

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

---

IN RE  
WILLIAM J. FOLEY

Debtor.

Case No. 14-31425-pp  
Chapter 7

Hon. Michael Halfenger

---

**Witness List and Exhibit List with Accompanying Exhibits for January 28, 2015 Hearing**

---

Creditors Sandwich Kings, LLC d/b/a Suburpia, Three Sandwich Kings, LLC, and Layton Sandwich Kings, LLC, by Nistler Law Office, s.c., by Attorney Joan M. Shepard, hereby submits this List of Potential Witnesses and Exhibit List, along with the accompanying exhibits in accordance with the Court's November 25, 2014 Order.

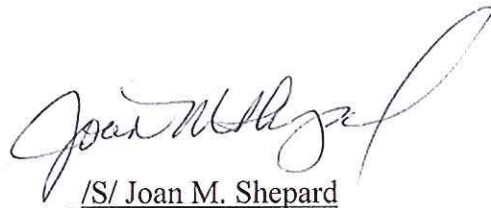
Witness List:

1. Howard Duncan  
c/o Nistler & Condon, s.c.  
7000 West North Ave.  
Wauwatosa, WI 53213
2. Marietta Duncan  
c/o Nistler & Condon, s.c.  
7000 West North Ave.  
Wauwatosa, WI 53213
3. Deputy Green  
Milwaukee County Sheriff's Department  
821 W. State Street  
Room 107  
Milwaukee, WI 53233
4. Representative from Eagle Movers  
929 West Bruce Street  
Milwaukee, WI 53204

Exhibit List

1. Copy of Inventory from Eagle Movers
2. Copy of Title of Vehicle showing ownership
3. Execution Against Property paperwork.

Dated this 21<sup>st</sup> day of January, 2015.



/S/ Joan M. Shepard

Joan M. Shepard  
Wis. State Bar No. 1072649  
Brent D. Nistler  
Wis. State Bar No. 1033990  
Attorney for Creditor

Nistler & Condon, s.c.  
7000 W. North Ave.  
Wauwatosa, WI 53213  
[jshepard@nistlerlaw.com](mailto:jshepard@nistlerlaw.com)  
[bnistler@nistlerlaw.com](mailto:bnistler@nistlerlaw.com)  
Phone: 414-763-1147  
Facsimile: 414-988-9572

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

IN RE  
WILLIAM J. FOLEY

Debtor.

Case No. 14-31425-pp  
Chapter 7

Hon. Michael Halfenger

AFFIDAVIT OF MAILING

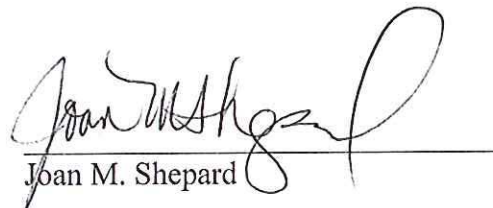
STATE OF WISCONSIN )  
                                  ) SS  
MILWAUKEE COUNTY )

**Joan M. Shepard**, of Milwaukee, Wisconsin, being first duly sworn, on oath, says that she is an employee of Nistler & Condon, s.c., and that on the 21<sup>st</sup> day of January, 2015, she mailed, properly enclosed in a postage-paid envelope, a copy of the following:

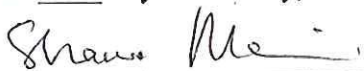
- **Witness List of Witnesses being called for the January 28<sup>th</sup> hearing in front of Judge Halfenger;**
- **Exhibit List and accompanying Exhibits; and**
- **Copy of this affidavit of mailing;**

addressed as follows:

William Foley  
11400 W. Bluemound Rd.  
Suite 300  
Brookfield, WI 53226

  
Joan M. Shepard

Subscribed and sworn to before me  
this 21 day of January, 2015.



Notary Public, State of Wisconsin  
My commission is permanent.



# WISCONSIN CERTIFICATE OF TITLE

Vehicle Identification Number

**1G4GD2219W4708698**

Year

1998

Make

BUICK

Title Number

12338RG012-4

Issue Date

12/03/2012

Class Type

AUTO

Current Reading

**27809**

Current Status

**ACTUAL**

Expiration Date

11/24/20

Process Number

43718123384

Body Style

COUPE

Color

WHITE

Plate No.

### Titled Owner(s)

LAYTON SANDWICH KINGS INC  
116 E LAYTON AVE  
MILWAUKEE, WI 53207-5907

The person, firm or corporation named on this Title is the lawful owner of the vehicle described, subject to any Security Interest shown thereon. The owner holds in apparent title. This Title does not necessarily represent title priority. The Wisconsin Department of Transportation and its agents are not responsible for false or incorrect statements made in the assignment of this Certificate of Title or for errors in recording mileage, brand and accessories on the history of the vehicle. This is a partial knowledge about the history of the vehicle and makes no warranty that the title brand or mileage disclosures on prior titles have been true and correct.

### Lien Holder(s)

NONE.

### Additional Vehicle Detail

EXEMPT FROM ODOMETER - 10 YEARS OLD

**SELLER:** When the vehicle is sold, complete the ASSIGNMENT OF CERTIFICATE OF TITLE on the top back of this Title and deliver purchaser with the vehicle. You may wish to retain a copy of this Title with the purchase a submission and signature as proof of sale.

**PURCHASER:** Apply for a new title with the Wisconsin Division of Motor Vehicles immediately. To legally operate this vehicle, you must register it with the Division of Motor Vehicles.



MAIL ADDRESS

Wisconsin Department of Transportation

2500 West Capitol Drive



STATE OF WISCONSIN, CIRCUIT COURT, MILWAUKEE COUNTY

For Official Use

Case Caption  
Sandwich Kings, LLC, et al  
v  
Bluemound Sandwich Kings, Inc. et al.

Execution Against  
Property

Case No. 13 CV 2944

TO: Sheriff of Milwaukee County:

Judgment was entered in this case as indicated below for the amount listed, plus subsequent costs, including statutory interest from entry of judgment.

You are ordered to satisfy this judgment out of the personal property of the judgment debtor within your county. If sufficient personal property cannot be found, satisfy the judgment out of the real property in your county belonging to the judgment debtor.

Return this execution within 60 days after you receive it, to the clerk of Circuit Court of the issuing county.

Judgment Debtor(s) (Name and Address) William J. Foley 1961 N. Summit Ave. Suite 701 Milwaukee, WI 53202	Debtor's Attorney (Name and Address) No attorney of record
Judgment Creditor(s) (Name and Address) Sandwich Kings, LLC, Three Sandwich Kings, LLC, Layton Sandwich Kings, LLC 10853 W. Bluemound Road Wauwatosa, WI 53226	Creditor's Attorney (Name and Address) Joan M. Shepard Nistler & Condon, s.c. 7000 W. North Ave Wauwatosa, WI 53213

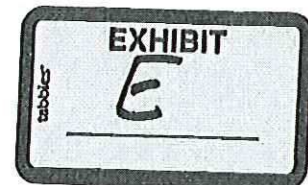
Date of Judgment:	<u>May 6, 2014</u>	Total Judgment & Costs:	\$ <u>1,906,325.15</u>
Date Docketed:	<u>May 6, 2014</u>	Satisfaction/Releases/Modifications:	\$ <u>2,731.50</u>
Time Docketed:	<u>3:48 p.m.</u>	Net Due:	\$ <u>1,903,593.65</u>

Remarks/Description of property to be returned to creditor:

All Equipment, money, fixtures, personal property, furniture, cash registers, computers, food items, signage, slicers, food preparation surfaces, coolers, sinks, spices, aprons, packaging materials, cleaning supplies, picnic tables, umbrellas, vehicles, drink items, glassware, all items with Suburpia logos.

*If execution is in a county other than the originating county, this information must be completed:*

County To Which Execution Is Directed	Date Transcript Docketed	Time Transcript Docketed
---------------------------------------	--------------------------	--------------------------



Seal

Clerk of Circuit Court:

*[Handwritten Signature]*

Authorized Signature

Date

Address

*[Handwritten Signature]*

Current Judgment Owner

06/20/14

Date

*attorney for plaintiffs/judgment owners*

Sheriff's Endorsement of Receipt

Date Received: \_\_\_\_\_

Time Received: \_\_\_\_\_

To be completed by creditor or attorney.

Net due from above	\$1,903,593.65
Interest due to date of July 30, 2014	\$18,639.65
Total balance due to date of July 30, 2	\$1,922,233.30
Per diem interest calculation \$ 219.29/day x	\$1,922,233.30

85

To be completed by sheriff.

Total amount due upon execution \$ \_\_\_\_\_  
Including sheriff's fees.

# EAGLE MOVING AND STORAGE COMPANY

NAME Howard Duncan  
 ADDRESS 30046 Parkview Rd  
 PHONE W. Hartford W. WI 53195  
 DATE IN 2002-4-23  
 LOCATION 3862 VAULT 100  
 CUBIC FT. 100

DELT NO 9104-A

NO. VOLUMES 2 TAGS 2

GLASS ITEMS 0

ITEMS 2 STKR No. 100

LIST ITEMS	STKR No.
1 Pack	3
1 Pack mini	4
Apple screen	5
Apple Mouse	6
Apple Screen	7
Mouse	8
Mac Mini	9
Apple printer	10
Apple Power Mac Mini	11
Chair	12
1 MAC eye TV	13
Apple Keyboard	14
File Cabinet	15
Fuji Camera	16
1 TV	17
Wireless Xerox	18
Vacuum	19
1 Pack	20
Box DVD's	21
Net Tech Home Theater	22
Suph	23
Perfected Home	24
Kennedy AC	25
Keyboard	26
Vacuum Cleaner	27
Cash Drawer	28
Wireless modem	29
Office Chair	30

1. Single - Total copy from computer or all payments received on the inventory.  
 2. Name of person accepting and preparing.  
 3. Name of person making property.  
 Reviewed by: \_\_\_\_\_

Items Curbed  Yes  No

Appliances:  Landlords  Tenants

Pestigation:  Yes  No

Tenant Present:  Yes  No

Fees taken by tenant  Yes  No

Inventory by TB DB JB TW other \_\_\_\_\_

**2 Pallets**

Box 21  
29

**This is your STORAGE RECEIPT**

Storage rate per month \_\_\_\_\_  
 Warehouse Labor Charge \_\_\_\_\_  
 Other Charges \_\_\_\_\_

Notice to Receipt Holder: Please be advised that on the initial storage date (Date of receipt) monetary liabilities begin to accrue. Any money paid toward this account will be listed on the electronic bill at Eagle Moving Inc.

Unless otherwise stated, all property listed on this inventory is stored at the location printed on this form.

Liability for loss shall be limited to no more than sixty cents per pound, unless additional insurance coverage is issued.

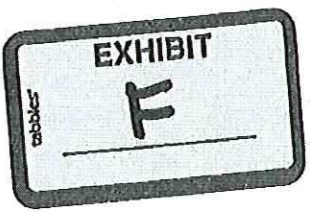
With proper identification, this property shall be released to the person or persons named above, or to person or persons so directed by the above named person.

Warehouse Director or agent \_\_\_\_\_

**SCENIC STORAGE**

RECEIVED BY: [Signature] DATE OUT: 4-11-02

Page 1  
 920 WEST BRUCE STREET MILWAUKEE, WI 53204 414-383-



# EAGLE MOVING AND STORAGE COMPANY



LANDLORD/ AGENT LETTER

EAGLE MOVING

NAME: Howard Duncan  
 ADDRESS: \_\_\_\_\_  
 PHONE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
 LOCATION: \_\_\_\_\_ VAULT LOG: \_\_\_\_\_

BILL NO. \_\_\_\_\_

NO. VALUABLES	TAG	TAG

GLASS ITEMS: \_\_\_\_\_

LIST ITEMS	STKR NO.
Apple screen	95
Computer desk	95
NCE	95
Cuisinart chopper	95
Cabinet	95
Epson WF 2510	95
Epson box	95
Epson box	95
flex box	95
Dura built table	95
Promobox covers	95
Kayak	95
Electronics	95
iPad	95
iPad mini	95
Pro form	95
Car ramp	95
Chair Book	95
Car rack	95
Mac Comput	95
Chair	95
recliner	95
Box misc	95
Box	95
Cabinet	95
Kenmore AC	95

LIST ITEMS	STKR No.
Box 44	83
Box 44	83
Box 44	83

**This is your STORAGE RECEIPT**

Storage rate per month: \$ \_\_\_\_\_  
 Warehouse Labor Charge: \$ \_\_\_\_\_  
 Other Charges: \$ \_\_\_\_\_

Notice to Receipt Holder: Please be advised that on the initial storage date (Date in monetary liabilities begin to accrue. Any money paid toward this account will be listed on the electronic file at Eagle Movers Inc.

Unless otherwise stated, all property listed on this inventory is stored at the location printed on this form.

Liability for loss shall be limited to no more than sixty cents per pound, unless additional insurance coverage is issued.

With proper identification, this property shall be released to the person or persons named above, or to person or persons so directed by the above named person.

Warehouse keeper or agent

Items Curbed:  Yes  No

Appliances:  Landlords  Tenants

Fumigation:  Yes  No

Tenant Present:  Yes  No

Items taken by tenant:  Yes  No

Inventory by: TB DB JB TW other \_\_\_\_\_

RECEIVED BY:

DATE OUT: 9-11-14

929 WEST BRUCE STREET MILWAUKEE, WI 53204 414-383-1776



# EAGLE MOVING AND STORAGE COMPANY

NAME Howard Duncan  
 ADDRESS 30846 Parkwood Rd  
 CITY Watertown WI ZIP 53085  
 VAULT LOC. \_\_\_\_\_

BILL NO.			
NO. VALUABLES	TAG	TAG	#
			GLASS ITEMS

LIST ITEMS	STGR No.
Hand X Chair	09
Folding Chair	25
Map on foam	06
Anti-static on	2226
Price Jimmy	77
Tool	78
Jobe	79
(105)	
Cl. Red	10
Robot. shell	102
Keleopans	103
Sled	09
Xivmc Machine	05
Quimmer Coat	109
Blue Army jacket	
Knit shirt	
Flannel	
Wived	
Space suit	
Car jacked	
Video	
The Magic Bag	
White shirt	
Cashier	
BB/113	18
J.P.P.	
Leave P	
Opp. Buys	

1- Single a real copy from computer of all permits received on this inventory.  
 2- Print name of person accepting this permit.  
 3- Name of person releasing this permit.  
 This is a legal document.

LIST ITEMS	STGR No.
102	20
99	21
100	22
101	23
No 27	
103	
104	

**This is your STORAGE RECEIPT**

Storage rate per month: \$ \_\_\_\_\_

Warehouse Labor Charge: \$ \_\_\_\_\_

Other Charges ( ): \$ \_\_\_\_\_

NOTICE TO RECEIPT HOLDER: Please be advised that on the initial storage date (Date of monetary liabilities begin to accrue. Any money paid toward this account will be listed on the electronic file at Eagle Moving by...

Unless otherwise stated, all property listed on this inventory is stored at the location printed on this form.

Liability for loss shall be limited to no more than sixty cents per pound, unless additional insurance coverage is issued.

With proper identification, this property shall be released to the person or persons listed above, or to person or persons directed by the above named person.

Warehouse manager or agent

Is Curbed:  Yes  No

Appliances:  Landlords  Tenants

Liability:  Yes  No

Equipment Present:  Yes  No

Items taken by tenant:  Yes  No

Inventory by: TB DB JB TW other \_\_\_\_\_

RECEIVED BY: [Signature] DATE OUT: 9-11-11

Page 3

29 WEST BRUCE STREET MILWAUKEE, WI 53204 414-383-1776