

CAUSE NO. 2022-37696-A

KNIGHTSBRIDGE FUNDING LLC
Plaintiff,

v.

PERFORMANCE JET SKIS LLC;
ENRIQUE MANUEL TORRIJOS
Judgment Defendants,

BANK OF AMERICA, N.A.
Garnishee.

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IN THE DISTRICT COURT

281ST JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

**GARNISHEE BANK OF AMERICA, N.A.'S ORIGINAL ANSWER
TO WRIT OF GARNISHMENT**

Garnishee Bank of America, N.A., ("Bank of America") files its Original Answer to the Writ of Garnishment and would show unto the Court as follows:

INDEBTEDNESS

1. After performing account review(s) pursuant to 31 CFR 212.5, Bank of America was indebted to Judgment Defendant(s) in the amount of \$2,168.86 in account no. XXXX XXXX 4805 titled PERFORMANCE JET SKIS LLC. However, deposit(s) were later made increasing the indebtedness to \$2,904.41.

EFFECTS

2. Bank of America is not in possession of any effects belonging to Judgment Defendant(s).

OTHER PERSONS INDEBTED

3. Bank of America is not aware of any other persons indebted to Judgment Defendant(s).

OBJECTION TO MEDIATION

4. As a disinterested, third-party stakeholder, Bank of America objects to mediation. In the event Bank of America is ordered to mediate, Bank of America requests that the Court order that all costs of mediation be borne by Judgment Creditor(s) and/or Judgment Defendant(s).

AFFIRMATIVE DEFENSES

5. For further answer, to the extent a protected amount has been calculated and established, Bank of America affirmatively pleads No Challenge of Protection pursuant to 31 CFR 212.6 (c).

6. For further answer, Bank of America affirmatively pleads Protection During Examination and Pending Review pursuant to 31 CFR 212.10 (a).

7. For further answer, Bank of America affirmatively pleads Protection when Protecting or Freezing Funds pursuant to 31 CFR 212.10 (b).

8. For further answer, Bank of America affirmatively pleads Protection for Providing Additional Information to Account Holder pursuant to 31 CFR 212.10 (c).

9. For further answer, Bank of America affirmatively pleads Protection for Financial Institutions from Other Potential Liabilities including bona fide errors, customary clearing and settlement adjustments, and honoring an account holder's express written instruction to disburse protected funds pursuant to 31 CFR 212.10 (d)(1), (2), and (3).

COSTS

10. Bank of America has retained the undersigned attorneys to represent it in this proceeding, and has agreed to pay its attorneys a reasonable fee for services rendered. Pursuant to Texas Rule of Civil Procedure 677, Bank of America is entitled to recover all costs, including

reasonable attorney's fees of not less than \$1,035.00 incurred herein, from Judgment Creditor(s) and/or Judgment Defendant(s).

PRAYER

Garnishee Bank of America, N.A. respectfully requests that the Court:

- (a) Adjudicate all rights to the funds and/or property.
- (b) Order that Bank of America recover its costs, including reasonable attorney's fees, from Judgment Creditor(s) and/or Judgment Defendant(s).
- (c) Discharge Bank of America from any and all liability to Judgment Creditor(s) and Judgment Defendant(s).

Respectfully submitted,

ADAMS AND REESE LLP

By: /s/ Evan A. Moeller
Evan A. Moeller
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Attorney for Garnishee Bank of America, N.A.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing instrument has been forwarded to all counsel of record pursuant to Texas Rule of Civil Procedure 21a on August 12, 2022.

/s/ Evan A. Moeller
Evan A. Moeller

UNSWORN DECLARATION

My name is Richard, E, Salzman, and
(First) (Middle) (Last),

my address is 1825 E. Buckeye Rd. Phx, AZ, 85034.
(Street) (City) (State) (Zip Code)

I am an Officer of Bank of America, N.A. I have read Garnishee Bank of America, N.A.'s Original Answer to Writ of Garnishment in the above-entitled and numbered cause. I declare under penalty of perjury that every factual statement contained therein is within my personal knowledge and is true and correct.

Executed in Maricopa County, State of Arizona, on the 10th day of August, 2022.
(Month) (Year)

Richard
Digitally signed
by Richard
Salzman
Date: 2022.08.10
08:34:34 -07'00'

Signature **Salzman**

Automated Certificate of eService

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Tara Rollin on behalf of Evan Moeller

Bar No. 24051067

tara.rollin@arlaw.com

Envelope ID: 67220396

Status as of 8/12/2022 12:00 PM CST

Case Contacts

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