

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

BURTON W. WIAND, as Receiver for
OASIS INTERNATIONAL GROUP, LTD.;
OASIS MANAGEMENT, LLC; AND
SATELLITE HOLDINGS COMPANY,

Plaintiff,

v.

Case No: 8:20-cv-00862-VMC-TGW

CHRIS AND SHELLEY ARDUINI, et al.,

Defendants.

**NOTICE TO JUDGMENT DEBTOR PURSUANT TO FLA. STAT. § 77.055
AND CERTIFICATE OF SERVICE**

Judgment Creditor, BURTON W. WIAND, as Receiver for OASIS INTERNATIONAL GROUP, LTD.; OASIS MANAGEMENT, LLC; AND SATELLITE HOLDINGS COMPANY (“*Plaintiff*”), by and through undersigned counsel serves the judgment debtor, KEVIN KERRIGAN (“*Judgment Debtor*”), with a copy of the Answer of Garnishee, Bank of America, N.A., filed on June 29, 2021 (Doc. 895), which is attached hereto as **Exhibit “A.”** Additionally, the Judgment Debtor is hereby notified of the following pursuant to Fla. Stat. §77.055:

ENGLANDER FISCHER

A T T O R N E Y S

721 First Avenue North • St. Petersburg, Florida 33701
Phone (727) 898-7210 • Fax (727) 898-7218
eflegal.com

Judgment Debtor must move to dissolve the Writ of Garnishment within twenty (20) days after the date indicated on the Certificate of Service in this notice if any allegation in the Judgment Creditor's Motion for Writ of Garnishment is untrue.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date a true and correct copy of the foregoing has been electronically filed with the Clerk of Court by using the CM/ECF system and sent by U.S. Mail to: Kevin Kerrigan, 14 Fieldstone Rd., Putnam Valley, NY 10579; Kevin Kerrigan, 1325 Owl Dr., The Villages, FL 32163; Mildred Kerrigan, 14 Fieldstone Rd., Putnam Valley, NY 10579.

DATED this 1st day of July, 2021.

ENGLANDER FISCHER

/s/ Beatriz McConnell

JOHN W. WAECHTER

Florida Bar No. 47151

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BEATRIZ MCCONNELL

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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
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CASE NO.: 8:20-cv-00862-VMC-TGW

BURTON W. WIAND, as Receiver for
OASIS INTERNATIONAL GROUP, LTD.;
OASIS MANAGEMENT, LLC; AND
SATELLITE HOLDINGS COMPANY,

Plaintiff,

vs.

CHRIS AND SHELLEY ARDUINI, et al.,

Defendant,

and

BANK OF AMERICA, N.A.,

Garnishee

_____ /

ANSWER OF GARNISHEE AND DEMAND TO PLAINTIFF FOR

PAYMENT OF ATTORNEY'S FEES

Garnishee, BANK OF AMERICA, N.A., by its undersigned attorney, Answers the Writ
of Garnishment served on it as follows:

1. At the time of the service of the Writ of Garnishment, plus sufficient time not to
exceed one business day for Garnishee to act expeditiously on the Writ, and at the time of its

Exhibit "A"

Answer and at all times between service and its Answer, Garnishee's records reflect the following account(s) which may be subject to the Writ of Garnishment:

<u>Account Number(s)</u>	<u>Name(s) on Account</u>
xxxx-xxxx-2863	Mildred Kerrigan Kevin A. Kerrigan 14 Fieldstone Rd. Putnam Valley, NY 10579-3417
xxxx-xxxx-1532	Kevin A. Kerrigan 14 Fieldstone Rd. Putnam Valley, NY 10579-3417

2. Pursuant to provisions of Sections 77.06 (2) and (3) of Florida Statutes, and subject to Court determination of the proper disposition of proceeds of the above account(s), Garnishee has set aside the following sums:

<u>Account Number(s)</u>	<u>Amount Set Aside</u>
xxxx-xxxx-2863	-0-*
xxxx-xxxx-1532	\$472.14*

*[Account Number xxxx-xxxx-2863 has a current balance of \$311.53 and Account Number xxxx-xxxx-1532 has a current balance of \$2,740.14. However, all of the funds in Account Number xxxx-xxxx-2863 and \$2,268.00 of the funds in Account Number xxxx-xxxx-1532 are exempt from Garnishment pursuant to the Federal Exemption provided under 31 CFR Part 212. Therefore, those funds have not been held.]

3. Under its deposit agreement/contract with its customer, Garnishee has a contractual right of setoff and it hereby claims this right. Specifically, Garnishee is authorized to offset, among its other rights, a bank processing fee in the amount of \$125.00. Said sum has been taken from the funds in paragraph 2 above and the amount shown reflects the reduced sum

held after offset. As such, this is the sum available for garnishment herein. Garnishee's bank processing fee is in addition to the statutory garnishment fee in the amount of \$100.00 to be paid by Plaintiff to Garnishee's attorney as part payment of Garnishee's attorney's fees (Section 77.28 Florida Statutes, as amended on July 1, 2014).

4. Garnishee knows of no other person indebted to Defendant(s), or any other person who may have any effects, goods, money or chattels of the said Defendant(s), nor did Garnishee have in its possession or control any other tangible or intangible personal property of the Defendant(s).

5. In accordance with Section 77.28 as amended on July 1, 2014, and having filed the Answer of Garnishee in this case, **Garnishee hereby demands from Plaintiff the payment forthwith of the \$100.00 statutory garnishment fee** for the part payment of its attorney's fees, to be made **payable to The Noa Law Firm, P.A.**, Garnishee's attorney(s), and to be mailed to:

**THE NOA LAW FIRM, P.A.
P. O. Box 941958
Miami, Florida 33194**

WHEREFORE, Garnishee prays that this Court enter its judgment determining proper disposition of any funds held pursuant to the Writ of Garnishment and **demands payment by Plaintiff forthwith of the \$100.00 statutory garnishment fee** as part payment of Garnishee's attorney's fees, to be made **payable to The Noa Law Firm, P.A.**, Garnishee's attorney(s), and for any other relief this Court deems just and proper.

DESIGNATION OF EMAIL ADDRESS

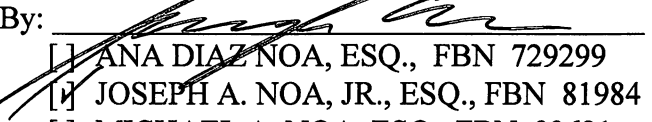
Pursuant to Rule 2.516 of the Florida Rules of Judicial Administration, Counsel for Garnishee hereby designates the following primary email address for service of court documents:

Primary email address: e-service@noalawfirm.com.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished via electronic mail this 29TH day of JUNE, 2021, to BEATRIZ McCONNELL, ESQ., ATTORNEY FOR PLAINTIFF, ENGLANDER & FISCHER, LLP, Email: bmcconnell@eflegal.com.

THE NOA LAW FIRM, P.A.
ATTORNEY(S) FOR GARNISHEE
P. O. Box 941958
Miami, Florida 33194
Telephone: (305)559-9620
Facsimile: (305)559-3611

By: 
☐ ANA DIAZ NOA, ESQ., FBN 729299
☒ JOSEPH A. NOA, JR., ESQ., FBN 81984
☐ MICHAEL A. NOA, ESQ., FBN 93621