00



# **Exhibit B**

**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF VIRGINIA**  
Alexandria **Division**

In re United Air Shows of America, Inc.

Case No. 302-09872

Adversary Proceeding No. 05-00881

Debtor(s)

Chapter 11

Michael E. Collins, Chapter 11 Trustee

Miscellaneous Proceeding No. 06-00103

Plaintiff(s)

v.

Anthony D. Rodham

Defendant(s)

**CERTIFICATE OF  
RECORDATION OF JUDGMENT**

I, WILLIAM C. REDDEN, Clerk of the United States Bankruptcy Court for the Eastern District of Virginia, do hereby certify that the records of this Court reflect that on June 26, 2006, there was recorded in Miscellaneous Proceeding No. 06-00103, a judgment in favor of Michael E. Collins, Chapter 11 Trustee \_\_\_\_\_ against Anthony D. Rodham \_\_\_\_\_ amounting to One-hundred thousand seven dollars and no cents (\$ 107,000.00), with interest 8% from date of each loan to date of order and \$ -0- costs. Said judgment was entered March 7, 2006.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affix the seal of the said Court, at Alexandria, Virginia, this 26th day of June, 20 06.



WILLIAM C. REDDEN, Clerk  
United States Bankruptcy Court

By /s/ Donald A. Palmer  
Deputy Clerk

# **Exhibit C**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In re

United Shows of America

Debtor(s)

Chapter 11

Case No. 06-00103-RGM

Adv. Proc. No.

GARNISHMENT SUMMONS

Michael E. Collins, Chapter 11 Trustee  
One Nashville Place  
Suite 2200  
150 Fourth Avenue North  
Nashville, Tennessee 37219-2494

Judgment Creditor (Name & Street Address)

Anthony D. Rodham  
1666 Buelah Road  
Vienna, Virginia 22182  
S.S. XXX-XX-7346

Judgment Debtor (Name, Street Address & Last Four Digits of SSN)

Hearing Date and Time July 25, 2006 at 9:30, in the United States Bankruptcy Court,  
EDVA, Alexandria Division, United Bankruptcy Court, 200 S. Washington Street, Alexandria, Virginia, 22314.

MAXIMUM PORTION OF  
DISPOSABLE EARNINGS SUBJECT  
TO GARNISHMENT

Support  
50% 55% 60% 65%  
(if not specified, then 50%)  
state taxes, 100%  
If none of the above are checked, then  
§ 34-29(a) (printed on the reverse  
side of this summons) applies

STATEMENT

Judgment Principal	\$ 107,000.00
Credits	\$
Interest	\$ 46,034.00
Judgment Costs	\$
Attorney's Fees	\$
Garnishment Costs	\$

TOTAL BALANCE DUE	\$ 153,034.00
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The garnishee shall rely on this amount.

March 7, 2006

Date of Judgment

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to

- (1) File a written answer with this court, or
- (2) Deliver payment to this court, or
- (3) Appear before this court on the return date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

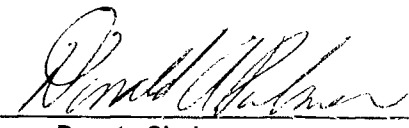
As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations:

- (1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons.
- (2) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having 1,000 or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commissions or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

6/27/2006  
Date of Issuance of Summons

CLERK, U. S. BANKRUPTCY COURT

By   
Deputy Clerk

\_\_\_\_\_  
Date of delivery of writ of fieri facias to sheriff if  
different from date of issuance of this summons

§ 34-29. Maximum portion of disposable earnings subject to garnishment. -- (a) Except as provided in subsections (b) and (b1), the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed the lesser of the following amounts:

- (1) Twenty-five per centum of his disposable earnings for that week, or
- (2) the amount by which his disposable earnings for that week exceed thirty times the federal minimum hourly wage prescribed by § 206(a)(1) of Title 29 of the United States Code in effect at the time earnings are payable.

In the case of earnings for any pay period other than a week, the State Commissioner of Labor and Industry shall by regulation prescribe a multiple of the federal minimum hourly wage equivalent in effect to that set forth in this section.

(b) The restrictions of subsection (a) do not apply in the case of

(1) Any order for the support of any person issued by a court of competent jurisdiction or in accordance with an administrative procedure, which is established by state law, which affords substantial due process, and which is subject to judicial review.

(2) Any order of any court of bankruptcy under Chapter XIII of the Bankruptcy Act.

(3) Any debt due for any state or federal tax.

(b1) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed:

- (1) Sixty per centum of such individual's disposable earnings for that week; or
- (2) If such individual is supporting a spouse or dependent child other than the spouse or child with respect to whose support such order was issued, fifty per centum of such individual's disposable earnings for that week.

The fifty per centum specified in clause (b1)(2) shall be fifty-five per centum and the sixty per centum specified in clause (b1)(1) shall be sixty-five per centum if and to the extent that such earnings are subject to garnishment to enforce an order for support for a period which is more than twelve weeks prior to the beginning of such workweek.

(c) No court of the State and no state agency or officer may make, execute, or enforce any order or process in violation of this section.

The exemptions allowed herein shall be granted to any person so entitled without any further proceedings.

(d) For the purposes of this section

(1) The term "*earnings*" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program,

(2) The term "*disposable earnings*" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld, and

(3) The term "*garnishment*" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.

(e) Every assignment, sale, transfer, pledge or mortgage of the wages or salary of an individual which is exempted by this section, to the extent of the exemption provided by this section, shall be void and unenforceable by any process of law.

(f) No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness. (Code 1919, § 6555; 1928, p. 348; 1938, p. 574; 1948, p. 489; 1952, c. 432; 1954, cc. 143, 379; 1958, cc. 217, 417; 1960, c. 498; 1970, c. 428; 1978, c. 564.)

# **Exhibit D**

Wachovia Bank NA  
Legal Order Processing  
PO Box 8667 PA-418  
Philadelphia, PA 19101-8667

Jul 06, 2006

U.S. BANKRUPTCY COURT OF  
VA./ALEXANDRIA DIVISION  
MICHAEL E. COLLINS CHAPTER 11  
TRUSTEE

Re: ANTHONY D. RODHAM

Case No: 06 00103 RGM / Garnishment return Date 7/6/2006

Dear Clerk:

This is a joint account answer pursuant to Va Code Section 6.1-125.3.

The following account information is provided as required by statute.

- 1) The individual has a joint account at Wachovia Bank NA.
- 2) There are (are not) funds in the account responsive to the garnishment summons (levy, attachment). The amount being held is \$142,887.02.
- 3) A summons and notice may be served by the judgment creditor on the codepositor(s) listed below.
- 4) Failure by the judgment creditor to serve or mail, via certified or registered mail, a copy of the summons and notice as required by law to Wachovia, within 21 days from the date of the filing of this answer, will result in Wachovia Bank NA releasing any funds held responsive to this garnishment.

JOINT ACCOUNT HOLDER INFORMATION:

ANTHONY D. RODHAM, MEGAN RODHAM 1666 BEULAH RD. VIENNA VA 22182

ANTHONY D. RODHAM, 1666 BEULAH RD. VIENNA VA 22182

Sincerely,

Servicenter Associate

Judgement Creditor/Attorney, via Certified Mail