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*Attorney for Defendants, James Leslie Reading,
Clare L. Reading and Fox Group Trust*

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA,
Plaintiff

2:11-cv-00698-FJM

v.

JAMES LESLIE READING, CLARE L.
READING, FOX GROUP TRUST,
MIDFIRST BANK, CHASE, FINANCIAL
LEGAL SERVICES, STATE OF ARIZONA
Defendants

(OPPOSED)
**MOTION TO DISMISS
COMPLAINANT'S SEVENTH CLAIM
ON BEHALF OF JAMES LESLIE
READING, CLARE L. READING AND
FOX GROUP TRUST
(ORAL ARGUMENT BY
TELEPHONE REQUESTED)**

Now come JAMES LESLIE READING, CLARE L. READING and FOX GROUP TRUST (hereinafter collectively referred to as "Readings" or "the Readings"), through undersigned counsel, who, pursuant to Federal Rules of Civil Procedure Rule 12, move the court to dismiss Cause Seven, Action to Set Aside Transfer, of the complainant, for failure to state a cause upon which relief may be granted, in support of which the Readings offer the following:

1. Plaintiff's complaint sets forth its Seventh Claim at pages 9 and 10 of the complaint consisting of Paragraphs 50, 51 and 52, seeking to have a transfer from the Readings to Fox Group Trust, basing its claim on Arizona Uniform Fraudulent Transfer Act, A.R.S. 44-1001, et seq. (hereinafter "AFTA").

2. AFTA, at A.R.S. 44-1004-1005, provides for the setting aside of any transfer that, as therein defined, is fraudulent and made in an effort to injure creditors. That cause of action,

however, is extended only for a period of four years, after which, by virtue of A.R.S. 44-1009, the claim ceases to exist, i.e., is extinguished.

3. At Paragraph 14 of its complaint plaintiff contends that the transfer complained of occurred on or about June 10, 2005, and a certified copy of the quitclaim deed from the Readings to Fox Group Trust, attached hereto and made a part hereof by reference as Exhibit "A", confirms the date of the transfer as June 10, 2005.

4. The complaint was filed herein on April 8, 2011, and, therefore, under the terms of the AFTA, particularly A.R.S. 44-1009, any action to set aside a transfer made on or after April 8, 2007, all potential claims for nullification of any transfers occurring prior to April 8, 2007, being extinguished and no longer actionable.

5. Accordingly, on the basis of the allegations of the complaint, supported by Exhibit "A", the complaint fails to state a viable, actionable cause upon which relief may be granted, and, therefore, the plaintiff's Seventh Claim should be dismissed.

WHEREFORE, James Leslie Reading, Clare L. Reading and Fox Group Trust respectfully move the Court to dismiss plaintiff's Seventh Claim, with prejudice and at plaintiff's cost.

Dated this 9th day of May, 2012.

Respectfully submitted,

/s/ Tommy K. Cryer

Tommy K. Cryer, La. Bar 4634
Atty for Defendants, James Leslie Reading,
Clare L. Reading and Fox Group Trust
7330 Fern Ave., Suite 1102
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318 797-8949
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CERTIFICATE OF SERVICE

I hereby certify that I have on this date electronically filed the foregoing Motion to Dismiss Complainant's Seventh Claim with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following counsel for the parties:

DENNIS K. BURKE, U.S. Attorney
Two Renaissance Square
40 North Central Ave. Suite 1200
Phoenix, AZ 85004

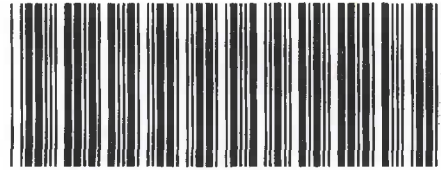
CHARLES M. DUFFY
U.S. Department of Justice, Tax Div.
PO Box 683
Ben Franklin Station
Washington, DC 20044

ROBERT P. VENTRELLA
Asst. Attorney General
1275 West Washington St.
Phoenix, AZ 85007

PAUL M. LEVINE
LAKSHMI JAGANNATH
McCarthy, Holthus, Levine Law Firm
8502 E. Via de Ventura, Suite 200
Scottsdale, AZ 85258

Shreveport, Louisiana, this 29th day of March, 2012.

/s/ Tommy K. Cryer



OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL

2005-1182405 08/17/05 11:18

3 OF 3

19ARRAB

When recorded mail to:

Name: FOX GROUP TRUST

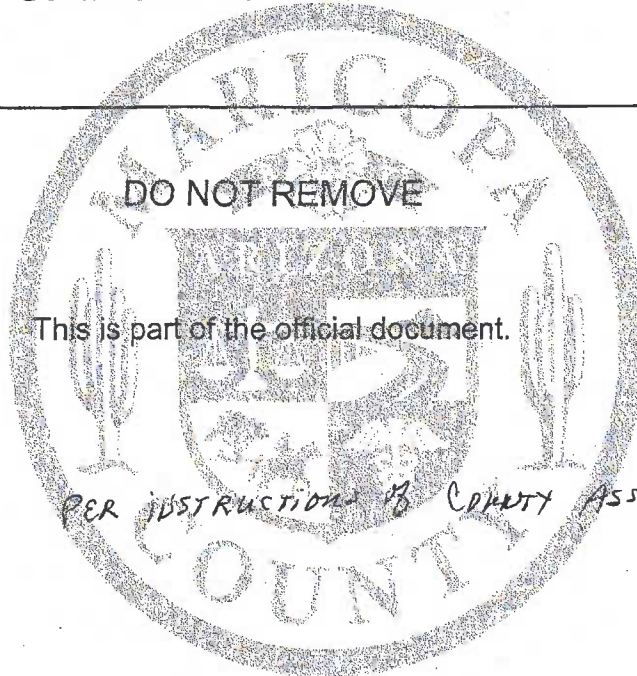
Address: 4448 E MAIN ST STE 3

BOX 256

City/State/Zip: MESA, AZ 85205

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CAPTION HEADING:



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PER INSTRUCTIONS OF COUNTY ASSESSOR

http://recorder.maricopa.gov/cert.aspx?id=76578 [20051182405] 3 Pages

When Recorded, Return To:)
)
Fox Group Trust)
4448 E. Main St., Ste. 3)
Box 256)
Mesa, AZ 85205)

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
2005-0782892 06/10/05 10:19
1 OF 1
PALUMBOA

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUIT CLAIM DEED

Grantors: James Leslie Reading and Clare Louise Reading, husband and wife, do by these presents hereby release, convey and assign forever all of their right, title and interest, including all warranties of title to which they are entitled with respect to such interest, in and to that certain real property located in Maricopa County, Arizona State to the Grantee:

FOX GROUP TRUST

being described as the following:

Lot 49, Brownmore Estates, According to Book 133 of Maps, Page 41, Recorder of Maricopa County, Arizona AKA 2425 East Fox Street, Mesa, Arizona 85213

SUBJECT TO: Existing Mortgage and Home Equity Loans, Property Taxes, Rights of Way and Easements of Record.
EXEMPT PER ARS 11-1134(B)(8)

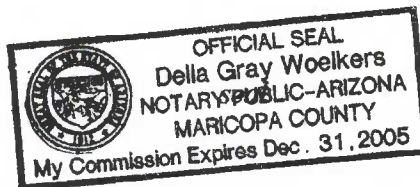
James Leslie Reading
by: Clare Louise Reading
James Leslie Reading

Clare Louise Reading
Clare Louise Reading

Arizona State, a Republic)
) ss.
Maricopa County)

The foregoing instrument was acknowledged before me this 10 day of June, 2005, by Clare Louise Reading, who is personally known to me.

Della Gray Woelkers My Commission Expires: 12/31/2005
Signature of Notary Public




20051182405
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL



The foregoing instrument is an
electronically prepared
full, true and correct copy
of the original record in this
office.

Attest: 05/08/2012 08:10:58 AM

By  Recorder

To Verify this purchase visit
<http://recorder.maricopa.gov/cert.aspx?id=76578>