

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

NEMR RAHAL,

Defendant,

and

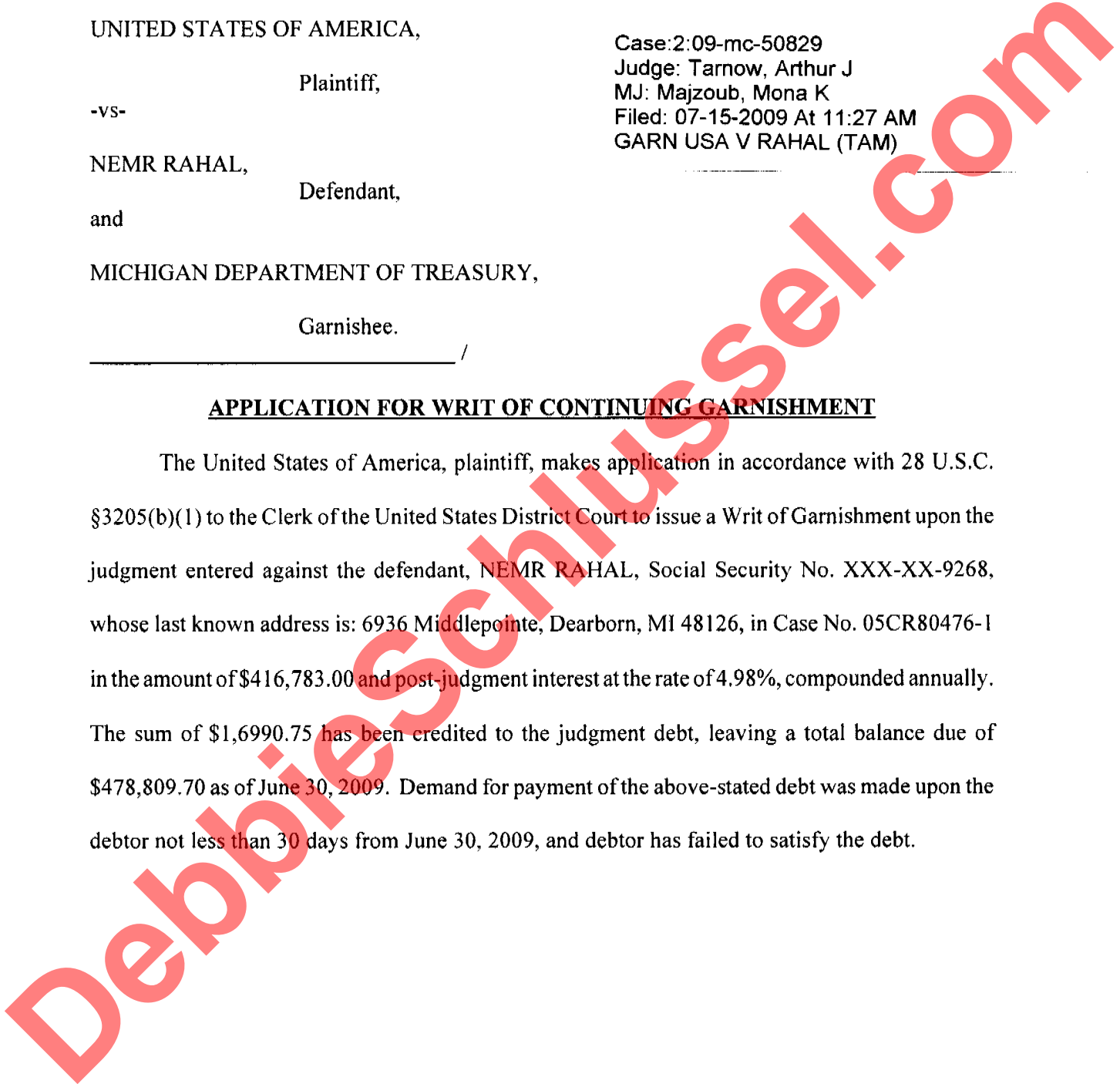
MICHIGAN DEPARTMENT OF TREASURY,

Garnishee.

Case:2:09-mc-50829
Judge: Tarnow, Arthur J
MJ: Majzoub, Mona K
Filed: 07-15-2009 At 11:27 AM
GARN USA V RAHAL (TAM)

APPLICATION FOR WRIT OF CONTINUING GARNISHMENT

The United States of America, plaintiff, makes application in accordance with 28 U.S.C. §3205(b)(1) to the Clerk of the United States District Court to issue a Writ of Garnishment upon the judgment entered against the defendant, NEMR RAHAL, Social Security No. XXX-XX-9268, whose last known address is: 6936 Middlepointe, Dearborn, MI 48126, in Case No. 05CR80476-1 in the amount of \$416,783.00 and post-judgment interest at the rate of 4.98%, compounded annually. The sum of \$1,6990.75 has been credited to the judgment debt, leaving a total balance due of \$478,809.70 as of June 30, 2009. Demand for payment of the above-stated debt was made upon the debtor not less than 30 days from June 30, 2009, and debtor has failed to satisfy the debt.



The Garnishee is believed to owe or will owe money or property to the judgment debtor, or is in possession of property of the debtor, and said property is a nonexempt interest of the debtor.

The name and address of the Garnishee or his authorized agent is:

MICHIGAN DEPARTMENT OF TREASURY
State of Michigan
3rd Party Withholding
P.O. BOX 30785
LANSING, MICHIGAN 48909

Respectfully submitted,

TERRENCE BERG
United States Attorney

By: s/JACQUELINE M. HOTZ
Assistant U.S. Attorney
211 W. Fort St., Ste. 2001
Detroit, Michigan 48226
Phone: (313) 226-9108
E-mail: Jackie.Hotz@usdoj.gov
Bar Number: P35219

Dated: July 15, 2009

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
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UNITED STATES OF AMERICA,

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CLERK'S NOTICE OF GARNISHMENT

You are hereby notified that a garnishment is being taken by the United States of America which has a judgment in Case No. 05CR80476-1 in the United States District Court for the Eastern District of Michigan, Southern Division in the sum of \$416,783.00. A balance of \$478,809.70 remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if NEMR RAHAL can show that the exemptions apply.

The exemptions that apply are those identified in Section 3613 of Title 18. You have a right to ask the Court to apply any exemption to which you feel you are entitled. You have a right to ask the court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the above exemptions.

If you want a hearing, you must notify the court within 20 days after receipt of the notice. Your request must be in writing. If you wish, you may use the request for hearing included in this package. You must either mail it or deliver it in person to the Clerk of the United States District Court at Theodore Levin Courthouse, 231 W. Lafayette, 5th Floor, Detroit, Michigan 48226. You must also send a copy of your request to the United States Attorney, Financial Litigation Unit at 211 W. Fort St., Suite 2001, Detroit, Michigan 48226 notifying the Government that you want a hearing.

The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you must be prepared to explain to the judge why you think the Government is not entitled to the funds garnished.

You will receive a copy of the answer, as prepared by the Garnishee. **If you do not agree with the information as set forth by the garnishee you may request a hearing. If you want a hearing, you must notify the court within 20 days after receipt of the answer. Your request must be in writing.**

If you wish, you may use the request for hearing included in this package. You must either mail it or deliver it in person to the Clerk of the United States District Court at Theodore Levin Courthouse, 231 W. Lafayette, 5th Floor, Detroit, Michigan 48226. You must also send a copy of your request to the Garnishee and the United States Attorney, Financial Litigation Unit at 211 W. Fort St., Suite 2001, Detroit, Michigan 48226 notifying the Government that you want a hearing.

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WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: MICHIGAN DEPARTMENT OF TREASURY
State of Michigan
3rd Party Withholding
P.O. BOX 30785
LANSING, MICHIGAN 48909

An application for a Writ of Continuing Garnishment against the property of NEMR RAHAL, whose Social Security No. is XXX-XX-9268 has been filed with this Court. A judgment has been entered in Case No. 05CR80476-1 and there is presently owing the amount of \$478,809.70. including costs and interest, computed through June 30, 2009, from defendant, NEMR RAHAL, 6936 Middlepointe, Dearborn, MI 48126. The United States is represented by Jacqueline M. Hotz, Assistant United States Attorney, 211 W. Fort St., Suite 2001, Detroit, Michigan 48226. **You are required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by the debtor, including non-exempt, disposable earnings.**

You must file the original written answer to this writ within ten (10) days of your receipt of this writ with the United States District Court Clerk at: Theodore Levin Courthouse, 231 West Lafayette, 5th Floor, Detroit, Michigan 48226. Additionally, you are required by law to serve a copy of your answer to this writ upon the debtor at: 6936 Middlepointe, Dearborn, MI 48126, and upon the United States Attorney, 211 W. Fort St., Suite 2001, Detroit, Michigan 48226. Filing and service may be accomplished by using the United States mail.

Under the law, there may be property which is exempt from this writ of Garnishment. All non-exempt property belonging to NEMR RAHAL including but not limited to twenty-five percent (25%) of the non-exempt disposable earnings owed to NEMR RAHAL, must be withheld from and retained by you pending further order of the Court.

Pursuant to 15 U.S.C. §1674, MICHIGAN DEPARTMENT OF TREASURY, is prohibited from discharging the defendant from employment by reason of the fact that his/her earnings have been subject to garnishment for any one indebtedness.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the debtor's non-exempt property.

It is unlawful to pay or deliver to the defendant any item attached by this writ. Additionally, you may be held liable for a reasonable attorney's fee to the United States of America. Questions are to be directed to the United States Attorney's Office, 211 W. Fort Street, Suite 2001, Detroit, Michigan 48226.

DAVID WEAVER, Deputy Clerk
United States District Court,
Eastern District of Michigan

By: 
Deputy Clerk

Dated: JUL 15 2009

DebbiesSchlussel.com