

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

SECURITIES AND EXCHANGE)	CASE NO. 3:01CV00116
COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	
)	
TERRY L. DOWDELL, et al.,)	
)	
Defendants.)	JUDGE JAMES H. MICHAEL, JR.
_____)	

MOTION FOR RELIEF FROM ASSET FREEZE ORDERS

COMES NOW Roy M. Terry, Jr. and the law firm of DuretteBradshaw P.C. (“Receiver”), and moves this Court for relief from Order entered January 7, 2003, and in support thereof states as follows:

1. By Order entered January 7, 2003, the Court extended the asset freeze orders to all accounts at the Harbor National Bank in the name of Jack Dempsey.¹
2. On May 28, 2004, the Receiver filed suit against Jack Dempsey and Dorothy Dempsey (Jack Dempsey’s spouse)(collectively the “Dempseys”) to recover

¹ The Order states in the relevant part:

(1) The asset freeze order initially entered by the Court on November 19, 2001 and extended by subsequent orders applies to all accounts at the Harbor National Bank in the name of Jack Dempsey or over which he has a beneficial interest or signatory authority, . . . ;

Receivership Property. *See Receiver v. Dempsey*, No. 3:04cv00040 (W.D. Va.)(docket no. 1).

3. By Order entered March 11, 2005 in that lawsuit, the Court granted the Receiver's *Motion for Court Approval of Compromise and Settlement*. *See Receiver v. Dempsey*, No. 3:04cv00040 (W.D. Va.)(docket no. 29). The Compromise and Settlement Agreement required the Dempseys to pay the Receiver \$79,800.00 in full settlement of the Receiver's claims against them.

4. On or about April 8, 2005, the Dempseys, by counsel, sent the Receiver three checks totaling \$79,800.00 (the amount of the settlement). One of the checks, in the amount of \$12,957.62, is drawn on a frozen account (# 002013185) at Pacific Western Bank, successor to Harbor National Bank.

5. In order to cash the check, the Receiver needs the asset freeze to be lifted from this account.

6. Moreover, there is no reason to continue the freeze on all accounts at the Pacific Western Bank in the name of Jack Dempsey or over which he has a beneficial interest or signatory authority.

WHEREFORE, the Receiver respectfully prays that the Court enter an order (a) lifting the stay on account no. 002013185 at the Pacific Western Bank; (b) lifting the stay on all accounts at the Pacific Western Bank in the name of Jack Dempsey or over which he has a beneficial interest or signatory authority; and (c) awarding the Receiver such other and further relief as may be just and proper.

Respectfully submitted, this the 28th day of April, 2005.

Roy M. Terry, Jr. and DuretteBradshaw, PLC,
Receiver
By Counsel

/s/ Douglas Scott
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CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing Notice was mailed, United States first class mail, postage prepaid to the following:

John D. Griffin, Esquire
Skeen & Zobrist
Queen Charlotte Square
258 East High Street
Charlottesville, VA 22902

this 28th day of April, 2005.

/s/ Douglas Scott