

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TRUSTEES OF THE NECA-IBEW)
PENSION BENEFIT TRUST FUND, et al.,)
)
Plaintiffs,)
)
vs.) Case No. 10-cv-0168-MJR
)
T.L.T. ELECTRIC, INC.,)
doing business as)
Thompson Electric, Inc., and)
T.L.T. ELECTRIC, INC.,)
)
Defendants.)

ORDER

REAGAN, District Judge:

On May 11, 2012, a Writ of Execution and interrogatories were propounded upon garnishee Regions Bank. The Bank identified \$3,243.90 on account for Defendants/Judgment Debtors T.L.T. Electric, Inc., d/b/a Thompson Electric, Inc., and T.L.T. Electric, Inc. The Plaintiffs/Judgment Creditors have filed a Motion for Pay-Over Order (Doc. 42), so that the funds could be paid toward their \$103,895.40 judgment against Defendants. An "Answer of Defendant to Garnishment" (Doc. 46) was filed, stating: "Defendant's [sic] Answer that the funds in the account are covered by a security agreement and UUC [sic] filing on the assets of Defendant [sic] by Regions Bank. Please remit payment to the REGIONS BANK, in the amount stated above." At the Court's request, Defendants briefed and clarified their response (Doc. 49). According to Defendants, Garnishee Regions Bank has a prior, superior lien on Defendants' account.

Plaintiffs correctly observe that Defendants do not have standing under 735 ILCS 5/12-708 to assert the interests of Regions Bank. Regions Bank, although properly served with

the garnishment summons (Doc. 40), has never asserted that that they hold a superior interest in the funds in Defendants' account. Rather, the answer filed by Regions Bank specifically states that Regions Bank views the funds are not exempt from garnishment (Doc. 41) and, as already noted, the Bank has never asserted a claim to the funds.

For the reasons stated, Plaintiffs' motion for entry of a pay-over order directing Regions Bank to pay Plaintiffs the \$3,243.90 in the account(s) of Defendants/Judgment Creditors T.L.T. Electric, Inc. d/b/a Thompson Electric, Inc. and T.L.T. Electric, Inc. 10598 Randolph Co Line Rd, Marissa, IL 62257, is **GRANTED**. A separate Pay-Over Order will issue to Regions Bank.

IT IS SO ORDERED.

DATE: January 29, 2013

s/ Michael J. Reagan
MICHAEL J. REAGAN
UNITED STATES DISTRICT JUDGE