

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

2008 FEB 25 PM 5:14

CLERK-ALBUQUERQUE

WILLIAM H. PAYNE and
ARTHUR R. MORALES,

Plaintiffs,

v.

CIVIL NO. 97-266 MCA/LFG

NATIONAL SECURITY AGENCY,

Defendant,

UNITED STATES OF AMERICA,

Garnishor,

and,

BANK OF AMERICA
AND ITS SUCCESSORS OR ASSIGNS
ATTENTION: LEGAL DEPARTMENT,

Garnishee.

ANSWER OF GARNISHEE

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

Mary Jaiselle Atienza, BEING DULY SWORN DEPOSES AND SAYS:
(Affiant) (Name of person of company completing this form)

IF GARNISHEE IS AN INDIVIDUAL:

That the Garnishee herein, doing business in the name of:

Bank of America National ~~Cooperative~~ Association

(State full name and address of business)

P. O. Box 54660 Los Angeles CA 90054

AND ITS SUCCESSORS OR ASSIGNS),

IF GARNISHEE IS A PARTNERSHIP:

That the Garnishee herein, is a member _____
of a partnership composed of which Garnishee is a partner.

N/A

(State full name and address of business)

AND ITS SUCCESSORS OR ASSIGNS),

IF GARNISHEE IS A CORPORATION:

That the Garnishee herein, is the (State Official Title) _____

N/A

_____ of Garnishee, _____

_____ a corporation, organized under the laws of the State of

(State full name and address of business)

AND ITS SUCCESSORS OR ASSIGNS),

On the 4th day of February 2008, Garnishee was served by certified
mail, return receipt requested, with the Writ of Garnishment. Garnishee accepts service
of the Writ of Garnishment by certified mail. For the period in effect on the date of service
set out above:

Further, Affiant-Garnishee states as follows:

Yes No (Please indicate with a \checkmark)

1. Defendant does have accounts with our bank.

Yes No (Please indicate with a \checkmark)

2. Have there been previous garnishments in effect. (If the answer is yes, describe below.

Yes No (Please indicate with a \checkmark)

3. The Garnishee has custody, control or possession of the following property (non-earnings), in which the defendant maintains an interest, as described below:

<u>Description of Property</u>	<u>Approximate Value</u>	<u>Description of Debtor's Interest in Property</u>
1. Life Deposit	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

(Check the applicable line below if you deny that you hold property subject to this order of garnishment.)

4. The Garnishee makes the following claim of exemption on the part of defendant:

5. The Garnishee has the following objections, defenses, or set-offs to Plaintiff's right to apply Garnishee's indebtedness to defendant upon Plaintiff's claim:

6. The Garnishee was then in no manner and upon no account indebted or under liability to defendant, and did not have in his/her possession or control any property belonging to Defendant, or in which the Garnishee has an interest; and is in no manner liable as Garnishee in this action.

The Garnishee mailed a copy of this answer by first-class mail to (1) the Defendant, William H. Payne at 13015 Calle De Sandias NE, Albuquerque, New Mexico 87111-2924 and (2) the attorney for the United States, United States Attorney, District of New Mexico, Attention: John Zavitz, Assistant United States Attorney, P.O. Box 607, Albuquerque, New Mexico 87103-0607.



Bank of America
AND ITS SUCCESSORS OR ASSIGNS
Garnishee

SUBSCRIBED AND SWORN TO before me this _____ day of _____ 2008.

Notary Public

My Commission Expires:

(Seal)

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- See Attached Document (Notary to cross out lines 1-6 below)
 See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

Signature of Document Signer No. 1 _____ Signature of Document Signer No. 2 (if any) _____

State of California

County of LOS ANGELES

Subscribed and sworn to (or affirmed) before me on this

6 day of FEBRUARY, 20 08, by
Date Month Year

(1) MARY JAZELLE ATIENZA,
Name of Signer

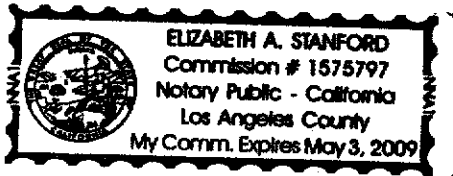
proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (.)

(and

(2) NA,
Name of Signer

proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature [Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: ANSWER OF GARNISHEE
IN CASE # 97-264 MCA/LPG

Document Date: FEBRUARY 4, 2008 Number of Pages: 4

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here