



<b>Claim No.</b>	<b>Claimant</b>	<b>Amount</b>	<b>Reason to Disallow</b>
B-0076	Microfridge	\$9,506.58	This claim relates to an equipment lease covering refrigerators and irons at the Atrium Inn in Branson, MO. This property was foreclosed on in May 2003, and the lender retained the equipment and the related liability.
B-0105	Weisner Publishing, LLC	\$3,374.00	This claim is a duplicate of Claim No. B-0033, and only one claim should be allowed.
B-0116	Michael Cagen	\$1,067.36	This claim is for services provided to Green Rhino, a personal entity owned by Tom Smith in which Trade Partners, Inc. had no ownership interest.
B-0119	David K. Ellis	\$25,159.72	This claim relates to legal fees incurred by Ellis Management. The claim has been resolved by virtue of a mutual release between the Receiver and Ellis Management.
B-0122	Randall S. Levine	\$14,055.39	This claim relates to fees for legal services provided to Chris Zmudka on a individual basis. Trade Partners, Inc. and its subsidiaries did not benefit from the services.
B-0127	Charlevoix County	\$76,548.87	This claim is for real property taxes on a house in Charlevoix which was surrendered to the second lender. The property taxes followed the real estate and have either been satisfied or will be paid by the lender.

<b>Claim No.</b>	<b>Claimant</b>	<b>Amount</b>	<b>Reason to Disallow</b>
B-0135	Microfridge	\$8,060.40	This claim relates to an equipment lease covering refrigerators at the Ramada in Davenport and Orlando, FL. This property was surrendered to the lender and the lender retained the equipment and the related liability.

The Court heard or read objections to disallowance of the following claims, and will take these under advisement for future Report and Recommendation after further proceedings. The Court understands that as to these claims, the Receiver will continue to pursue agreed resolution of the claims where appropriate and/or reach agreed scheduling orders as to how the claims will be litigated, which proposals will be presented to the Court for review:

<b>Claim No.</b>	<b>Claimant</b>
B-0004	Irwin Seating Company
B-0013	Patrick J. McNamara
B-0015	Charles Willette
B-0016	Habersham Funding, LLC
B-0018	BBG Corporation
B-0019	Irwin Seating Company
B-0120	Macatawa Bank
B-0136	James W. Boyd, Ch. 7 Trustee of Sojkara, LLC

Respectfully submitted,

Date: September 15, 2004

/s/ Ellen S. Carmody  
 ELLEN S. CARMODY  
 United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL J. QUILLING, Receiver §  
for Advanced Financial Services, Inc., §

Plaintiff, §

vs. §

TRADE PARTNERS, INC., MACATAWA §  
BANK CORPORATION, successor by §  
merger to GRAND BANK, THOMAS J. §  
SMITH and CHRISTINE M. ZMUDKA, §

Defendants. §

Civil Action No. 1:03CV-0236

**SECOND REPORT AND RECOMMENDATION**  
**REGARDING RECEIVER'S FIRST MOTION TO DISALLOW/ADJUST B CLAIMS**

On January 31, 2005 the Receiver reported to the Court regarding the status of B claims which were objected to in the Receiver's First Motion to Disallow/Adjust B Claim [Docket No. 591] and which had not been addressed in the Court's prior Report and Recommendation [Docket No. 689]. Based on the Receiver's statement, the Court makes the following report and recommendations.

**Claim No. B-0004** Irwin Seating Company  
**Claim No. B-0019** Irwin Seating Company

These claims have been resolved by a settlement agreement which was addressed by Docket Nos. 803 and 824. These claims no longer need to be considered by the Court.

**Claim No. B-0013** Patrick J. McNamara

This claim objection is now the subject of the Receiver's Motion for Order to Show Cause [Docket No. 769] and will be addressed by further order of the Court.

**Claim No. B-0015** Charles Willette

This claim objection has been withdrawn [Docket No 591].

**Claim No. B-0016** Habersham Funding, LLC

Habersham Funding, LLC filed a Response to the Receiver's objection [Docket No. 663] which was subsequently withdrawn [Docket No. 738]. Accordingly, the Court recommends that this claim be disallowed without prejudice as requested in Docket No. 738.

**Claim No. B-0018** BBG Corporation

This claim has been allowed as reflected in Docket No. 740.

**Claim No. B-0120** Macatawa Bank

This claim objection has been withdrawn [Docket No. 765].

**Claim No. B-0136** James W. Boyd, Chapter 7 Trustee of Sojkara, LLC

This claim has been resolved by agreement as reflected in Docket Nos. 802 and 806.

DATED this 9th day of February, 2005.

Respectfully submitted,

/s/ Ellen S. Carmody

ELLEN S. CARMODY

United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-950 (6<sup>th</sup> Cir. 1981).

**FIRST MOTION TO DISALLOW/ADJUST B CLAIMS**

<b>CLAIM #</b>	<b>CLAIMANT</b>	<b>STATUS</b>	<b>RELATED DOCKET #</b>
B-0004	Irwin Seating Company	Settled	803/824
B-0006	Hill Manufacturing Company, Inc.	Disallowed	689/778
B-0013	Patrick J. McNamara	Stipulated re: procedure Motion to Compel	651 769
B-0014	VL Southgate Building Corp.	Converted to A-05594	
B-0015	Charles Willette/Bald Eagle Network	Objection Withdrawn	591
B-0016	Habersham Funding, LLC	Court Order needed	632/663/738
B-0018	BBG Corporation	Allowed claim against TP Hall of Fame, LLC	703/706/740
B-0019	Irwin Seating Company	Settled	803/824
B-0048	Kinetic Leasing, Inc.	Disallowed	689/778
B-0076	Microfridge	Disallowed	689/778
B-0105	Weisner Publishing, LLC	Disallowed	689/778
B-0116	Michael Cagen	Disallowed	689/778
B-0119	Ellis Management Services	Disallowed	689/778
B-0120	Macatawa Bank	Objection withdrawn	765
B-0122	Randall S. Levine	Disallowed	689/778
B-0127	Charlevoix County Treasurer	Disallowed	689/778
B-0135	Microfridge	Disallowed	689/778
B-0136	James W. Boyd, Trustee - Sojkara	Objection Withdrawn	802/806

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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MICHAEL J. QUILLING,  
Receiver for Advanced Financial  
Services, Inc.,

Plaintiff,

v.

TRADE PARTNERS, INC.,

Defendant.

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Case No. 1:03-CV-236

Hon. Richard Alan Enslin

**ORDER**

**ORDER APPROVING REPORT AND RECOMMENDATIONS**

The court has reviewed the Report and Recommendations filed by the United States Magistrate Judge in this action. The Report and Recommendations were duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendations (Dkt. ## 867, 868, 870 and 872) of the Magistrate Judge, filed February 9, 2005, are approved and adopted as the opinions of the court.

Dated in Kalamazoo, MI:  
March 7, 2005

/s/Richard Alan Enslin  
Richard Alan Enslin  
United States District Judge