

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

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

08 FEB 26 AM 10:53

CLERK-AUBURNE

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.

Amended ANSWER OF GARNISHEE

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

Mary Jaizette 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 ~~Corporation~~ 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 4<sup>th</sup> 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.

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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. <u>Safe Deposit Box</u>	<u>                    </u>	<u>                    </u>
2. <u>                    </u>	<u>                    </u>	<u>                    </u>
3. <u>                    </u>	<u>                    </u>	<u>                    </u>
4. <u>                    </u>	<u>                    </u>	<u>                    </u>

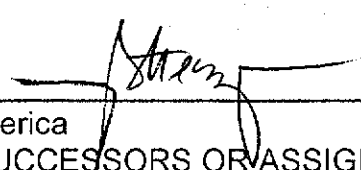
(Check the applicable line below if you deny that you hold property subject to this order of garnishment.)

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.

See attached Surat  
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

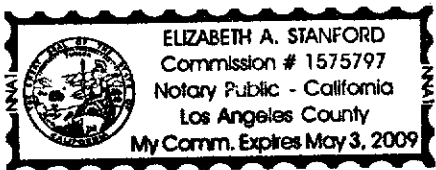
Subscribed and sworn to (or affirmed) before me on this  
20 day of FEBRUARY, 2008, by  
Date Month Year  
(1) PAVEL HARUTYUNYAN  
Name of Signer

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

(and  
(2) N/A  
Name of Signer

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

Signature [Handwritten 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 TO WRIT OF GARNISHMENT  
IN CASE # 97-266 MCA/LFG  
Document Date: FEBRUARY 20, 2008 Number of Pages: 4  
Signer(s) Other Than Named Above: N/A

RIGHT THUMBPRINT OF SIGNER #1  
Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2  
Top of thumb here