

STATE OF MICHIGAN

RECEIVED AUG 24 1999

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

EDWARD MICHAEL HANNAFORD,

Plaintiff  
vs.

Case No. 95-4609-DM  
HON: PETER J. MACERONI

CHRISTINE LYNN MORRISON,

Defendant

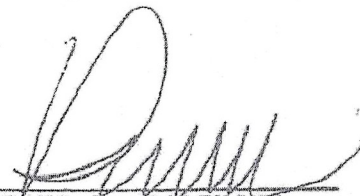
PROOF OF SERVICE

State of Michigan)  
County of Macomb)

Paul F. Zalenski, being first duly sworn  
Monday, 8:44pm  
deposes and says that on the 23th day of August 1999, he  
served a copy of a Restraining Order Against Betty Morrison  
and Order to Show Cause, Attachment

on Betty Morrison  
at 31231 Saratoga, Warren, MI  
County of Macomb, by then and there handing to the  
above party.

Further deponent sayeth not.

  
PAUL F. ZALENSKI  
37th District Court Officer

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_.

FILED  
1999 AUG 27 AM 10:30  
CLERK OF DISTRICT COURT  
MACOMB COUNTY CLERK  
M. C. EMMES, MICHIGAN

STATE

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

EDWARD MICHAEL HANNAFORD,

Plaintiff,

vs.

Case No. 95-4609-DM

HON: PETER J. MACERONI

CHRISTINE LYNN MORRISON,

Defendant.

CAPUTO BROSINAN P.C.  
By: HAROLD A. PERAKIS (P-35921)  
Attorneys for Plaintiff  
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Warren, Michigan 48092-4243  
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JANET M. FREDERICK (P-53072)  
Attorney for Defendant  
930 Mason  
Dearborn, Michigan 48124  
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FILED  
1999 AUG 23 PM 3:18  
CLERK  
COURT CLERK  
MACOMB COUNTY  
MICHIGAN

**RESTRAINING ORDER  
AGAINST BETTY MORRISON  
AND ORDER TO SHOW CAUSE**

*non-party*

At a session of Court held in the  
City of Mt. Clemens, County of Macomb  
State of Michigan,

ON: **AUG 23 1999**, 1999.

The Court has considered Plaintiff's Verified Motion and has determined  
the following:

1. Plaintiff will suffer irreparable harm and loss if Betty Morrison is not restrained from transferring, selling or disposing of any interest she may have or that Defendant may equitable have, in the condominium and its content located at 16454 Clarkson, Fraser, Michigan, more fully described in the attached legal description.

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

EDWARD MICHAEL HANNAFORD,

Plaintiff,

vs.

CHRISTINE LYNN MORRISON,

Defendant.

Case No. 95-4609-DM,  
HON: PETER J. MACERONI

FILED  
1999 MAR 23 AM 9:15  
COURT CLERK  
MACOMB COUNTY MICHIGAN

CAPUTO BROSAN P.C.

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**VERIFIED MOTION FOR ENTRY OF MONEY JUDGMENT  
AGAINST DEFENDANT CHRISTINE L. MORRISON FOR  
CHILD SUPPORT AND CHILD CARE ARREARAGES, MOTION FOR REAL AND  
PERSONAL PROPERTY LIEN ON PROPERTY OF DEFENDANT CHRISTINE L.  
MORRISON, MOTION REQUESTING ENTRY OF AN ORDER SETTING ASIDE  
TRANSFER OF DEBTOR'S PROPERTY PURSUANT TO THE UNIFORM  
FRAUDULENT CONVEYANCE ACT, MCLA 566.11 TO MCLA 566.23, MOTION FOR  
PROCEEDINGS SUPPLEMENTAL TO JUDGMENT INCLUDING AN EX PARTE  
RESTRAINING ORDER AND MOTION FOR COSTS**

NOW COMES Plaintiff, EDWARD MICHAEL HANNAFORD, by and through his  
attorneys, CAPUTO BROSAN P.C. by HAROLD A. PERAKIS, and in support of  
Plaintiff's Motions state as follows:

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relief than Defendant will suffer from the granting of such relief. The granting of this Restraining Order will further the public interest.

3. This Order is granted without Notice because such Notice would precipitate further improper acts by Defendant, or her agents and transferees of her real and personal property interest.

**IT IS ORDERED:**

1. A Restraining Order is issued pursuant to MCLA 600.6219.

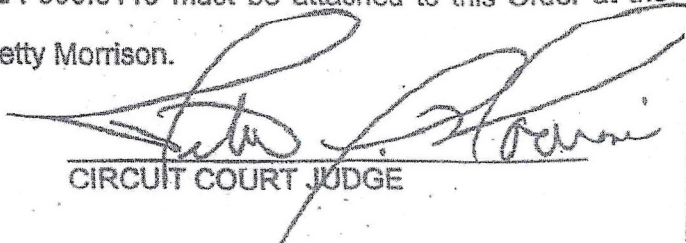
2. Betty Morrison is enjoined and restrained, whether alone or in concert with others, including any agent and/or representative of Defendant, until further Order of this Court, but no later than August 19, 2001, from transferring, selling or disposing of any interest she may have, or that Defendant may equitably have, in the condominium and the contents therein located at 16454 Clarkson, Fraser, Michigan, and more fully described in the attached legal description.

3. This Order shall remain in full force and effect until this Court specifically orders otherwise.

4. Betty Morrison shall show cause before this Court on <sup>Sept. 1</sup> ~~August 30~~, 1999, at <sup>1:30 p.m.</sup> ~~2:00 p.m.~~ why this Restraining Order shall not remain in full force and effect until August 19, 2001.

5. Plaintiff must serve a copy of the Motion in this case and this Order on Betty Morrison on or before <sup>Wednesday 25</sup> ~~Monday~~, August 27, 1999.

6. A copy of MCLA 600.6119 must be attached to this Order at the time of service of this Order upon Betty Morrison.

  
CIRCUIT COURT JUDGE

Dated AUG 23 1999

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15hanrest

1. As of August 25, 1999, the Macomb County Friend of the Court has determined that Defendant, CHRISTINE L. MORRISON, owes Twenty Two Thousand Two Hundred Seventy and 75/100 (\$22,275.75) Dollars in child support and child care arrearages.

2. That child support and child care arrearages are accruing at the rate of Two Hundred Seventy Five and 00/100 (\$275.00) Dollars per week.

3. That Defendant has failed to appear at a scheduled hearing in this Court, and there is reason to believe that Defendant has left this jurisdiction and at present cannot be located by the Friend of the Court.

4. That as of May 2, 1999, Defendant had a vendee's interest in property in this jurisdiction, to wit: a condominium located at 16454 Clarkson, Fraser, Michigan and Defendant owned personal property located therein. The value of the personal and real property may be sufficient to secure payment of the arrearage currently owed on Defendant's child support and child care account, as well as future payments of child support and child care. (Exhibit 1, Land Contract.)

5. That upon information and belief, Defendant is attempting to sell said real estate and personal property, as is evidenced by a real estate "For Sale" sign located at the condominium. (Picture to be provided to Court.)

6. That based upon copies of documents filed in the Macomb County Register of Deeds, there is no doubt that Defendant has, as recently as July 6, 1999, and May 3, 1999, fraudulently transferred her land contract vendee's ownership interest in the aforementioned condominium for the purpose of secreting assets in avoidance of

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paying child support and child care obligations noted above. (Exhibits 2, 3 and 4, Quit Claim Deeds respectively dated May 3, 1999, June 22, 1999, and July 6, 1999)

7. The attached Quit Claim Deeds signed by Defendant first transferred the land contract vendee's interest to her mother, Edith T. Morrison, of 28175 Lorraine, Warren, Michigan 48093 on May 3, 1999. After Edith transferred the property back to Defendant on June 22, 1999, Defendant then transferred the land contract vendee's interest to her stepmother, Betty Morrison, of 31231 Saratoga, Warren, Michigan 48093 on July 6, 1999,

8. This last transfer occurred ONLY ONE DAY PRIOR TO THE ORIGINALLY SCHEDULED DATE FOR THIS COURT'S CONTEMPT HEARING, WHICH WAS EVENTUALLY RESCHEDULED TO JULY 14, 1999, THE DATE THAT DEFENDANT DID NOT APPEAR IN COURT FOR THE AFTERNOON HEARING ADJOURNED FROM THE MORNING.

9. That such timing of the transfer is compelling and substantive evidence of the fraudulent nature of the transfer.

10. That based upon those filed documents, Plaintiff has reason to believe that the two transfers to Edith T. Morrison and Betty Morrison were made without fair consideration, and were fraudulent conveyances, pursuant to MCLA 552.624 (a) and the Uniform Fraudulent Conveyance Act, MCLA 566.11 to MCLA 566.23. and that the transfer of the property to Betty Morrison on July 6, 1999, must be set aside pursuant to said statutes.

11. Plaintiff is fearful that the Defendant's land contract vendee's interest, transferred to Betty Morrison, may also be transferred, sold or disposed of by

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Betty Morrison so as to place that interest beyond the reach of this Court unless this Court restrains Betty Morrison, and her agents or representatives from in any way transferring said vendee's interest in the land contract, as well as any personal property located in that condominium.

12. This court's authority to restrain Betty Morrison from transferring the vendee's interest, for up to two years, is detailed in MCLA 600.6119, which states:

**600.6119. Transfer of property by third party; prohibition; restraining orders, violations; duration of restraint**

**Sec. 6119. (1) Prohibition.** When a third party having in his or its possession property or moneys belonging to the judgment debtor or who is indebted to the judgment debtor is subpoenaed or ordered to attend and be examined as authorized in this chapter, such third party is hereby forbidden to make or suffer any transfer or other disposition of, or to interfere with, any property belonging to the judgment debtor or to which he may be entitled or which may thereafter be acquired by or become due to said judgment debtor, or to pay over or otherwise dispose of any moneys due or to become due to such judgment debtor, not exempt by law from application to the satisfaction of the judgment, until the further order of the court except that such third party is not obliged to withhold the payment of any moneys beyond double the amount claimed in such subpoena by the judgment creditor. To effect such restraining provision, a copy of this section must be indorsed on or attached to the copy of the subpoena or order served on the third party.

(2) **Violation, contempt, civil liability.** Any person served with said subpoena or order, who violates the provisions of such restraining provision, is subject to punishment by the court for contempt, and is liable to the judgment creditor for any damages sustained.

(3) **Transfer of property apparently belonging to others.** The restraining effect of a subpoena served upon a third party shall not, however, apply to any property, money or indebtedness which appears from the books or records of the third party to belong to or to be due to a person or corporation other than the judgment debtor, unless the third party has knowledge or reason to believe that such property, money or indebtedness belongs to or is due to the judgment debtor; but the court may by order at any stage of the proceeding grant a restraining provision applicable to any such property, money or indebtedness, which is specified in the order, where it is shown to the court's satisfaction by affidavit or other written proof that there is reason to believe that such property, money or indebtedness belongs to or is due to the judgment debtor.

(4) **Duration of restraint.** Unless previously vacated by order of the court or unless released in writing filed in the cause by the judgment creditor, a restraining provision as herein provided shall remain in full force and effect for a period of 2 years from the date of the service of the subpoena, at which time it is deemed vacated for all purposes unless extended by order of the court for good cause shown.

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13. That considering that those third parties are the mother and step-mother of Defendant, and upon information and belief, were well aware of the fraudulent nature of the above-mentioned transfers, Plaintiff requests that an Order be entered requiring that both Betty Morrison and Edith T. Morrison appear at a time and date to be established in a subpoena and make discovery under oath of any property interests, including the above-mentioned vendee's interest, equitable or otherwise, held by said third parties, and testify to other transfers made to them by Defendant, if any, during the past two years.

14. That based upon Defendant's apparent departure from this State, and Defendant's attempt to sell her assets located in this jurisdiction, and because Defendant has failed in the past to pay child support and child care obligations, Plaintiff is fearful that unless a Temporary Restraining Order is entered restraining the sale or transfer of the above-mentioned real and personal property, Plaintiff will suffer irreparable harm.

15. That pursuant to MCLA Section 552.625, Plaintiff also requests that a lien be placed on Defendant-payer's real property located at 16454 Clarkson Fraser, Michigan, and upon the personal property located in that condominium. (Exhibit 5, copy of statute.)

16. That Plaintiff has incurred unnecessary costs in this matter due to:

A. Defendant's bad faith interjection of frivolous objections to properly entered Court Orders; and

B. Defendant's and Defendant's counsel's failure to appear at scheduled court hearings.

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17. That the attorney fees and costs incurred as a result of Defendant's actions have amounted to Two Thousand One Hundred Sixty Five and 00/100 (\$2,165.00) Dollars.

WHEREFORE, Plaintiff hereby requests that this Court:

A. Enter a Money Judgment in Plaintiff's favor and against Defendant in the amount of Twenty Two Thousand Four Hundred Sixty and 75/100 (\$24,460.75) Dollars, which represents the sum of Twenty Two Thousand Two Hundred Ninety Five and 75/100 (\$22,295.75) in child support and child care arrearages accrued through August 25, 1999, and Two Thousand One Hundred and Sixty Five and 00/100 (\$2,165.00) Dollars in costs incurred by Plaintiff as a result of Defendant's sanctionable actions noted above;

B. Order that a lien be placed on the property located at 16454 Clarkson, Fraser, Michigan 48026, as well as the personal property located therein;

C. Order that an inventory of all personal property located in said condominium be made immediately, thereby requiring that Plaintiff be allowed access to said condominium by any individual having access thereto;

D. Pursuant to MCLA 600.6119, issue an immediate Restraining Order against third party, Betty Morrison, and her agents and representatives from making any transfer or disposition of the real property noted above and all personal property located therein;

E. Issue an Order requiring the attendance for a discovery deposition of Betty Morrison and Edith T. Morrison regarding any and all transfers of property made to them, or their heirs and representatives by Defendant

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F. If it appears from the testimony of Betty Morrison or Edith T. Morrison that they or others hold in their names property beneficially or equitably belonging to Defendant, those parties holding such property be joined in these proceedings.

G. Issue an Order setting aside any and all fraudulent transfers pursuant to the Uniform Fraudulent Conveyance Act, MCLA 566.11, et. seq. of the real property listed above, including the personal property therein;

H. Provide Plaintiff with any further relief as is agreeable to this Court.

I declare that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

  
EDWARD M. HANNAFORD

Respectfully submitted,

CAPUTO BROSINAN P.C.

Dated: August 19, 1999.

By:

HAROLD A. PERAKIS (P-35921)  
Attorney for Plaintiff  
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